

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

<b>COMMONWEALTH OF PENNSYLVANIA</b>	:	<b>No. 98-11,562; 99-10,661</b>
	:	
<b>vs.</b>	:	<b>CRIMINAL DIVISION</b>
	:	
<b>JESSIE DRUMMOND, aka</b>	:	
<b>JESSIE MITCHELL,</b>	:	
<b>Defendant</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 Order issued November 1, 2000. The Court notes the defendant filed a notice of appeal on November 30, 2000.<sup>1</sup> On December 1, 2000, the Court ordered the defense to file a concise statement of matters complained of on appeal pursuant to Rule 1925(b) of the Pennsylvania Rules of Appellate Procedure. To date, no such statement has been filed.

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

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<sup>1</sup>The notice of appeal was not received by the Pennsylvania Superior Court until August 21, 2001 and this Court did not receive a docketing statement for the appeal until August 27, 2001.

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: Kenneth Osokow, Esquire (ADA)  
James Protasio, Esquire  
Gary Weber, Esquire (Lycoming Reporter)  
Work file  
Superior Court (original & 1)