

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA,		IN THE SUPERIOR COURT OF PENNSYLVANIA
Appellee		
v.		
ALAN PERRY,		No. 1363 EDA 2012
Appellant		

Appeal from the Judgment of Sentence of February 18, 2011,
in the Court of Common Pleas of Philadelphia County,
Criminal Division at No. CP-51-CR-0014643-2008

BEFORE: OLSON, WECHT and COLVILLE*, JJ.

MEMORANDUM BY COLVILLE, J.:

Filed: March 12, 2013

This is an appeal from a judgment of sentence. We affirm.

The relevant background underlying this matter can be summarized in the following manner. The trial court originally sentenced Appellant on October 5, 2010. The court, however, revoked Appellant's probation and resentenced him on February 18, 2011. Appellant did not file a direct appeal; however, he timely filed a petition pursuant to the Post Conviction Relief Act, which resulted in the reinstatement of his right to file a direct appeal. Appellant timely filed a notice of appeal. Appellant now wishes to challenge the discretionary aspects of his sentence.

*Retired Senior Judge assigned to the Superior Court.

In order to challenge the discretionary aspects of his sentence, Appellant was required to include in his brief a statement pursuant to Pa.R.A.P. 2119(f). ***Commonwealth v. Bruce***, 916 A.2d 657, 666 (Pa. Super. 2007). Appellant failed to do so, and the Commonwealth has objected to the omission of this statement. Commonwealth's Brief at 5. Consequently, Appellant has waived any challenge to the discretionary aspects of his sentence. ***Bruce***, 916 A.2d at 666.

For these reasons, we affirm the judgment of sentence.

Judgment of sentence affirmed.