

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA, :
 :
 vs. : NO. 98-12,186
 :
 ROBERT E. BOWER, : CRIMINAL ACTION - LAW
 :
 Defendant : 1925(a) OPINION

**OPINION IN SUPPORT OF THE ORDER OF NOVEMBER 16, 1999 IN COMPLIANCE
WITH RULE 1925(a) OF THE RULES OF APPELLATE PROCEDURE**

Defendant in the above-captioned matter appeals this Court's Order of November 16, 1999, wherein the Court found Defendant guilty of a violation of §5503(a)(1) of the Crimes Code, a summary offense.

The Notice of Appeal was filed December 7, 1999. By Order of Court filed December 14, 1999, Defendant was ordered to file a concise statement of the matters complained of on appeal pursuant to Pa. R.A.P. 1925(b) within fourteen days. The transcript was filed December 30, 1999.

As of this date, no statement has been filed. Failure to file the statement as directed may be considered by the appellate court as a waiver of all objections to the Order. *Ibid.*; see also *Commonwealth v. Lord*, 719 A.2d 306 (Pa. 1998). Further, this Court will not bind the Superior Court to address an issue Defendant may or may not wish to raise. *Commonwealth v. Perez*, 664 A.2d 582 (Pa.Super. 1995) (when an issue is waived for failure to comply with post-trial procedural rules but the trial court overlooks the failure and addresses the issue, the appellate court is bound

to do likewise). Accordingly, this Court cannot furnish additional support for its Order of November 16, 1999.

BY THE COURT,

Date: January 31, 2000

William S. Kieser, Judge

cc: Court Administrator
John Youngman, Esquire
District Attorney
Judges
Nancy M. Snyder, Esquire
Gary L. Weber, Esquire (Lycoming Reporter)

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