

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA :
:
Vs. : No. CR-1108-2014
:
AMIR EDWARDS, :
Defendant :
:
Defendants :

Jean Engler, Esquire Counsel for Commonwealth
District Attorney
Joseph Sebelin, Esquire Counsel for Defendant

MEMORANDUM OPINION

Matika, J. - July 13 , 2018

Defendant, Amir M. Edwards (hereinafter "Edwards") filed an appeal from the Order of Sentence issued by this Court on May 18, 2018, which directed Edwards to undergo imprisonment in a State Correctional Institution for a period of not less than 96 months nor more than 192 months. Credit was provided against this sentence and other terms and conditions were imposed as well. This Memorandum Opinion is filed pursuant to Pennsylvania Rule of Appellate Procedure 1925(a) and recommend to the Superior Court that the appeal be dismissed for the reasons set forth herein.

FACTUAL AND PROCEDURAL BACKGROUND

Edwards and a co-defendant, Elton Molina (hereinafter "Molina") were arrested as a result of an armed robbery that occurred on September 10, 2014 at the Trescow Superfood, in Treskow, Banks Township, Carbon County, Pennsylvania. Ultimately,

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on September 20, 2016, Edwards entered a guilty plea to one (1) count of robbery, a violation of 18 Pa. C.S.A. §3701(a)(1)(i). A pre-sentence investigation was conducted, but sentencing was deferred numerous times since a condition of Edwards' stipulation was to testify against his co-defendant, Elton Molina, and receive a certain recommended jail sentence.

On February 8, 2018, a Motion to Withdraw that guilty plea was filed. After a hearing held on February 27, 2018, that motion was denied. On May 7, 2018 Molina's jury trial commenced, however, Edwards refused to testify. Thereafter, on May 18, 2018, Edwards was sentenced by this Court to the term stated above.

On June 13, 2018, Edwards filed a Notice of Appeal. Consequently, on June 14, 2018, this Court, pursuant to Pennsylvania Rules of Appellate Procedure 1925(b), issued an Order directing Edwards to file of record and serve upon the undersigned within twenty-one (21) days, a concise statement of matters complained of on appeal. This Order was filed and docketed on June 14, 2018 and mailed to Edwards' Counsel, Joseph Sebelin, Esquire on June 15, 2018. To date, July 13, 2018, no concise statement has been filed.

LEGAL DISCUSSION

This Court submits that Edwards, by his failure to file a concise statement as ordered, has not preserved any issues for

appeal. He was directed to file it within twenty-one (21) days from the date of filing and docketing of the Order which would have been July 5, 2018. Again, as of this date no concise statement was filed.


It is the well-settled law of this Commonwealth that "[i]n order to preserve their claims for appellate review, [a]ppellants 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. Hill*, 16 A.3d 484, 494 (Pa. 2011) (quoting *Commonwealth v. Lord*, 719 A.2d 306, 309 (Pa. 1998); see also Pa.R.A.P. 1925(b)(4). See also *Hess v. Fox Rothschild, L.P.*, 925 A.2d 798 (Pa. Super. 2007) (failure to comply with trial court's order to file concise statement of matters complained of on appeal will result in waiver of all issues.)

CONCLUSION

In this matter, since Edwards has failed to file a concise statement, he has waived all issues for appellate review.

Accordingly, we ask that the appeal be dismissed.

BY THE COURT:



Joseph J. Matika, J.