

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH : No. CP-41-CR-0001118-2018
vs. :
: CRIMINAL DIVISION
: JOHH COBB,
: Appellant : 1925(a) Opinion

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

This Opinion is written in support of the court’s judgment of sentence dated December 23, 2019 and docketed December 30, 2019.

By way of background, Appellant John Cobb was charged with two counts each of Delivery of a Controlled Substance,¹ Possession With Intent to Deliver a Controlled Substance,² Criminal Use of Communication Facility,³ and Possession of a Controlled Substance⁴ arising out of deliveries of cocaine to a confidential informant on May 30, 2018 and June 1, 2018, which were arranged via telephone calls.

Appellant waived his right to counsel and elected to proceed pro se. Appellant waived his right to a jury trial. Following a bench trial on September 27, 2019, the court found Appellant guilty of all the charges.

On December 23, 2109, the court sentenced Appellant to an aggregate term of

¹ 35 P.S. §780-113(a)(30).
² 35 P.S. §780-113(a)(30).
³ 18 Pa.C.S. §7512.
⁴ 35 P.S. §780-113(a)(16).

incarceration in a state correctional institution, the minimum of which was two (2) years and the maximum of which was six (6) years.

Throughout trial and sentencing, standby counsel was appointed to assist Appellant. At sentencing, however, Appellant indicated that he wished to represent himself through appeal without standby counsel. See Order dated December 23, 2019, and docketed December 30, 2019.

On December 30, 2019, Appellant filed a document entitled “NOTICE OF APPEAL” that included issues and preliminary objections which the court was unable to comprehend. In an Order dated December 31, 2019, the court directed Appellant to file a concise statement of errors complained of on appeal. Appellant did not respond to this Order.

As Appellant has failed to file a concise statement of errors on appeal, his claims are waived. Pa.R.A.P. 1925(b)(4)(vii).

To the extent the document filed by Appellant on December 30, 2019 could be construed as both a notice of appeal and a statement of errors on appeal, the court cannot discern what issues Appellant is attempting to assert. The document cites various rules, cases, treatises and law review articles without out providing any context as to how any of them would apply in this case. As the document fails to identify each error with sufficient detail to identify the issue to be raised, the claims are waived. Pa.R.A.P. 19215(b)(4)(ii).

In the event that Appellant is attempting the appeal the court’s rulings on his requests for suppression of evidence, the court notes the following. At the beginning of trial Appellant made arguments to suppress evidence regarding the photographs or photographic identification of him by the CI and the photographs of the currency that the CI used to

purchase the cocaine. Trial Transcript, 9/27/2019, at 3-8. These arguments related to the CI being shown a photograph of Appellant that was from approximately three years prior to the date that the first incident occurred and the photographs of the currency not being date or time stamped. The court rejected Appellant's claims. Appellant did not state any constitutional or legal basis for suppression, and the court found that Appellant's arguments went to the weight and credibility of the evidence, not its admissibility. Order date September 27, 2019 and docketed October 3, 2019.

DATE: _____

By The Court,

Marc F. Lovecchio, Judge

cc: Joseph Ruby, Esquire (ADA)
John Cobb, #QA8181
SCI Camp Hill, PO Box 8837, 2500 Lisburn Rd, Camp Hill PA 17001
Work file
Gary Weber, Esquire (Lycoming Reporter)
Superior Court (original & 1)