

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Commonwealth of Pennsylvania :
 :
 v. : No. 229 C.D. 2012
 : Submitted: November 30, 2012
 Joseph I. Yoder, :
 :
 Appellant :

Commonwealth of Pennsylvania :
 : No. 230 C.D. 2012
 v. : Submitted: November 30, 2012
 :
 Barbara L. Yoder, :
 :
 Appellant :

BEFORE: HONORABLE BERNARD L. McGINLEY, Judge
 HONORABLE PATRICIA A. McCULLOUGH, Judge
 HONORABLE ROCHELLE S. FRIEDMAN, Senior Judge

OPINION NOT REPORTED

MEMORANDUM OPINION
 BY SENIOR JUDGE FRIEDMAN

FILED: January 4, 2013

Joseph I. and Barbara L. Yoder appeal, *pro se*,¹ from the judgment of sentence imposed on January 5, 2012, by the Court of Common Pleas of the 37th Judicial District (Warren County Branch) (trial court). The Sugar Grove Area Sewer Authority (Authority)² filed a private criminal complaint against the Yoders, alleging

¹ Joseph and Barbara filed separate appeals from the judgment of sentence, which this court consolidated by order dated October 15, 2012.

² Counsel for the Authority assumed the prosecution of this matter on behalf of the Commonwealth of Pennsylvania. See Pa. R. Crim. P. 454(C) (“When the violation of an ordinance **(Footnote continued on next page...)**”)

that they violated Sugar Grove Township Ordinance No. 04-06-15 (Ordinance) by failing to connect their property to the municipal sewer system. After a trial *de novo*, the trial court found the Yoders guilty of violating the Ordinance and ordered each of them to pay a \$300.00 fine and the costs of prosecution. We affirm the judgment of sentence and deny the Authority's motion to dismiss the appeal and petition for counsel fees.

On appeal,³ the Yoders raise three issues: (1) whether the trial court erred in failing to dismiss the Authority's case; (2) whether the trial judge conducted himself improperly at the hearing; and (3) whether the trial court erred in denying the Yoders' request for an interpreter. We conclude that the first two issues are waived and the third issue lacks merit.

The Yoders' first two issues fail to satisfy the requirements of Pennsylvania Rule of Appellate Procedure 1925(b). Rule 1925(b)(4)(ii) requires that an appellant's statement of errors complained of on appeal "concisely identify each ruling or error that the appellant intends to challenge *with sufficient detail to identify all pertinent issues for the [trial] judge.*" Pa. R.A.P. 1925(b)(4)(ii) (emphasis added). When the trial court must "guess what issues an appellant is appealing, that is not enough for meaningful review." *Commonwealth v. Reeves*, 907 A.2d 1, 2 (Pa. Super. 2006) (citation omitted).

(continued...)

of a municipality is charged, an attorney representing that municipality, with the consent of the attorney for the Commonwealth, may appear and assume charge of the prosecution.").

³ The Yoders timely appealed to the Pennsylvania Superior Court, which transferred the matter to this court for disposition.

In their Rule 1925(b) statement, the Yoders merely stated that “[t]he [trial] court erred by not dismissing [the Authority’s] case” and that “[the trial judge] conducted himself improperly.” (Authority’s Br., Ex. C.) The Yoders failed to identify what specific errors the trial court made or how the trial judge acted improperly. In its opinion, the trial court was left to speculate as to what specific claims the Yoders wished to raise on appeal. As a result, the issues addressed in the trial court’s opinion are not the same issues argued in the Yoders’ appellate brief. Therefore, the Yoders have waived the first two issues. *See Reeves*, 907 A.2d at 2-3 (finding waiver where the appellant’s Rule 1925(b) statement did not raise the specific issue raised in his brief and the trial court did not address it); *Commonwealth v. Lemon*, 804 A.2d 34, 37 (Pa. Super. 2002) (same).

With regard to the Yoders’ third issue, we conclude that the trial court properly denied their request for an interpreter. Section 4412(a) of the Judicial Code provides that an interpreter shall be appointed “if the presiding judicial officer determines that a principal party in interest . . . has a limited ability to speak or understand English.” 42 Pa. C.S. §4412(a). The decision to appoint an interpreter is within the trial judge’s sound discretion. *Commonwealth v. Pana*, 469 Pa. 43, 49, 364 A.2d 895, 898 (1976).

Here, the Yoders claimed that they required the assistance of an interpreter because their native language is Pennsylvania Dutch. The trial court reviewed the numerous *pro se* documents prepared and filed by the Yoders and determined that those documents demonstrated an ample understanding of the English language. Moreover, during the trial, the trial court continued to gauge the

Yoders' understanding of English and found that they both understood the questions asked of them and responded appropriately. (*See, e.g.*, N.T., 1/15/12, at 84-87.) Because the Yoders' in-court and out-of-court communications evidenced an understanding of the English language, the trial court denied their request for an interpreter. We find no abuse of discretion.

Accordingly, we affirm the judgment of sentence.⁴

ROCHELLE S. FRIEDMAN, Senior Judge

⁴ We also: (1) deny the Authority's motion to dismiss the appeal because we conclude that the Yoders properly raised and preserved the interpreter issue; and (2) deny the Authority's petition for counsel fees because we conclude that the Yoders have not engaged in dilatory or vexatious conduct.

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ORDER

AND NOW, this 4th day of January, 2013, we hereby affirm the judgment of sentence imposed on January 5, 2012, by the Court of Common Pleas of the 37th Judicial District (Warren County Branch). We also deny the Sugar Grove Area Sewer Authority's motion to dismiss and petition for counsel fees.

ROCHELLE S. FRIEDMAN, Senior Judge