

**J-74-2005**  
**IN THE SUPREME COURT OF PENNSYLVANIA**  
**EASTERN DISTRICT**

|                               |   |  |
|-------------------------------|---|--|
| COMMONWEALTH OF PENNSYLVANIA, | : | No. 448 CAP                              |
|                               | : |  |
| Appellant                     | : | Appeal from the Order entered on 04-30-  |
|                               | : | 2004 in the Court of Common Pleas,       |
|                               | : | Criminal Division of Philadelphia County |
| v.                            | : | granting PCRA petition at Nos. 2143      |
|                               | : | January Term 1983.                       |
|                               | : |  |
| SIMON PIRELA,                 | : |  |
|                               | : |  |
| Appellee                      | : | SUBMITTED: April 18, 2005                |

**ORDER**

**PER CURIAM**

**AND NOW**, this 20th day of August, 2007, the order of the Court of Common Pleas is affirmed. See Commonwealth v. Gibson, 925 A.2d 167 (Pa. 2007) (when Post Conviction Relief Act court's findings are supported by substantial evidence and legal conclusion is not clearly erroneous, determination petitioner is mentally retarded and cannot be executed is affirmed).