

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

**IN RE: MELISSA M. BEST**

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: **MD-214-2022**  
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**OPINION IN SUPPORT OF ORDER IN COMPLIANCE WITH RULE 1925(a)**  
**OF THE RULES OF APPELLATE PROCEDURE**

Appellant filed a Motion for Return of Property on April 25, 2022. The property at issue in Appellant’s motion are three (3) iPhones and an iPad seized as the result of criminal investigations into Appellant’s spouse. This Court dismissed Appellant’s motion on August 11, 2022 following the determination that the property at issue is the subject of an active appeal and this Court no longer retained jurisdiction to consider the matter. Appellant filed this appeal on September 12, 2022 and the Court requested a Concise Statement of Matters Complained of on Appeal on the same day. Appellant filed an untimely response on October 4, 2022.

Appellant raises a multitude of issues on appeal. This Court believes that the Order dated August 11, 2022 dismissing Appellant’s motion is still applicable since Appellant’s spouse’s criminal appellate matters have not yet been resolved. As such, this Court remains without proper jurisdiction to decide Appellant’s Motion for Return of Property. The remaining issues Appellant includes in her Statement of Matters Complained of on Appeal appear to be collateral attacks against the trial court that handled her spouse’s criminal cases and do not address the true problem at issue in her Motion to Return Property. Not only does Appellant lack standing to challenge her spouse’s criminal trial issues, this Court does not have the jurisdiction to address these issues either since her spouse has decided to exercise his appellate rights.

Therefore, this Court wholly relies on the order issued August 11, 2022 and believes we are without jurisdiction to address the remainder of Appellant's issues for the purposes of this appeal.

DATE: October 4, 2022

By the Court,

Nancy L. Butts, President Judge

xc: DA  
Appellant  
633 Grace Street  
Williamsport, PA 17701

NLB/jmh