

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA, :  
 :  
 vs. : NO. CR 144-2005  
 :  
 LAWRENCE MANSON, :  
 :  
 Defendant : 1925(a) OPINION

Date: October 5, 2005

**SUPPLEMENTAL OPINION IN SUPPORT OF THE ORDER OF JUNE 16, 2005 IN COMPLIANCE WITH RULE 1925(a) OF THE RULES OF APPELLATE PROCEDURE**

The Court is issuing this opinion to supplement a prior Pa.R.A.P. 1925(a) opinion it had issued in this case. In the prior Pa.R.A.P. 1925(a) opinion dated August 29, 2005, the Court stated that Defendant's appeal should be dismissed and his conviction for endangering the welfare of a child (18 Pa.C.S.A. §4304) affirmed because Defendant failed to file a concise statement of matters complained of on appeal as directed by an order of this court dated July 21, 2005 and issued pursuant to Pa.R.A.P. 1925(b). Defendant's failure to file the concise statement of matters waived his objections to the conviction. *See, Commonwealth v. Halley*, 870 A.2d 795, 797 (Pa. 2005) (Any issue not raised in the statement of matters is deemed waived on appeal.).

On August 22, 2005, the Pennsylvania Superior Court issued an order directing Defendant to file the docketing statement required by Pa.R.A.P. 3517 by September 9, 2005 or his appeal would be dismissed. On September 9, 2005, the Superior Court issued an order dismissing Defendant's appeal for failing to file the docketing statement. After considering

Defendant's Motion for Reconsideration, the Superior Court issued an order on September 23, 2005 directing Defendant to file the docketing statement by October 7, 2005. The order provided that if the prothonotary of the Superior Court had received the docketing statement by October 7, 2005, then Defendant's appeal would be reinstated.

On September 9, 2005, this Court issued a stipulated order permitting Defendant to file a statement of matters. Defendant filed the concise statement of matters on September 12, 2005.

Defendant's statement of matters raises issues challenging a pre-trial determination made by the Honorable Nancy L. Butts. On March 9, 2005, Defendant filed an omnibus pre-trial motion in which he moved for dismissal of the endangering the welfare of a minor and the invasion of privacy (18 Pa.C.S.A. §7507.1) charges. On April 4, 2005, Judge Butts issued an opinion and order denying the motion to dismiss the charges. Defendant does not challenge any ruling made by this court during the conduct of the trial. As such, this court will refrain from addressing Defendant's challenge to the pretrial determination of Judge Butts. *See, Gerrow v. Royle & Sons*, 813 A.2d 778, 782 (Pa. 2002) (Generally, judges of coordinate jurisdiction sitting in the same case should not overrule each others' decisions).

Accordingly, the issues Defendant raises in his statement of matters are best addressed by Judge Butts.

BY THE COURT,

William S. Kieser, Judge

cc: Public Defender (James Cleland, Esquire)  
District Attorney  
Judge Butts  
Judges  
Christian Kalas, Esquire  
Gary L. Weber, Esquire (Lycoming Reporter)