

**[J-109-2005]**  
**IN THE SUPREME COURT OF PENNSYLVANIA**  
**EASTERN DISTRICT**

COMMONWEALTH OF PENNSYLVANIA,	:	No. 13 EAP 2005
	:	
Appellee	:	Appeal from the Order entered on
	:	10/14/04 in the Superior Court at No. 1673
	:	EDA 2003 affirming the Judgment of
v.	:	Sentence entered on 5/15/03 in the Court
	:	of Common Pleas, Criminal Division of the
	:	Philadelphia County at No. 0303-1307
HARMON WESLEY,	:	
	:	
Appellant	:	Argued: October 17, 2005

**CONCURRING STATEMENT**

**MR. JUSTICE BAER**

**FILED: APRIL 25, 2006**

In this appeal, Appellant Harmon Wesley was convicted by a jury in criminal court, and the Superior Court affirmed the judgment of sentence. On appeal, Appellant raises issues regarding the prosecutor's closing arguments and the jury instructions during his criminal trial. Our Court now dismisses Appellant's appeal as having been improvidently granted.

I write separately to note that although Appellant complains of the prosecutor's closing arguments and the jury instructions, he has not provided this Court with a transcript covering the complained-of closing remarks and jury charge, making substantive review impossible. I concur with the majority's disposition because it is incumbent on Appellant to ensure that this Court is provided with documents necessary to a complete assessment of his arguments for reversal, and Appellant has failed to do so. See Pa.R.A.P. 1931, explanatory cmt. (2004). Whether such failure is the result of

ineffective assistance of counsel must be left for another day. See Commonwealth v. Grant, 813 A.2d 726 (Pa. 2002).

Madame Justice Newman joins this concurring statement.