

**IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA**

<b>COMMONWEALTH OF PENNSYLVANIA</b>	:	
	:	
<b>v.</b>	:	<b>No. 05-10,556</b>
	:	<b>CRIMINAL DIVISION</b>
<b>PHILIP ROY COLYER,</b>	:	<b>APPEAL</b>
<b>Defendant</b>	:	

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

The Defendant appeals this Court’s Order dated June 10, 2008, dismissing his Post Conviction Relief Act (PCRA) Petition. The Court notes a Notice of Appeal was timely filed on July 7, 2008. On July 15, 2008, this Court directed the Defendant, in accordance with Pa.R.A.P. No. 1925(b), to file within thirty days 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. According to the Lord/Butler rule, “in order to preserve their claims for appellate review, appellants must comply whenever the trial court orders them to file a Statement of Matters Complained of on Appeal pursuant to Pa. R.A.P. 1925. Any issues not raised in a Pa. R.A.P. 1925(b) statement will be deemed waived.” Commonwealth v. Castillo, 888 A.2d 775, 780 (Pa. 2005) (quoting Commonwealth v. Lord, 719 A.2d 306, 309 (1998)).

Accordingly, because the Defendant has failed to comply with this Court’s July 15, 2008 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 (KO)  
R. Bruce Manchester, Esq.  
MANCHESTER & ASSOCIATES  
124 W. Bishop Street  
Bellefonte, PA 16823  
Hon. Nancy L. Butts  
Trisha D. Hoover, Esq. (Law Clerk)  
Gary L. Weber, Esq. (LLA)