

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA

Appellee

v.

LESTER LEON WILSON

Appellant

IN THE SUPERIOR COURT OF
PENNSYLVANIA

No. 1132 MDA 2013

Appeal from the Order June 7, 2013
In the Court of Common Pleas of Juniata County
Criminal Division at No(s): CP-34-CR-0000104-2010

BEFORE: OTT, J., STABILE, J., and MUSMANNO, J.

CONCURRING MEMORANDUM BY OTT, J.: **FILED FEBRUARY 11, 2016**

I agree with the majority that Wilson is not entitled to relief in this matter. I write in concurrence to note that, in addition, I believe the trial court improperly questioned the witness, B.W., an 11-year-old girl, regarding her competency to testify and her understanding of the meaning of the witness oath, in front of the jury. **See *Commonwealth v. Washington***, 722 A.2d 643 (Pa. 1998) (*per se* rule against conducting competency colloquy of a child in front of the jury). However, the certified record demonstrates that the error was harmless in that the trial court never vouched for nor endorsed any aspect of B.W.'s testimony. **See *Commonwealth v. Hutchinson***, 25 A.3d 277, 294-95 (Pa. 2011) (harmless error in conducting colloquy before the jury where the trial court did not vouch for or endorse child's testimony).

Judges Stabile and Musmanno join the concurring memorandum.