

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	:	
	:	
v.	:	No. 05-556
	:	CRIMINAL DIVISION
PHILIP COLYER,	:	
Defendant	:	APPEAL

OPINION IN SUPPORT OF ORDER IN COMPLIANCE WITH RULE 1925(a)
OF THE RULES OF APPELLATE PROCEDURE

The Defendant appeals this Court's Sentencing Order of June 22, 2006 wherein, the Defendant was sentenced as follows:

- as to Count 52, Aggravated Indecent Assault, a felony in the second degree, incarceration in a State Correctional Institution for an indeterminate period of time, the minimum of which shall be five (5) years and the maximum of which shall be ten (10) years
- as to Counts 2, 7, 11, 15, 19, 23, 27, 31, 35, 39, 43, 47, 59, and 63, Indecent Assault, misdemeanors of the first degree, incarceration in a State Correctional Institution for an indeterminate period of time, the minimum of which shall be six (6) months and the maximum of which shall be twelve (12) months, on each Count; each of these sentences to run consecutive to each other for an aggregate period of confinement , the minimum of which shall be seven (7) years and the maximum of which shall be fourteen (14) years to run entirely consecutive to the sentence as to Count 52
- as to Counts 3 and 55, Indecent Assault, misdemeanors of the first degree, incarceration in a State Correctional Institution for an indeterminate period of

time, the minimum of which shall be six (6) months and the maximum of which shall be 12 (12) months to run entirely concurrent to each other and concurrent to the sentence imposed as to Counts 2, 7, 11, 15, 19, 23, 27, 31, 35, 39, 43, 47, 59, and 63

- as to Counts 5, 9, 13, 17, 21, 25, 29, 33, 37, and 41, Corruption of Minors, misdemeanors in the first degree, supervision under the Pennsylvania Board of Probation and Parole for a period of one (1) year as to each Count; each of these sentences are to run entirely consecutive to each other and entirely consecutive to the sentence imposed as to Count 52
- as to Counts 45, 49, 53, 57, 61, 65, 66, and 67, Corruption of Minors, misdemeanors in the first degree, supervision under the Pennsylvania Board of Probation and Parole for a period of one (1) year as to each Count; each of these sentences are to run entirely concurrent to each other and entirely concurrent to the sentence imposed as to Counts 5, 9, 13, 17, 21, 25, 29, 33, 37, and 41

The Defendant's counsel filed his Notice of Appeal on July 21, 2006. On July 25, 2006, this Court directed the Defendant, in accordance with Pa.R.A.P. No. 1925(b), to file a concise statement of matters complained of on appeal; to date, the Court has not received any communication from the Defendant.

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, the Court may consider a failure to comply with such direction as a waiver of all objections to the order, ruling, or other matter complained of. “. . . [I]n order to

preserve [his]claim(s) for appellate review, the Defendant need comply with this Court's order that he file, pursuant to Pa.R.A.P. No. 1925, a concise statement of matters complained of on appeal. Any issue(s) not raised in a Pa.R.A.P. 1925(b) statement, pursuant to the *Lord/Butler* rule, should be deemed waived (citation omitted)." *Commonwealth v. Castillo*, 585 Pa. 395, 403, 888 A.2d 775, 780 (Pa. 2005).

Accordingly, because the Defendant has failed to comply with this Court's July 25, 2006 Order directing him to file, pursuant to Pa.R.A.P. No. 1925, a concise statement of matters complained of on appeal, this Court respectfully suggests that the Defendant has waived all issues for appeal purposes.

DATE: _____

By the Court,

Nancy L. Butts, Judge

xc: DA
R. Bruce Manchester, Esq.
124 W. Bishop Street
Bellefonte, PA 16823
Judges
Hon. Nancy L. Butts
Laura R. Burd, Esq. (Law Clerk)
Gary L. Weber, Esq. (Lycoming Reporter)