

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
v.	:	
	:	
WILLIAM GARNETT LEE,	:	No. 1879 WDA 2011
	:	
Appellant	:	

Appeal from the Judgment of Sentence, December 14, 2010,
in the Court of Common Pleas of Allegheny County
Criminal Division at No. CP-02-CR-0009779-2009

BEFORE: STEVENS, P.J., FORD ELLIOTT, P.J.E. AND MUNDY, J.

DISSENTING MEMORANDUM STATEMENT BY FORD ELLIOTT, P.J.E.:

Filed: February 20, 2013

I respectfully dissent. The waiver of the constitutional right to a jury trial must be on the record and knowing and intelligent. There has been no record waiver of appellant's jury trial rights in this case. As unsympathetic as we may be to a defendant who absents himself at time of trial, I do not believe the court may proceed non-jury without a valid waiver.