

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA : NO. CR – 298 - 2006
:
vs. :
:
:
SHERYL L. JOHNSON, :
Defendant :

SUPPLEMENTAL OPINION IN SUPPORT OF ORDER OF JUNE 13, 2006,
IN COMPLIANCE WITH RULE 1925(A) OF
THE RULES OF APPELLATE PROCEDURE

Defendant has filed a Motion for Reconsideration, seeking to have this Court reconsider the position taken in its 1925(a) Opinion, issued August 7, 2006, that Defendant has waived all issues raised in her appeal by having failed to serve a copy of her 1925(b) Statement of Matters Complained of on Appeal, on this Court. Defendant contends that the handwritten notation on the bottom of the Statement (cc: DA, Courts, PD) shows that the Statement was served on this Court. This supplemental opinion is being issued to indicate that no copy of the Statement was ever received by this judge. If the copies were indeed distributed by the Prothonotary's office,¹ the copy designated for "Courts" did not come to this office. The situation presented in this appeal is identical to that presented in Commonwealth v. Fillman, No. 1614 MDA 2005, and the Court feels constrained to heed the admonition delivered by the Superior Court in that case.

Dated: August 21, 2006

Respectfully Submitted,

Dudley N. Anderson, Judge

cc: DA
PD
Gary L. Weber, Esq.
Hon. Dudley Anderson

¹ While it is not conclusive, the Court notes that typically, the Prothonotary's office checks off each party upon whom a copy is served, but none of the three parties listed on the original Statement is checked off.