

APPENDIX A

IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

VANDER CLAYBORNE,

Petitioner

v.

COMMONWEALTH OF PENNSYLVANIA,

Respondent

No. 108 MM 2021


ORDER

PER CURIAM

AND NOW, this 4th day of January, 2022, the Application for King Bench's and/or Extraordinary Jurisdiction is DENIED.

Justice Brobson did not participate in the consideration or decision of this matter.

A True Copy Elizabeth E. Zisk
As Of 01/04/2022


Attest:
Chief Clerk
Supreme Court of Pennsylvania

**Superior Court of Pennsylvania
Philadelphia Office**

Commonwealth of Pennsylvania

v.

Vander K. Clayborne
Appellant

: No. 911 EDA 2021
:
:
:
:

:: No(s): CP-23-CR-0009696-1990
C.P.- Criminal Division- Delaware County

ORDER

AND NOW, this 3rd day of December, 2021, appellant having failed to file a Brief, the appeal is **DISMISSED**.

PER CURIAM



File Copy

Superior Court of Pennsylvania

Eastern District

Joseph D. Seletyn, Esq.
Prothonotary
Benjamin D. Kohler, Esq.
Deputy Prothonotary

530 Walnut Street
Suite 315
Philadelphia, PA 19106
(215) 560-5800

www.pacourts.us/courts/superior-court

CERTIFICATE OF REMITTAL/REMAND OF RECORD

TO: Mary J. Walk

RE: Com. v. Clayborne, V.
911 EDA 2021
Trial Court: Delaware County Court of Common Pleas
Trial Court Docket No: CP-23-CR-0009696-1990

Annexed hereto pursuant to Pennsylvania Rules of Appellate Procedure 2571 and 2572 is the entire record for the above matter.

Original Record contents:

Item	Filed Date	Description
Original Record	May 14, 2021	
Exhibit(s)	May 14, 2021	
Trial Court Opinion	May 14, 2021	
Testimony	May 14, 2021	

Additional Item(s): Record Electronically Filed

Remand/Remittal Date: 01/11/2022

ORIGINAL RECIPIENT ONLY - Please acknowledge receipt by signing, dating, and returning the enclosed copy of this certificate to our office. Copy recipients (noted below) need not acknowledge receipt.

Very truly yours,

Benjamin D. Kohler, Esq.
Deputy Prothonotary

/mm

Enclosure

cc: The Honorable John P. Capuzzi Sr., Judge
Vander K. Clayborne
Frederick J. Stollsteimer, Esq.
William R. Toal III, Esq.

Service List

Addressed To: Mary J. Walk
Director of Judicial Support
Office of Judicial Support
Government Center Building
201 West Front Street
Media, PA 19063

Carbon Copied To: The Honorable John P. Capuzzi Sr.
Judge
Court of Common Pleas of Delaware County
Delaware County Courthouse
201 West Front Street
Media, PA 19063

Fax No: (610) 891-5493

Vander K. Clayborne
BX-7919
SCI Coal
1 Kelley Drive
Coal Township, PA 17866

Frederick J. Stollsteimer, Esq.
Delaware County District Attorney's Office
Delaware Co Da's Office
201 W Front St
Media, PA 19063

PACFile Notified

William R. Toal III, Esq.
Delaware County District Attorney's Office
Delaware County Da's Office
201 W Front St
Media, PA 19063-2797

PACFile Notified

APPENDIX B

Supreme Court of Pennsylvania



Miscellaneous Docket Sheet

Docket Number: 108 MM 2021

Page 1 of 4

January 10, 2022

CAPTION

Vander Clayborne, Petitioner

v.

Commonwealth of Pennsylvania, Respondent

CASE INFORMATION

Initiating Document: Application for Extraordinary Relief

Case Status: Decided/Active

Journal Number:

Case Category: Criminal

Case Type(s):

Murder

Aggravated Assault

Criminal Attempt

Possession of Firearms

CONSOLIDATED CASES

RELATED CASES

COUNSEL INFORMATION

Pro Se: Clayborne, Vander K.

Address: BX-7919
 SCI Coal Township
 1 Kelley Drive
 Coal Township, PA 17866-1020

Receive Mail: Yes

Pro Se: Clayborne, Vander K., Petitioner

Pro Se: Yes

IFP Status: Pa.R.A.P. 553

Attorney: Stollsteimer, Frederick J.

Delaware County District Attorney's Office

Address: 201 W Front St
 Media, PA 19063

Phone No: (610) 891-4168

Receive Mail: Yes

Receive EMail: Yes

Email:

Representing: Commonwealth of Pennsylvania, Respondent

Pro Se: No

IFP Status:

Supreme Court of Pennsylvania



Miscellaneous Docket Sheet

Docket Number: 108 MM 2021

Page 2 of 4

January 10, 2022

COUNSEL INFORMATION

Attorney: Kiefer, Catherine Banner
 Delaware County District Attorney's Office
 Address: 201 W Front St
 Media, PA 19063
 Phone No: (610) 891-4202
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: Commonwealth of Pennsylvania, Respondent
 Pro Se: No
 IFP Status:

Attorney: Toal, William R., III
 Delaware County District Attorney's Office
 Address: 201 W Front St
 Media, PA 19063-2797
 Phone No: (610) 891-4207
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: Commonwealth of Pennsylvania, Respondent
 Pro Se: No
 IFP Status:

SUPREME COURT INFORMATION

Appeal From:
 Appeal Filed Below:

Probable Jurisdiction Noted: Docketed Date: September 9, 2021
 Allocatur/Miscellaneous Granted: Allocatur/Miscellaneous Docket No.:
 Allocatur/Miscellaneous Grant Order:

FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
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INTERMEDIATE APPELLATE COURT INFORMATION

Court Name: Superior Docket Number: 911 EDA 2021
 Date of Order: Rearg/Recon Disp Date:
 Rearg/Recon Disposition:
 Judge(s):
 Intermediate Appellate Court Action:
 Referring Court:

AGENCY/TRIAL COURT INFORMATION

Supreme Court of Pennsylvania



Miscellaneous Docket Sheet
Docket Number: 108 MM 2021
Page 3 of 4
January 10, 2022

Court Below: Delaware County Court of Common Pleas
County: Delaware Division: Delaware County Criminal Division
Date of Agency/Trial Court Order: April 15, 2021
Docket Number: CP-23-CR-0009696-1990
Judge(s): Capuzzi, John P., Sr. OTN: C 555157-1
Order Type:

ORIGINAL RECORD CONTENT		
Original Record Item	Filed Date	Content/Description

Record Remittal:

DISPOSITION INFORMATION			
Related Journal No:		Judgment Date:	
Category:	Decided	Disposition Author:	Per Curiam
Disposition:	Order Denying Application for Extraordinary Relief	Disposition Date:	January 4, 2022
Dispositional Filing:		Author:	
Filed Date:			

DOCKET ENTRY			
Filed Date	Docket Entry / Representing	Participant Type	Filed By
August 30, 2021	"Application for the Court to Exercise Jurisdiction Pursuant to It's King's Bench Powers.	Petitioner	Clayborne, Vander K.
Comments: ...and/or Powers to Grant Extraordinary Relief"			
September 7, 2021	Application to Proceed In Forma Pauperis	Petitioner	Clayborne, Vander K.
September 7, 2021	In Forma Pauperis Granted		Dreibelbis, Amy
September 9, 2021	Case was transferred from 342 MT 2021		Office of the Prothonotary
Comments: Pleadings Perfected			

Supreme Court of Pennsylvania



Miscellaneous Docket Sheet

Docket Number: 108 MM 2021

Page 4 of 4

January 10, 2022

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
January 4, 2022	Order Denying Application for Extraordinary Relief		Per Curiam

Comments:

AND NOW, this 4th day of January, 2022, the Application for King Bench's and/or Extraordinary Jurisdiction is DENIED.

Justice Brobson did not participate in the consideration or decision of this matter.

January 4, 2022	Order Exited
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Office of the Prothonotary

CROSS COURT ACTIONS

Docket Number:	342 MT 2021
Docket Number:	911 EDA 2021

APPENDIX C

Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 911 EDA 2021

Page 2 of 2

Secure



May 14, 2021

COUNSEL INFORMATION

Appellee Commonwealth of Pennsylvania

Pro Se: No Appoint Counsel Status: Represented

IFP Status:

Attorney: Stollsteimer, Frederick J.

Bar No: 086205

Law Firm: Delaware County District Attorney's Office

PACFile Registered: Yes

Address: Delaware Co Da's Office

201 W Front St

Media, PA 19063

Phone No: (610) 891-4168

Fax No:

Receive Mail: Yes

Receive EMail: No EMail Address: stollsteimerj@co.delaware.pa.us

AGENCY/TRIAL COURT INFORMATION

Order Appealed From: April 15, 2021

Notice of Appeal Filed: May 6, 2021

Order Type: PCRA Order Entered

Documents Received: May 13, 2021

Court Below: Delaware County Court of Common Pleas

County: Delaware

Division:

Delaware County Criminal Division

Judge: Capuzzi, John P., Sr.

OTN:

C 555157-1

Docket Number: CP-23-CR-0009696-1990

Judicial District:

32

ORIGINAL RECORD CONTENT

Original Record Item

Filed Date

Content Description

Date of Remand of Record:

BRIEFING SCHEDULE

None

None

DOCKET ENTRY

Filed Date

Docket Entry / Representing

Participant Type

Filed By

May 13, 2021

Notice of Appeal IFP Docketed

Appellant

Clayborne, Vander K.

May 14, 2021

Docketing Statement Exited (Criminal)

Superior Court of Pennsylvania

Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 911 EDA 2021

Page 1 of 4

March 10, 2022



CAPTION

Commonwealth of Pennsylvania

v.

Vander K. Clayborne

Appellant

CASE INFORMATION

Initiating Document: Notice of Appeal IFP

Case Status: Closed

Case Processing Status: January 11, 2022 Completed

Journal Number:

Case Category: Criminal

Case Type(s): Murder
Aggravated Assault
Criminal Attempt
Possession of Firearms

CONSOLIDATED CASES

RELATED CASES

Docket No / Reason	Type
1164 EDA 2021	Related
Similar Issue(s)	

SCHEDULED EVENT

Next Event Type:

Next Event Due Date:

COUNSEL INFORMATION

Appellant Clayborne, Vander K.

Pro Se: Yes

IFP Status: Yes

Pro Se: Vander K. Clayborne
Address: BX-7919
SCI Coal
1 Kelley Drive
Coal Township, PA 17866

Appellee Commonwealth of Pennsylvania

Pro Se: No

IFP Status:

Attorney: Stollsteimer, Frederick J.
Law Firm: Delaware County District Attorney's Office
Address: Delaware Co Da's Office
201 W Front St
Media, PA 19063
Phone No: (610) 891-4168 Fax No:

Appeal Docket Sheet**Superior Court of Pennsylvania****Docket Number: 911 EDA 2021****Page 2 of 4****March 10, 2022****COUNSEL INFORMATION****Appellee Commonwealth of Pennsylvania****Pro Se: No****IFP Status:**

Attorney: Toal, William R., III
Law Firm: Delaware County District Attorney's Office
Address: Delaware County Da's Office
 201 W Front St
 Media, PA 19063-2797
Phone No: (610) 891-4207 **Fax No:**

AGENCY/TRIAL COURT INFORMATION

Order Appealed From: April 15, 2021 **Notice of Appeal Filed:** May 6, 2021
Order Type: PCRA Order Entered
Documents Received: May 13, 2021

Court Below: Delaware County Court of Common Pleas
County: Delaware **Division:** Delaware County Criminal Division
Judge: Capuzzi, John P., Sr. **OTN:** C 555157-1
Docket Number: CP-23-CR-0009696-1990 **Judicial District:** 32

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content Description
Original Record	May 14, 2021	
Exhibit(s)	May 14, 2021	
Trial Court Opinion	May 14, 2021	
Testimony	May 14, 2021	

Date of Remand of Record: January 11, 2022**BRIEFING SCHEDULE**

Appellant	Appellee
Clayborne, Vander K.	Commonwealth of Pennsylvania
Brief	Brief

Due: October 21, 2021 **Filed:****DOCKET ENTRY**

Filed Date	Docket Entry / Representing	Participant Type	Filed By
May 13, 2021	Notice of Appeal IFP Docketed	Appellant	Clayborne, Vander K.
May 14, 2021	Trial Court Record Received		Delaware County Criminal Division
May 14, 2021	Exhibits		Delaware County Criminal Division
May 14, 2021	Trial Court Opinion Received		Delaware County Criminal Division
May 14, 2021	Transcripts of Testimony		Delaware County Criminal Division

Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 911 EDA 2021

Page 3 of 4

March 10, 2022



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
May 14, 2021	Docketing Statement Exited (Criminal)		Superior Court of Pennsylvania
May 14, 2021	Briefing Schedule Issued		Superior Court of Pennsylvania
May 14, 2021	Entry of Appearance - District Attorney Commonwealth of Pennsylvania	Appellee	Toal, William R., III
May 24, 2021	Docketing Statement Received (Criminal)	Appellant	Clayborne, Vander K.
May 24, 2021	Application for Extension of Time to File Brief - First Request	Appellant	Clayborne, Vander K.
May 26, 2021	Order Granting Application for Extension of Time to File Appellant Brief		Per Curiam
	Comment: Extension granted IN PART. No further extensions will be granted. Appellant's Brief shall be filed on or before August 22, 2021.		
July 28, 2021	Application for Extension of Time to File Brief - Second Request	Appellant	Clayborne, Vander K.
August 11, 2021	Order Granting Application for Extension of Time to File Appellant Brief		Per Curiam
	Comment: Appellant's application for a second extension of time to file briefs is GRANTED. Appellant's brief is due by October 21, 2021. No further extensions will be granted.		
September 10, 2021	Other	Appellant	Clayborne, Vander K.
	Document Name: Application for Extraordinary Relief filed in Supreme Court (108 MM 2021)		
December 3, 2021	Dismissed for Failure to File Brief		Per Curiam
	Comment: 1-11-2022- Certified Copy of Order and Record Exit to L/C. (Record Electronically Filed).		
January 11, 2022	Remitted to Lower Court or Agency		Superior Court of Pennsylvania
January 28, 2022	Acknowledgement of Record Remittal		Delaware County Criminal Division

DISPOSITION INFORMATION

Final Disposition: Yes
 Related Journal No:
 Category: Disposed Before Decision
 Disposition: Dismissed for Failure to File Brief
 Judgment Date:
 Disposition Author: Per Curiam
 Disposition Date: December 3, 2021
 Disposition Comment: 1-11-2022- Certified Copy of Order and Record Exit to L/C. (Record Electronically Filed).
 Dispositional Filing:
 Filed Date: Filing Author:

Appeal Docket Sheet**Superior Court of Pennsylvania****Docket Number: 911 EDA 2021****Page 4 of 4****March 10, 2022****CROSS COURT ACTIONS**

Docket Number: 342 MT 2021
Court Name: Supreme
Short Caption: Clayborne, V., Pet. v. Commonwealth
Case Status: Closed
Disposition:
Disposition Date:
Petition Reargument/Reconsideration Filed Date:
Reargument Disposition:
Reargument Disposition Date:
Cross Court Action Type:

Docket Number: 108 MM 2021
Court Name: Supreme
Short Caption: Clayborne, V., Pet. v. Commonwealth
Case Status: Closed
Disposition: Order Denying Application for Extraordinary Relief
Disposition Date: January 4, 2022
Petition Reargument/Reconsideration Filed Date:
Reargument Disposition:
Reargument Disposition Date:
Cross Court Action Type:

APPENDIX D

ORIGINAL

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA
CRIMINAL

COMMONWEALTH OF PENNSYLVANIA

CR-23-CP- 9696-1990

V.

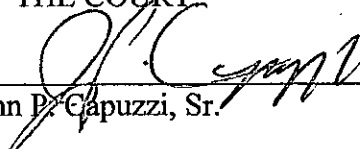
Vander Clayborne

ORDER

AND NOW, to wit, this 15th day of April 2021, upon consideration of Petitioner's Petition under the Post-Conviction Relief Act (PCRA), the Court's notice of its intent to dismiss without a hearing and an opportunity to respond thereto by Order entered on March 15, 2021, and Petitioner's memorandum of law filed on March 19, 2021, it is hereby **ORDERED** and **DECREED** that said petition is **DISMISSED**. There are no genuine issues of fact, Petitioner is not entitled to post-conviction collateral relief, and no purpose would be served by any further proceedings.

Petitioner has the right to appeal the decision of the Court. Such appeal must be in writing and be filed with the Office of Judicial Support of Delaware County within thirty (30) days after the entry of this Order.

BY THE COURT:


John P. Capuzzi, Sr. J.

Cc: : Catherine Kierfer, Esquire

CERTIFIED MAIL/ RETURN RECEIPT REQUESTED

Vander Clayborne #BX7919

SCI Benner

301 Institution Drive

Bellefonte, PA 16823

APPENDIX E

101-101-101-101

**GUILTY PLEA STATEMENT
INSTRUCTIONS**

TO DEFENDANT:

If you choose to plead guilty or nolo contendere, this Guilty Plea Statement should be completed by you. By pleading nolo contendere, you are stating that you do not contest the fact that you committed the crimes. In criminal law, a plea of nolo contendere has the same effect as pleading guilty and, therefore, everything contained in this Guilty Plea Statement also applies to a plea of nolo contendere. You should read this statement carefully and review it with your lawyer. It is **IMPORTANT** that you understand, agree with and answer truthfully everything contained in this Guilty Plea Statement. If you understand and agree with what is said in a paragraph of this statement, place your initials on the line provided. If you do not understand and agree with what is said in a paragraph, **DO NOT** place your initials on the line provided, and you should tell the judge what you do not agree with or understand.

TO DEFENDANT'S LAWYER:

You must explain the content and meaning of this Guilty Plea Statement to the defendant. If, after your explanation, the defendant does not understand or agree with something, he/she should not initial that paragraph and you must inform the judge of this fact. If the defendant does not speak, understand, read or write the English language or suffers from some physical, emotional or mental problem or is under the influence of any substance which affects his/her ability to understand the content of this Guilty Plea Statement, the defendant should not complete the Guilty Plea Statement and the judge should be advised of this fact.

By placing my initials at the place provided, I am stating that I have read, understand and followed these instructions.

V. K. C.
FILED IN
OPEN COURT

10-23-91

CLERK

DEFENSE ATTORNEY'S INITIALS

mi

COMMONWEALTH OF PENNSYLVANIA

No. 9696-90

V.

VANDER KETH CLAYBORNE

GUILTY PLEA STATEMENT
ABILITY TO UNDERSTAND

- X V.K.C. 1. VANDER KETH CLAYBORNE the defendant in this case, am 27 years old
V.K.C. I have gone to school for 11 years I can read, write, speak and understand the English language
(2) I do not have any physical, emotional or mental problems which affect my ability to understand what I am doing today, the rights which I have and the rights which I am giving up by pleading guilty or nolo contendere and I am not now under the influence of any narcotics, drugs, alcohol or any other substance

CONTACT WITH LAWYER

- X V.K.C. 3. I have fully discussed this case with my lawyer including the facts and possible defenses I may have to these charges such as but not limited to: I didn't commit the crimes charged, mistaken identity, alibi (I was some place else when the crimes were committed), insanity (at the time the crimes were committed, I had a mental disease or defect and, as a result, I was not capable of knowing what I was doing or, if I did, I was not capable of judging that it was wrong), justification (lawful self-defense, defense of property or others), and any lawful excuse for my acts. I understand and my lawyer has explained to me all of the possible defenses I may have to these charges. I am satisfied that my lawyer knows all of the facts and law concerning this case.
V.K.C. 4. I am fully satisfied with what my lawyer has done for me in the past and what my lawyer is doing for me today concerning this case.
V.K.C. 5. I am fully satisfied that my lawyer is ready and able to defend me in this case if I do not plead guilty or nolo contendere to these charges

RIGHT TO TRIAL

- V.K.C. 6. I understand and my lawyer has explained to me that if I plead not guilty, I have a right to have a trial before a judge and a jury or I may ask that my trial be before a judge alone without a jury.

TRIAL RIGHTS

I understand and my lawyer has explained to me that if I plead not guilty and have a trial:

- V.K.C. 7. I am presumed to be innocent of these crimes and the Commonwealth has the burden of proving that I committed each of the elements of the crimes charged beyond a reasonable doubt and if the Commonwealth fails to do so, I cannot be found guilty of these crimes. A reasonable doubt is a doubt that would cause a reasonably careful and sensible person to hesitate before they act upon something that is important in their lives or affairs.
V.K.C. 8. The Commonwealth must present evidence and witnesses who must testify under oath and I or my lawyer can cross-examine or ask questions of these witnesses.
V.K.C. 9. I do not have to testify or present any evidence and no one can force me to do so and if I choose not to testify or present any evidence, that cannot be used or held against me. However, if I want to testify and present evidence and witnesses, I may do so.
V.K.C. 10. I have the right to present evidence of any defense I may have to the charges such as, but not limited to: I didn't commit the crimes charged, mistaken identity, alibi, insanity, justification or lawful excuse for my acts.

TRIAL BY JURY

- V.K.C. I understand and my lawyer has explained to me that if I plead not guilty and I am tried before a judge and a jury:
V.K.C. 11. The jury would consist of 12 people who live in Delaware County and I have the right to take part in selecting the jurors who would hear my case and these jurors would decide what the true facts are in my case.
V.K.C. 12. I can prevent any person from being a juror in my case if I can show that they would not be a fair juror or they were not chosen for jury duty in a fair manner.
V.K.C. 13. I can prevent a limited number of people from being jurors in my case without giving any reasons at all.
V.K.C. 14. I could not be found guilty of the crimes charged unless all 12 of the jurors agree that the Commonwealth has proven that I committed each element of these crimes beyond a reasonable doubt.

TRIAL BY JUDGE

I understand and my lawyer has explained to me that if I plead not guilty and I am tried before a judge alone without a jury:

- V.K.C. 15. The judge will decide what law applies to my case, what the true facts are in this case and whether the Commonwealth has proven that I committed each element of the crimes charged beyond a reasonable doubt

MOTIONS BEFORE TRIAL

I understand and my lawyer has explained to me that if I plead not guilty, then before my trial begins:

- V.K.C. 16. I can file motions to insure that I get a fair trial. These motions may include but are not limited to a motion to prevent the Commonwealth from presenting improperly obtained evidence at my trial such as statements I made, test results, identifications and items taken from me or from some place or thing. The Commonwealth has the burden of proving that this evidence can be presented at my trial.

- V.K.C. 17. I can file a motion to have the crimes charged dismissed if my trial was not begun within 365 days after the date the criminal complaint was filed against me, not counting any delays caused by me or my lawyer and, if the judge grants my motion, the Commonwealth cannot charge me with these crimes again.

I understand and my lawyer has explained to me that:

- V.K.C. 18. If I did file any motions before my trial that have not yet been decided, by pleading guilty or nolo contendere, I am now withdrawing them as if they had never been filed and I can never again raise any of the issues stated in these motions before any court. If the judge granted any motions filed by the Commonwealth or denied any motions filed by me, by pleading guilty or nolo contendere, I give up or lose my right to appeal the judge's decision to a higher court and I can never again raise any of the issues stated in these motions before any court.

APPEAL RIGHTS

I understand and my lawyer has explained to me that if I plead not guilty and have a trial:

- V.K.C. 19. If I am convicted of any of these crimes, I can appeal the verdict and/or sentence to a higher court. This appeal must be in writing and filed with the higher court within 30 days after the date of judgment of sentence. If I choose to appeal, I have the right to have a lawyer represent me and if I cannot afford a lawyer, one will be appointed for me at no cost or expense to me. Among other things, I can appeal raising mistakes or errors made before, during or after my trial and/or there was not enough evidence presented at my trial to convict me of these crimes and/or the sentences I received are not legal or fair. This appeal could result in my being given a new trial or the charges being dismissed or my sentences being changed.

I understand and my lawyer has explained to me that if I plead guilty or nolo contendere:

- V.K.C. 20. I give up or lose all of my rights to appeal to a higher court, EXCEPT I can still appeal in writing, within 30 days after the date I am sentenced, for the following reasons ONLY:
- A) My pleas of guilty or nolo contendere were not knowing, voluntary and intelligent
 - B) The judge did not have jurisdiction or the legal power to accept my pleas of guilty or nolo contendere. In other words, the crimes to which I am pleading guilty or nolo contendere did not happen in Delaware County.
 - C) The sentences given me by the judge are not legal, fair, within the Pennsylvania Sentencing Guidelines or in accordance with the provisions of any mandatory minimum sentencing act
 - D) My lawyer was not effective or competent in representing me or advising me about my pleas of guilty or nolo contendere

- V.K.C. 21. After my pleas of guilty or nolo contendere are accepted by the judge, I have the right to file a written motion with the judge, either before I am sentenced or within 10 days after the date I am sentenced, asking to withdraw or take back my pleas. If I choose to file this motion, I should file it before I am sentenced because if I file this motion after I am sentenced, it will be much harder for me to withdraw or take back my pleas. I also have the right to file a written motion with the judge within 10 days after the date I am sentenced, asking the judge to change the sentences I received.

- V.K.C. 22. If I choose to file a motion asking to withdraw or take back my pleas of guilty or nolo contendere or change the sentences I received or appeal to a higher court, I have the right to have a lawyer represent me and if I cannot afford a lawyer, one will be appointed for me at no cost or expense to me.

EFFECT OF PLEA

I understand and my lawyer has explained to me that if I plead guilty or nolo contendere to any of these charges:

- V.K.C. 23. My pleas of guilty or nolo contendere will have the same effect in criminal law as if I had a trial and was convicted of the crimes to which I have plead guilty or nolo contendere.

- V.K.C. 24. If I was on probation or parole at the time the crimes to which I am pleading guilty or nolo contendere were committed, my pleas in this case mean that I have violated my probation or parole and I can be sentenced to jail for that violation in addition to any sentences which I may receive as a result of these pleas.

_____ a summary offense/
_____ fine. The mandatory minimum sentence for this crime is 5 YRS. in jail and a \$ _____ fine.
B) AGGRAVATED ASSAULT - 1st DEGREE

B) AGGRAVATED ASSAULT - 1 CTS.
 misdemeanor/felony of the 1st degree and the maximum penalty for this crime is 20 yrs in jail and a \$ 5000 fine. The mandatory minimum sentence for this crime is 5 yrs in jail and a \$ 500 fine.

C) ATTEMPT MURDER - 1 CTS.
 misdemeanor/felony of the 1st degree and the maximum penalty for this crime is 20 yrs in jail and a \$ 5000 fine. The mandatory minimum sentence for this crime is 5 yrs in jail and a \$ 500 fine.

Q. ATTEMPT MURDER - 1 CT. The mandatory minimum sentence for this crime is 5408 in jail and a \$ 7408 fine.
 misdemeanor/felony of the 2 degree and the maximum penalty for this crime is 7408 a summary offense/
 \$ 7408 fine. The mandatory minimum sentence for this crime is 7408 in jail and a \$ 7408 fine.
 D) POSSIBLY UNBARRICADED 7408 in jail and a \$ 7408 fine.

D) Possession of a Dangerous Weapon in the 1st degree and the maximum penalty for this crime is 3 years in jail and a \$ 5000 fine. The mandatory minimum sentence for this crime is 1 year in jail and a \$ 500 fine. I understand and my lawyer has explained to me that I am waiving my right to a jury trial and I am pleading guilty to this crime.

I understand and my lawyer has explained to me that

I could be sentenced to the maximum penalty for each of these crimes and the total maximum sentence I could receive is DEATH PENALTY in jail and a \$ PLUS 40 YEARS fine.

Unless the crimes to which I am pleading guilty or nolo contendere are summary offenses or crimes which require a mandatory minimum sentence, the Pennsylvania Sentencing Guidelines must be considered by the judge in deciding what MINIMUM sentences I will receive. My lawyer has told me what sentencing guidelines the judge must consider in deciding what MINIMUM sentences I will receive.

I understand and my lawyer has explained to me that the judge is not bound to follow the terms of any plea agreement that I have with the Commonwealth or anyone else but if the judge decides not to accept the plea agreement, I will be allowed to withdraw or take back my pleas of guilty or nolo contendere and the judge has not taken part in any plea discussions or plea agreements

I UNDERSTAND AND MY LAWYER HAS FULLY EXPLAINED TO ME ALL OF THE FACTS AND RIGHTS WHICH I HAVE THAT ARE CONTAINED IN THIS GUILTY PLEA STATEMENT AND THAT BY PLEADING GUILTY OR NOLO CONTENDERE, I GIVE UP OR LOSE ALL OF THESE RIGHTS EXCEPT FOR MY LIMITED RIGHT TO APPEAL TO A HIGHER COURT FOR THE REASONS STATED IN PARAGRAPH 20 OF THIS GUILTY PLEA STATEMENT AND MY LIMITED RIGHT TO FILE THE MOTIONS STATED IN PARAGRAPH 21 OF THIS GUILTY PLEA STATEMENT.

I have not been pressured, forced or threatened in any way by anyone to plead guilty or nolo contendere to these charges and I have not been promised anything by anyone in return for pleading guilty or nolo contendere other than the plea agreement, if any, which has been presented to the judge.

I have had enough time to fully discuss my case and my decision to plead guilty or nolo contendere and everything contained in this Guilty Plea Statement with my lawyer and, by placing my initials on all of the lines provided, I am saying that I understand, agree with, and answered truthfully everything contained in this Guilty Plea Statement

DATE _____

DEFENDANT

STATEMENT OF DEFENDANT'S LAWYER

defendant, affirm that to my knowledge, the defendant is not now suffering from any physical, emotional or mental problems which affect his/her ability to understand everything which has been said, read and done concerning these pleas of guilty or nolo contendere nor is the defendant now under the influence of any narcotics, drugs, alcohol or any other substance; I have fully advised the defendant of the content and meaning of this Guilty Plea Statement and the defendant understands the content and meaning of the same; the defendant knows what he/she is doing in entering these pleas of guilty or nolo contendere; I have fully discussed the defendant's decision to plead guilty or nolo contendere with him/her; I am aware of and have discussed with the defendant all of the facts and law concerning this case and any possible defenses which the defendant may have; I have explained to the defendant the elements of and the possible penalties for the crimes to which he/she is pleading guilty or nolo contendere; the Commonwealth has established a sufficient factual basis for the crimes to which the defendant is pleading guilty or nolo contendere; I am prepared to try this case; I am satisfied that the defendant's pleas of guilty or nolo contendere are knowing, voluntary and intelligent.

ATTORNEY FOR DEFENDANT