

**IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA**

<b>COMMONWEALTH OF PENNSYLVANIA</b>	<b>:</b>	<b>No. 98-10,994</b>
	<b>:</b>	
<b>vs.</b>	<b>:</b>	<b>CRIMINAL DIVISION</b>
	<b>:</b>	
<b>LORENZO CANNON,</b>	<b>:</b>	
<b>Defendant</b>	<b>:</b>	<b>1925(a) Opinion</b>

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

This opinion is written in support of this Court's Judgment of Sentence dated February 22, 2001 and docketed February 26, 2001 and its denial of Defendant's Post Sentence Motion on or about February 27, 2001. On March 15, 2001, Defendant filed a notice of appeal. On March 16, 2001, the Court ordered Defendant to file a concise statement of matters complained of on appeal within fourteen days of the Order in accordance with Rule 1925(b) of the Pennsylvania Rules of Appellate Procedure. To date, the Court has not received any response to its Order of March 16, 2001.

Pennsylvania Rule of Appellate Procedure 1925(b) provides that the Court may enter an Order directing the appellant to file a concise statement of matters complained of on appeal. The Rule further provides that a failure to comply with such direction may be considered by the appellate court as a waiver of all objections to the order, ruling or other matter complained of. Pursuant to this Rule, in order to preserve their claims for appellate review, appellants must comply whenever the trial court orders them to

file a Statement of Matters Complained of on Appeal pursuant to Rule 1925. Any issues not raised in a 1925(b) statement will be deemed waived. Commonwealth v. Lord, 719 A.2d 306 (Pa. 1998). As the Court's Order directing that a statement of matters complained of on appeal has not been complied with, this Court would find that the issues should be deemed waived.

Additionally, even if it were found that the Defendant's failure to file a statement does not act as a waiver in this case, the Court chooses not to bind the Superior Court to address an issue that the Defendant may or may not wish to raise, See Commonwealth v. Perez, 444 Pa. Super. 570, 664 A.2d 582 (1995).

DATE: \_\_\_\_\_

By The Court,

\_\_\_\_\_  
Kenneth D. Brown, J.

cc: William Simmers, Esquire (ADA)  
William Miele, Esquire (PD)  
Work file  
Superior Court (original & 1)  
Gary Weber, Esquire (Lycoming Reporter)