

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

IN THE INTEREST OF: : NO. 02-30,374
:
S.B., : JUVENILE
:
A MINOR : 1925(A) OPINION

Date: February 27, 2003

**OPINION IN SUPPORT OF THE ORDER OF DECEMBER 30, 2002 IN COMPLIANCE
WITH RULE 1925(a) OF THE RULES OF APPELLATE PROCEDURE**

The juvenile, S. B., through her mother, F. B., has appealed this Court's Order of December 30, 2002. That Order held that the juvenile needed treatment, rehabilitation, and supervision having been adjudicated delinquent on the charges of aggravated assault and simple assault. In the proceedings before this Court the juvenile has been represented by private counsel, Andrew Ostrowski, Esquire, and also Jeffrey Yates, Esquire of the Public Defender's Office. The Court determined that placement was in the best interests of the child. At the time of the order, the juvenile was to be placed at the Laurel Youth Services Blossburg Diagnostic Evaluation Unit for the purpose of undergoing an evaluation. The juvenile was also ordered to pay restitution and perform community service. By order of this Court dated February 10, 2003, the juvenile was released and returned to the custody of her natural mother, F. B. On January 8, 2003, this Court issued an Order in compliance with Pa. R.A.P. 1925(b) directing the juvenile to file a Statement of Matters Complained of on Appeal within fourteen days of the order. To date, the juvenile has failed to comply with that Order.

The Court is unaware of any basis for the appeal because the juvenile has not filed the Statement of Matters Complained of on Appeal. Therefore, the Court cannot issue an 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); *Chettenham Twp. Sch. Dist. v. Slawow*, 755 A.2d 45, 48 (Pa. Cmwlth. 2000). The failure of the juvenile to file the Statement of Matters waives her objections to this Court's December 30, 2002 order. This failure leaves the Superior Court with no issues before it and makes dismissal appropriate.

This Court does not know the reasons for the juvenile's failure to file the Statement of Matters Complained of on Appeal. It could be that the juvenile decided not to pursue the appeal. It could also be that the juvenile and her mother were unfamiliar with the appellate rules since they were proceeding *pro se*. It would appear that the appeal could have been brought *in forma pauperis*, but no such request was made. Regardless, it was the juvenile's responsibility to review and follow the Rules of Appellate Procedure. Notwithstanding this responsibility, the juvenile was specifically told about her obligation to file the Statement of Matters Complained of on Appeal in this Court's January 8, 2003 order. The juvenile has failed to do so; therefore, her appeal should be dismissed.

BY THE COURT,

William S. Kieser, Judge

cc: JPO
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Judges
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