

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

<b>COMMONWEALTH OF PENNSYLVANIA</b>	:	
	:	
v.	:	<b>No. 899-2005</b>
	:	<b>CRIMINAL DIVISION</b>
<b>LINDSEY E. WILLIAMS,</b>	:	
<b>Defendant</b>	:	<b>APPEAL</b>

**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 March 21, 2006 wherein, the Defendant was sentenced as follows:

- as to Count 2, Robbery, a felony of the first 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 which shall be ten (10) years
- as to Count 1, Conspiracy to Commit the Offense of Robbery, a felony of the first degree, supervision under the Pennsylvania Board of Probation and Parole for a period of twenty (20) years to run entirely consecutive to the sentence imposed as to Count 2
- as to Count 3, Conspiracy to Commit Theft by Unlawful taking; Count 4, Theft by Unlawful Taking; Count 5, Conspiracy to Receive Stolen Property; and Count 6, Possession of an Instrument of Crime, all misdemeanors of the first degree, supervision of the Pennsylvania Board of Probation and Parole for a period of one (1) year on each offense to run concurrent to one another and concurrent to the sentence imposed as to Count 1.

The Defendant's counsel filed his Notice of Appeal on July 21, 2006. On October 2, 2007, Defendant filed a *pro se* Post Conviction Relief Act (PCRA) Petition, alleging that trial counsel failed to file a timely 1925(b) statement, which resulted in a dismissal of Defendant's direct appeal. On December 7, 2007, this Court reinstated Defendant's appellate rights, *nunc pro tunc*. Defendant's counsel filed a second notice of appeal on January 2, 2008. On January 9, 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. On March 17, 2008, the Court extended the deadline to file said statement until May 19, 2008. 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 January 9, 2008 and March 17, 2008 Orders 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 (MK)  
Andrea Pulizzi, Esq.  
Hon. Nancy L. Butts  
Trisha D. Hoover, Esq. (Law Clerk)  
Gary L. Weber, Esq. (LLA)