

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA,		IN THE SUPERIOR COURT OF PENNSYLVANIA
Appellee		
v.		
SHANNA COBB,		
Appellant		No. 2400 EDA 2011

Appeal from the Judgment of Sentence entered August 3, 2011
In the Court of Common Pleas of Philadelphia County
Criminal Division at No(s): CP-51-CR-0005545-2007.

BEFORE: PANELLA, OLSON and FITZGERALD,* JJ.

JUDGMENT ORDER BY OLSON, J.:

Filed: January 7, 2013

Appellant, Shanna Cobb, appeals from the judgment of sentence entered on August 3, 2011 following her bench trial convictions of two counts of simple assault while engaged in a mutual fight, two counts of recklessly endangering another person, as well as one count each of simple assault and terroristic threats.¹ We affirm, as Appellant has waived appellate review by failing to file a specific concise statement pursuant to Pa.R.A.P. 1925(b).

On May 21, 2006, Appellant engaged in three separate fights. In the first altercation, a victim suffered a broken toe and facial injuries. Later, Appellant called the victim while she was at the hospital and threatened her.

¹ 18 Pa.C.S.A. §§ 2701(b)(1), 2705, 2701(a), and 2706, respectively.

*Former Justice assigned to the Superior Court.

Next, Appellant bit a second victim in the face; the victim required two months of medical treatment for her injuries. Two hours after the second incident, Appellant punched yet another victim in the back of the head.

Following a bench trial, the trial court convicted Appellant of the aforementioned charges and imposed an aggregate sentence of two years' probation on August 3, 2011. Appellant filed a notice of appeal on September 1, 2011. On September 2, 2011, the trial court ordered Appellant to file a concise statement of errors complained of pursuant to Pa.R.A.P. 1925(b). Appellant complied timely raising the following issue:

Was the evidence presented by the Commonwealth sufficient for the fact finder to return verdicts of guilty on one count of simple assault (M-1), two counts of simple assault (M-3), two counts of recklessly endangering another person and one count of terroristic threats.

Pa.R.A.P. 1925(b) Statement, 9/15/2011.

The trial court properly determined that Appellant waived her sole issue for lack of specificity in the 1925(b) statement. **See** Trial Court Opinion, 1/10/2012, at 5-9. We agree. **See *Commonwealth v. Williams***, 959 A.2d 1252, 1257 (Pa. Super. 2008) ("If Appellant wants to preserve a claim that the evidence was insufficient, then the 1925(b) statement needs to specify the element or elements upon which the evidence was insufficient. This Court can then analyze the element or elements on appeal. The instant 1925(b) statement simply does not specify the allegedly unproven elements. Therefore, the sufficiency issue is waived."). The same holds true here.

Judgment of sentence affirmed.