

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

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

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 dated March 21, 2006. The Court notes a Notice of Appeal was timely filed on April 19, 2006 and that the Defendant’s Concise Statement of Matters Complained of on Appeal was then filed on May 9, 2006. On July 31, 2006, this Court filed its 1925(a) Opinion which addressed the issues raised by the Defendant. On June 13, 2007, the Superior Court of Pennsylvania found that Defense Counsel waived the issues raised on appeal for failure to file the 1925(b) statement in a timely manner and the judgment of sentence was affirmed.

On September 27, 2007, the 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. The

1925(b) statement was never filed and this Court entered an Opinion finding the Defendant's issues waived for purposes of the appeal.

On May 22, 2009, the Superior Court remanded the case to allow Defense Counsel thirty days in which to file a concise statement. On July 2, 2009, Defense Counsel filed said statement. While the statement is untimely, this Court believes that in order to forestall the case being remanded yet again or the filing of another Petition under the PCRA, the Court should address the issues raised by the Defendant. However, as the issues raised by the Defendant were previously discussed in this Court's Opinion issued on July 31, 2006, the Court will rely on the previous Opinion.

DATE: _____

By the Court,

Nancy L. Butts, Judge

xc: DA (KO)
Andrea Pulizzi, Esq.
Trisha D. Hoover, Esq. (Law Clerk)
Gary L. Weber, Esq. (LLA)