

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

COMMONWEALTH OF PENNSYLVANIA :
 :
 v. :
 MIKEL D. BURROWS, :
 :
 Defendant :

No. SA-22-2019

FILED
2020 MAR 24 P 3:2
CARBON COUNTY
CLERK OF COURTS

Cynthia A. Dyrda-Hatton, Esquire Counsel for the Commonwealth
First Assistant District Attorney

Mikel D. Burrows Pro Se

MEMORANDUM OPINION

Serfass, J. - March 24, 2020

Mikel D. Burrows (hereinafter Appellant), has appealed from the Order of this Court dated January 14, 2020 pursuant to which he was found guilty of the summary offense of Driving While Operating Privilege is Suspended or Revoked after a trial *de novo*. We file the following Memorandum Opinion in accordance with Pennsylvania Rule of Appellate Procedure 1925(a) and recommend that the instant appeal be dismissed for the reasons set forth hereinafter.

FACTUAL AND PROCEDURAL HISTORY

On September 22, 2018, Appellant was cited by Weatherly Borough Police Officer Danilo A. Garcia for Driving While Operating Privilege is Suspended or Revoked pursuant to 75 Pa.C.S.A. Section 1543(a). Appellant was found guilty of the above-referenced charge by Magisterial District Judge Casimir T. Kosciolk on February 28, 2019 resulting in a mandatory suspension of Appellant's operating

privilege for sixty (60) days pursuant to 75 Pa.C.S.A. Section 1540(a), as well as the imposition of a fine in the amount of two hundred dollars (\$200.00) and costs totaling one hundred twenty-four dollars and fifty cents (\$124.50).

On March 29, 2019, Appellant filed a Petition to Appeal Summary Finding of Guilt *Nunc Pro Tunc* in the office of the Carbon County Clerk of Courts for which a hearing was held before the undersigned on October 15, 2019. Said petition was granted on that same date and we allowed Appellant to file a Summary Appeal within ten (10) days thereafter.

The Appellant filed a Notice of Appeal from Summary Criminal Conviction with the Carbon County Clerk of Courts on October 23, 2019, and a trial *de novo* was scheduled before the undersigned on January 14, 2020. At the conclusion of the trial *de novo*, Appellant was found guilty of the summary offense of Driving While Operating Privilege is Suspended or Revoked. He was sentenced to pay a fine of two hundred dollars (\$200.00), plus the costs of prosecution.

Appellant filed the instant Notice of Appeal of the January 14, 2020 conviction with the Superior Court of Pennsylvania on February 14, 2020. Pursuant to Pennsylvania Rule of Appellate Procedure 1925(b), on February 21, 2020, this Court entered an Order directing Appellant to file of record and serve upon the undersigned, within twenty-one (21) days, a concise statement of

the matters complained of on appeal. As of the date of this Memorandum Opinion, Appellant has failed to file such a statement.

DISCUSSION

We submit that no issues have been preserved for appellate review in this matter. Appellant has failed to comply with our February 21, 2020 Order directing him to file a concise statement of matters complained of on appeal within twenty-one (21) days. Specifically, our Pa.R.A.P. 1925(b) Order was entered on the docket on February 24, 2020. Therefore, Appellant had until March 16, 2020 to timely file a concise statement. To date, no such statement has been filed.

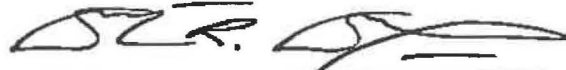
It is the well-settled law of this Commonwealth that "[i]n order to preserve their claims for appellate review, [a]ppellants must comply whenever the trial court orders them to file a Statement of Matters Complained of on Appeal pursuant to Pa.R.A.P. 1925. Any issues not raised in a Pa.R.A.P. 1925(b) 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).

In the instant matter, Appellant has failed to file any statement of the matters complained of on appeal. Accordingly, he has waived any and all issues for appellate review.

CONCLUSION

Based upon the foregoing, we respectfully recommend that the instant appeal be dismissed as no issues have been properly preserved for review by the Honorable Superior Court.

BY THE COURT:



Steven R. Serfass, J.

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CANTON COUNTY