

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA, :
 :
 vs. : NO. 02-12,033
 :
 ROBERT PHILLIPS, :
 :
 Defendant : 1925(a) OPINION

Date: November 18, 2003

**OPINION IN SUPPORT OF THE ORDER OF JUNE 24, 2003 IN COMPLIANCE
WITH RULE 1925(a) OF THE RULES OF APPELLATE PROCEDURE**

Defendant has appealed this Court's Order of June 24, 2003 in which this Court sentenced Defendant for violating 18 Pa.C.S.A. §2701(a)(1) simple assault; 18 Pa.C.S.A. §2705 recklessly endangering another person; 18 Pa.C.S.A. §3304(a)(1) criminal mischief; and 18 Pa.C.S.A. §2709(a)(1) harassment. The Court determined that the harassment count merged for purposes of sentencing, but the simple assault and recklessly endangering did not. The Court ordered that the sentences for each count were to be served consecutively resulting in an aggregate sentence of thirty months minimum and a maximum of sixty months. On October 13, 2003, this Court issued an order pursuant to Pa.R.A.P. 1925(b) directing Defendant to file a Concise Statement of Matters Complained of on Appeal. To date, Defendant has failed to comply with that Order.

The Court is unaware of any basis for the appeal because Defendant has not filed a Statement of Matters Complained of on Appeal. Therefore, the Court cannot issue a meaningful opinion in support of its order pursuant to Pa. R.A.P. 1925(a). Further, the Court recommends that the Superior Court dismiss the appeal. Any issues not raised in the Statement of Matters are deemed waived. *Commonwealth v. Lord*, 719 A.2d 306, 309 (Pa. 1998);

Commonwealth v. Auchmuty, 799 A.2d 823, 825 (Pa. Super. 2002); *Chattenham Twp. Sch. Dist. v. Slawow*, 755 A.2d 45, 48 (Pa. Cmwlth. 2000). The failure of Defendant to file the Statement of Matters waives his objections to this Court's Order of June 24, 2003. This failure leaves the Superior Court with no issues before it and makes dismissal appropriate.

Accordingly, the appeal should be dismissed and the Court's Order June 24, 2003 affirmed.

BY THE COURT,

William S. Kieser, Judge

cc: District Attorney
James D. Cleland, Jr., Esquire
Judges
Christian Kalas, Esquire
Gary L. Weber, Esquire (Lycoming Reporter)