

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Commonwealth of Pennsylvania	:	
	:	
v.	:	No. 1081 C.D. 2023
	:	
Cathi Schwab,	:	
Appellant	:	Submitted: April 8, 2025

BEFORE: HONORABLE ANNE E. COVEY, Judge
HONORABLE MATTHEW S. WOLF, Judge
HONORABLE BONNIE BRIGANCE LEADBETTER, Senior Judge

OPINION NOT REPORTED

MEMORANDUM OPINION BY
JUDGE WOLF

FILED: May 7, 2025

Cathi Schwab (Schwab) appeals from an order of the Court of Common Pleas of Allegheny County (trial court) dated August 22, 2023, which, after a *de novo* summary appeal hearing, found Schwab guilty of violating various sections of the Municipality of Bethel Park's (Bethel Park) Municipal Code and fined her a total of \$6,000 plus court costs. Upon review, we find that Schwab has waived all arguments on appeal as a result of her failure to file a timely Statement of Errors Complained of on Appeal, pursuant to Pa.R.A.P. 1925(b). Therefore, we affirm the trial court.

Our disposition abrogates the need for a lengthy recitation of the facts of this case. Schwab was convicted of summary offenses for various ordinance violations by the trial court on August 22, 2023. Reproduced Record (R.R.) at 3. She filed a Notice of Appeal to the trial court on September 21, 2023. Original

Record (O.R.) at 111.¹ On September 26, 2023, the trial court filed an order directing Schwab to file and serve on the trial court, no later than 21 days from the entry of that order, a Concise Statement of Errors Complained of on Appeal pursuant to Pa.R.A.P. 1925(b) (1925(b) Statement). *Id.* at 121. Accordingly, her 1925(b) Statement needed to be filed and served on the trial court no later than October 17, 2023. The trial court’s order also informed Schwab “that any issue not properly included in the Statement timely filed and served . . . shall be considered waived for the purposes of appeal.” *Id.* On October 24, 2023, Schwab filed her 1925(b) Statement with the court. *Id.* at 126. In her 1925(b) Statement and her brief to this Court, Schwab contends that the evidence of record established in the trial court is insufficient to sustain her convictions.

On December 29, 2023, this Court directed both Schwab and Bethel Park to “address in their principal briefs on the merits or other appropriate motion whether [Schwab] preserved any issues on appeal in light of her apparent failure to file a timely [1925(b)] Statement.” Cmwlt. Ct. Order, 12/29/2023. Bethel Park’s brief contends Schwab’s arguments are waived for an alternative reason. Schwab’s brief does not address the issue of waiver at all but, rather, simply contends she “filed an appeal to this Honorable Court on September 21, 2023 and timely filed a statement of errs [sic] complained of on appeal on October 24, 2023. . . .” Schwab’s Brief at 8.

We need not summarize either party’s arguments to reach our disposition. In *Commonwealth v. Castillo*, 888 A.2d 775 (Pa. 2005), our Supreme Court emphasized a “bright-line rule” requiring strict compliance with a trial court’s order to file a 1925(b) Statement. In overruling a Superior Court decision which

¹ Citations to the Original Record reflect electronic pagination.

addressed issues raised in an untimely 1925(b) Statement, the Supreme Court expressed disapproval of intermediate appellate court decisions that “addressed issues that should have been deemed waived.” *Castillo*, 888 A.2d at 780. Simply put, errors not raised in a *timely filed* 1925(b) Statement are waived on appeal. Here, like the Superior Court in *Castillo*, we are unable to consider issues raised in Schwab’s untimely filed 1925(b) Statement. Accordingly, we affirm the trial court.

MATTHEW S. WOLF, Judge

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ORDER

AND NOW, this 7th day of May 2025, the August 22, 2023 order of the Court of Common Pleas of Allegheny County in the above-captioned matter is AFFIRMED.

MATTHEW S. WOLF, Judge