

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BERNARD LAMBERT : CIVIL ACTION
vs. :
LOUIS FOLINO, et al. : NO. 10-CV-1339

ORDER

AND NOW, this 26th day of March, 2014, upon consideration of the Petition for Writ of Habeas Corpus, inclusive of all exhibits thereto, the Commonwealth's response, inclusive of all exhibits thereto, the other documents filed by the parties, and after review of the Report and Recommendation of Chief United States Magistrate Judge Carol Sandra Moore Wells and Petitioner's objections thereto and Respondents' combined objections and responses to Petitioner's objections and Petitioner's response to State's objection to the Report and Recommendation of the Chief Magistrate Judge, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;
2. The Petition for a Writ of Habeas Corpus is GRANTED, with respect to Petitioner's Confrontation Clause claim; within (60) days of this Order, the Commonwealth shall retry Petitioner or release him from all custody;
3. The portions of Claims Four, Eleven and Twelve which concern ineffective assistance of state collateral counsel or procedural errors during state collateral proceedings are DISMISSED;

4. Petitioner's Sufficiency of Evidence claim is DENIED;
5. Claims Two and Three, the Cognizable Portions of Claim Four, Claims Five through Ten, the Cognizable Portions of Twelve and Claim Thirteen are DEFERRED, inasmuch as the writ is being granted on other grounds; and
6. Petitioner has demonstrated that reasonable jurists might disagree about this court's resolution of his Sufficiency of Evidence claim, hence a certificate of appealability is GRANTED with respect to this claim.

BY THE COURT:

s/J. Curtis Joyner
J. CURTIS JOYNER, J.