

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA : NO. 02-10,383
:
:
vs. :
:
DERRICK FISHER, :
Defendant :

OPINION IN SUPPORT OF ORDER OF JULY 23, 2002
IN COMPLIANCE WITH RULE 1925(A) OF
THE RULES OF APPELLATE PROCEDURE

Defendant appeals from this Court’s Judgment of Sentence entered July 23, 2002, which imposed sentence following his plea of guilty to receiving stolen property, possession with intent to deliver, recklessly endangering and fleeing and eluding. It is noted that by Order of August 29, 2003, entered in response to a petition filed under the Post Conviction Relief Act, Defendant was granted the right to appeal nunc pro tunc.

By Order dated October 6, 2003, this Court directed Defendant to file a concise statement of the matters complained of on appeal within fourteen (14) days. Defendant has failed to file such a statement as of this date, November 4, 2003. As Defendant has not complied with the Order of October 6, 2003, pursuant to Commonwealth v. Lord, 719 A.2d 306 (Pa. 1998), it appears that any issues Defendant raises to Superior Court will be deemed waived. In any event, the Court chooses not to bind the Superior Court to address an issue which Defendant may or may not wish to raise. See Commonwealth v. Perez, 664 A.2d 582 (Pa. Super. 1995). The Court will therefore address nothing further in this Opinion.

Dated: November 5, 2003

By The Court,

Dudley N. Anderson, Judge

cc: District Attorney
James Protasio, Esq.
Gary L. Weber, Esq.