

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA

Appellee

v.

ISAIAH BARKER

Appellant

IN THE SUPERIOR COURT OF
PENNSYLVANIA

No. 1251 EDA 2013

Appeal from the Judgment of Sentence March 27, 2013
In the Court of Common Pleas of Northampton County
Criminal Division at No(s): CP-48-CR-0002751-2012

BEFORE: GANTMAN, J., DONOHUE, J., and OLSON, J.

JUDGMENT ORDER BY GANTMAN, J.:

FILED DECEMBER 04, 2013

Appellant, Isaiah Barker, appeals from the judgment of sentence entered in the Northampton County Court of Common Pleas, following his guilty plea to two counts of robbery.¹

On January 7, 2013, Appellant entered a negotiated guilty plea to both counts, which stemmed from Appellant's involvement in the robberies of two convenient stores in Northampton County. The court sentenced Appellant, on March 27, 2013, to an aggregate term of eight to sixteen years' imprisonment. Appellant did not file post-sentence motions. On April 26, 2013, Appellant timely filed a notice of appeal. The court ordered Appellant, on May 6, 2013, to file a concise statement of errors complained of on

¹ 18 Pa.C.S.A. § 3701(a)(1)(ii).

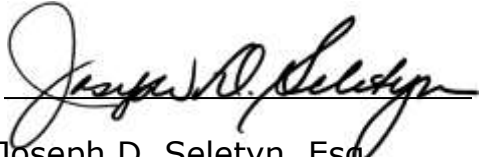
appeal pursuant to Pa.R.A.P. 1925(b), and Appellant complied. On appeal, Appellant claims his sentence, although in the standard range, was nonetheless excessive based upon the facts and circumstances of his particular case. As presented, Appellant's claim challenges the discretionary aspects of his sentence. **See Commonwealth v. Lutes**, 793 A.2d 949 (Pa.Super. 2002) (stating claim that sentence is manifestly excessive challenges discretionary aspects of sentencing).

Preliminarily we observe Appellant filed no post-sentence motions. **See Commonwealth v. Mann**, 820 A.2d 788 (Pa.Super. 2003) (stating issues that challenge discretionary aspects of sentencing are generally waived if they are not raised during sentencing proceedings or in post-sentence motion). Additionally, Appellant failed to order the transcript of the sentencing proceedings when he filed his notice of appeal. **See Commonwealth v. Lesko**, 609 Pa. 128, 15 A.3d 345 (2011) (reiterating rule that it is appellant's responsibility to order transcripts relevant to disposition of his appeal); **Commonwealth v. Preston**, 904 A.2d 1 (Pa.Super. 2006) (stating appellant's failure to provide necessary evidence to certified record constitutes waiver). Thus, Appellant waived his sentencing issue. **See generally In re K.L.S.**, 594 Pa. 194, 197 n.3, 934 A.2d 1244, 1246 n.3 (2007) (stating where issues are waived on appeal, we should affirm rather than quash appeal). Accordingly, we affirm.

Judgment of sentence affirmed.

J-S64037-13

Judgment Entered.

A handwritten signature in black ink, written in a cursive style, reading "Joseph D. Seletyn". The signature is written over a horizontal line.

Joseph D. Seletyn, Esq.
Prothonotary

Date: 12/4/2013