

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA,

Appellant

v.

KAZIMIR CRAIG GROHOWSKI,

Appellee

IN THE SUPERIOR COURT OF
PENNSYLVANIA

No. 1188 MDA 2011

Appeal from the Order of June 23, 2011,
in the Court of Common Pleas of Northumberland County,
Criminal Division, at No. CP-49-CR-0000706-2004

BEFORE: SHOGAN, OTT and COLVILLE*, JJ.

MEMORANDUM BY COLVILLE, J.:

Filed: March 12, 2013

The Commonwealth appeals the order granting a judgment of acquittal. We remand this case with instructions.

The procedural history of this matter is rather complex but, at this juncture, we need only note the following. Kazimir Grohowski was convicted and sentenced on multiple charges. Two entries on the trial court docket indicate that, on December 17, 2010, and January 5, 2011, Grohowski filed one or more documents apparently having the title "Motion for Leave to File Post-Sentencing Motion Papers, *Nunc Pro Tunc* and Affirmation of Service." There are indications in the record that the aforesaid document(s) had

* Retired Senior Judge assigned to the Superior Court.

various attachments (*e.g.*, proposed post-sentence motions) at the time the documents were filed.

Based on the docket entries indicating the filing of Grohowski's documents, and based on the manner in which the various items in the certified record are numbered and arranged, it appears Grohowski's filings of December 17, 2000, and January 5, 2011, were, in fact, once part of the record. However, they are not now included therein.

We remand this case with instructions to the trial court to take the necessary and reasonable steps to supplement the certified record with whatever documents and attachments were filed by Grohowski on December 17, 2010, and January 5, 2011.

The trial court shall do so forthwith and shall return the supplemented certified record to this Court within thirty days of the date of this memorandum.

Case remanded with instructions. Panel jurisdiction retained.