

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	: No. 97-11,488
	:
	:
vs.	: CRIMINAL DIVISION
	:
	:
RONALD DOWNS, JR.,	:
Defendant	: 1925(a) Opinion

**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 Orders issued September 18, 2001 and November 16, 2001. The defendant filed a notice of appeal on or about December 14, 2001. The Court directed the defense to file a concise statement of matters complained of on appeal in its Order docketed December 20, 2001. This Order gave the defense fourteen (14) days within which to file such a statement. To date, no statement has been submitted. 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 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.

In the alternative the reasons for the Court's denial of Defendant's Post Conviction Relief Act Petition (PCRA) can be found in the Opinion accompanying the Order of September 18, 2001.

DATE: _____

By The Court,

Kenneth D. Brown

cc: Kenneth Osokow, Esquire
Matthew Ziegler, Esquire
Ronald Downs, DP-6956
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Law Clerk
Work file
Superior Court (original & 1)
Gary Weber, Esquire (Lycoming Reporter)