

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA : NO: 99-10,182

VS :

BRIAN WILLIAMS :

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

Defendant appeals this Court's Order dated November 9, 1999 wherein the Defendant was sentenced to undergo incarceration for a minimum of five (5) years and a maximum of ten (10) years. This sentence was imposed after the Defendant was found guilty by a jury of aggravated assault and related charges. Defendant's counsel filed a direct appeal to the Superior Court on December 9, 1999. The appeal was dismissed September 19, 2000 for failure to file a brief. On November 2, 2000, Defendant filed a petition for Post Conviction Collateral Relief, alleging his counsel's ineffectiveness for failing to perfect his appeal. The Court granted Defendant's petition, and permitted him to file an appeal *nunc pro tunc*. Defendant filed his notice of appeal on February 21, 2001. On February 23, 2001, this Court directed that Defendant file a concise statement of matters complained of on appeal in accordance with Pa.R.A.P. 1925(b). Two months have now passed, and the Court has not received a statement of matters complained of on appeal.

The 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.

Dated: April 26, 2001

By The Court,

Nancy L. Butts, Judge

xc: J. Michael Wiley, Esquire
Kenneth Osokow, Esquire
Honorable Nancy L. Butts
Law Clerk
Gary Weber, Esquire
Judges