

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA : NO. 02-11,308
:
vs. :
:
KAREEM I. SMITH, :
Defendant :

OPINION IN SUPPORT OF ORDER OF FEBRUARY 7, 2005
IN COMPLIANCE WITH RULE 1925(A) OF
THE RULES OF APPELLATE PROCEDURE

Defendant appeals from this Court’s Order of February 7, 2005, in which Defendant’s Post Conviction Relief Act Petition was denied. The issues raised in that petition were addressed in an Opinion and Order dated January 14, 2005, and it was therein determined the petition raised no genuine issue of fact and Defendant was not entitled to relief.

By Order dated November 9, 2005, 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 30, 2005. As Defendant has not complied with the Order of November 9, 2005, 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: December 1, 2005

By The Court,

Dudley N. Anderson, Judge

cc: District Attorney
Kareem Smith, FK0124, 301 Morea Road, Frackville, PA 17932
Gary L. Weber, Esq.
Hon. Dudley Anderson