

Appendix

1. Lower Court Order granting Alternate Issuing Authority
2. Lower Court Order denying Habeas Corpus Relief
3. Pa. Superior Court order granting Permission to Appeal
4. Pa. Superior Court order denying Permission to Appeal
5. Pa. Superior Court order denying Reconsideration
6. Pa. Supreme Court Allocatur Docket Sheet
7. Lower Court Order granting Informa Pauperis
8. Lower Court Order denying Post Conviction Relief
9. Criminal Complaint failure to list Act of Accused
10. Exhibit A section B, 5; Motion to Quash; Comment
11. Exhibit B; Petitioner's Subpoena for witness dated August 29, 2016
12. Exhibit C; Autopsy Report listing 2 different Causes of Death

Def.

Appendix 1

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS
: DAUPHIN COUNTY, PENNSYLVANIA
:
: NO. CP-22-MD- 1339 -2016
vs. : OTN: X-033689-5
:
: CHARGES: DRUG DELIVERY
: RESULTING IN DEATH (HEROIN);
: UNLAWFUL DELIVERY OF
CHARLES SMITH : CONTROLLED SUBSTANCE

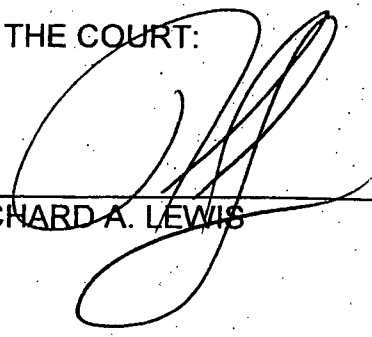
ORDER OF COURT

AND NOW, this 21ST Oct day of August, 2016, upon consideration of the Commonwealth's Petition for Assignment of an Alternate Issuing Authority;

IT IS HEREBY ORDERED that the Commonwealth's petition is granted.

This Honorable Court thereby orders that the preliminary hearing in the above-captioned matter is scheduled for the 26th day of Oct, 2016, at 1³⁰ o'clock PM, before this Honorable Court. Magisterial District Judge George Zozos is directed to transfer all original papers to this Honorable Court.

BY THE COURT:



RICHARD A. LEWIS P.J.

CLERK OF COURT
2016 OCT 21 PM 2:47
DAUPHIN CO. PA

Appendix 2

RECEIVED
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CLERK OF COURTS

2017 FEB -6 AM 10:07

DAUPHIN COUNTY
PENNA

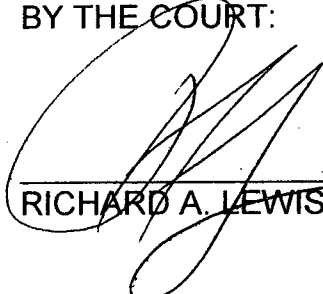
COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS
: DAUPHIN COUNTY, PENNSYLVANIA
:
vs. : NO. CP-22-CR-0005603-2016
:
: CHARGES: DRUG DELIVERY
: RESULTING IN DEATH; UNLAWFU
: DELIVERY OF CONTROLLED
CHARLES SMITH : SUBSTANCE; ET.AL.

ORDER OF COURT

AND NOW, this 6th day of February, 2017, upon consideration of t
defendant's "Motion to Dismiss Information/Habeas Corpus and Petition for Writ of
Habeas Corpus and Motion to Dismiss Information" and the Commonwealth's Answer
thereto;

IT IS HEREBY ORDERED that the defendant's motions are denied.

BY THE COURT:


RICHARD A. LEWIS

P.J

DISTRIBUTION:

✓
Christopher M. Jason, Deputy District Attorney
Charles Smith, D68421, 501 Mall Road, Harrisburg, PA 17111
Robert Sisock, Deputy Court Administrator – Criminal
The Honorable Richard A. Lewis
Clerk of Courts

Appendix 3

Filed 04/17/2017

**IN THE SUPERIOR COURT OF PENNSYLVANIA
MIDDLE DISTRICT**

COMMONWEALTH OF PENNSYLVANIA	:	No. 17 MDA 2017
	:	
v.	:	
	:	
CHARLES SMITH	:	
	:	
Appellant	:	

ORDER

Upon consideration of Appellant's *pro se* application for reconsideration of this Court's order of March 21, 2017, and Appellant's "Petition to Re-File Request for Permission to File Interlocutory Appeal" and "Arguments in Support of Appellate Review," the following is hereby **ORDERED**:

The portion of the March 21, 2017 order denying Appellant's February 24, 2017 "Motion to Grant Interlocutory Appeal" and March 8, 2017 "Request for Permission to Submit Interlocutory Appeal" as moot is hereby **VACATED**.

The Prothonotary is directed to docket the February 24, 2017 motion on this Court's miscellaneous docket as a petition for review of the trial court's order of February 6, 2017 denying nominal bail.

The Prothonotary is further directed to docket the March 8, 2017 motion on this Court's miscellaneous docket as a petition for permission to appeal from the trial court's order of February 6, 2017 denying *habeas corpus* relief.

PER CURIAM

**IN THE SUPERIOR COURT OF PENNSYLVANIA
MIDDLE DISTRICT**

COMMONWEALTH OF PENNSYLVANIA : No. 26 MDM 2017

v.

CHARLES SMITH

Petitioner

ORDER

Upon consideration of Petitioner's petition for permission to appeal from the trial court's order of February 6, 2017 denying *habeas corpus* relief, the following is hereby **ORDERED**:

Pennsylvania Rule of Appellate Procedure 1311(b) states: "Permission to appeal from an interlocutory order *containing the statement prescribed by 42 Pa.C.S. § 702(b)* may be sought by filing a petition for permission to appeal with the prothonotary of the appellate court" within 30 days after entry of such order below. ***Pa.R.A.P. 1311(b)*** (emphasis added). Certification pursuant to § 702(b) is a jurisdictional prerequisite to the filing of a petition for permission to appeal. ***See Herb v. Snyder***, 686 A.2d 412, 415 (Pa. Super. 1996), ***appeal denied***, 698 A.2d 67 (Pa. 1997). Section 702(b) certification *and* the filing of a petition for permission to appeal are *both* jurisdictional prerequisites to appeal an interlocutory order not appealable as of right. ***See Hoover v. Welsh***, 615 A.2d 45, 46 (Pa. Super. 1992), ***appeal denied***, 634 A.2d 222 (Pa. 1993).

The February 6, 2017 order does not contain the requisite language of § 702(b), *i.e.*, that the order "involves a controlling question of law as to which there is a substantial ground for difference of opinion and that an immediate appeal may materially advance the ultimate termination of the matter." ***See 42 Pa.C.S. § 702(b)***. Here, Petitioner did not request, and was not granted, § 702(b) amendment of the order entered February 6, 2017. Furthermore, the petition for permission to appeal fails "to present with accuracy, brevity, and clearness whatever is essential to a ready and adequate understanding of the points requiring consideration," ***Pa.R.A.P. 1312(d)***, and may be dismissed on this basis.

Appendix 9

Accordingly, the petition for permission to appeal is hereby **DENIED**.

17 A.3d 1287
Cum v. Hossel

Sua **PER CURIAM**
7/10/12

Appendix 5

Filed 06/20/2017

**IN THE SUPERIOR COURT OF PENNSYLVANIA
MIDDLE DISTRICT**

COMMONWEALTH OF PENNSYLVANIA : No. 26 MDM 2017

v.

CHARLES SMITH

Petitioner

ORDER

Upon consideration of Petitioner's application for reconsideration of this Court's June 2, 2017 order, the application is hereby **DENIED**.

PER CURIAM

**IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT**

COMMONWEALTH OF PENNSYLVANIA,	:	No. 503 MAL 2017
	:	
Respondent	:	
	:	
	:	Petition for Allowance of Appeal from
	:	the Order of the Superior Court
v.	:	
	:	
	:	
CHARLES SMITH,	:	
	:	
Petitioner	:	

ORDER

PER CURIAM

AND NOW, this 18th day of January, 2018, the Petition for Allowance of Appeal is **DENIED**.

IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

COMMONWEALTH OF PENNSYLVANIA, : No. 503 MAL 2017

Respondent : Motion to Reconsider

v.

CHARLES SMITH,

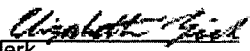
Petitioner

ORDER

PER CURIAM

AND NOW, this 26th day of February, 2018, the Motion to Reconsider is denied.

A True Copy Elizabeth E. Zisk
As Of 2/26/2018

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

Supreme Court of Pennsylvania



Allocatur Docket Sheet

Docket Number: 503 MAL 2017

Page 1 of 4

April 2, 2018

Appendix 6

CAPTION

Commonwealth of Pennsylvania, Respondent

v.

Charles Smith, Petitioner

CASE INFORMATION

Initiating Document: Petition for Allowance of Appeal

Case Status: Closed

Journal Number:

Case Category: Criminal

Case Type(s): Possession with Intent to Deliver

CONSOLIDATED CASES

RELATED CASES

Docket No / Reason	Type
140 MM 2016	Related
Same Record Below	
Commonwealth v. Smith, C., Pet.	
187 MM 2016	Related
Same Record Below	
Commonwealth v. Smith, C., Pet.	
344 MT 2017	Related
Same Record Below	
Commonwealth v. Smith, C., Pet.	

COUNSEL INFORMATION

Pro Se: Smith, Charles
 Address: #68421
 Dauphin County Prison
 501 Mall Road
 Harrisburg, PA 17111

Receive Mail: Yes
 Pro Se: Smith, Charles, Petitioner
 Pro Se: Yes
 IFP Status: Pa.R.A.P. 551

Attorney: Jason, Christopher Michael
 Dauphin County District Attorney's Office
 Address: 101 Market Street, Rm 205
 Harrisburg, PA 17101-2005
 Phone No: (717) 780-6767
 Representing: Commonwealth of Pennsylvania, Respondent
 Pro Se: No
 IFP Status:

Supreme Court of Pennsylvania



Allocatur Docket Sheet

Docket Number: 503 MAL 2017

Page 2 of 4

April 2, 2018

Appendix 4

COUNSEL INFORMATION

Attorney: Chardo, Francis T., III
 Address: Dauphin County District Attorney's Office
 101 Market St
 Harrisburg, PA 17101-2005
 Phone No: (717) 780-6767
 Representing: Commonwealth of Pennsylvania, Respondent
 Pro Se: No
 IFP Status:

Attorney: Lysaght, Ryan Hunter
 Address: Dauphin County District Attorney's Office
 101 Market Street, Rm 205
 Harrisburg, PA 17101
 Phone No: (717) 780-6767
 Representing: Commonwealth of Pennsylvania, Respondent
 Pro Se: No
 IFP Status:

SUPREME COURT INFORMATION

Appeal From:
 Appeal Filed Below:

Probable Jurisdiction Noted: Docketed Date: July 31, 2017
 Allocatur/Miscellaneous Granted: Allocatur/Miscellaneous Docket No.:
 Allocatur/Miscellaneous Grant Order:

FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
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INTERMEDIATE APPELLATE COURT INFORMATION

Court Name: Superior Docket Number: 26 MDM 2017
 Date of Order: June 2, 2017 Rearg/Recon Disp Date: June 20, 2017
 Rearg/Recon Disposition: Denied
 Judge(s): Per Curiam
 Intermediate Appellate Court Action: Order Denying Petition for Permission to Appeal
 Referring Court:

AGENCY/TRIAL COURT INFORMATION

Court Below: Dauphin County Court of Common Pleas
 County: Dauphin Division: Dauphin County Criminal Division
 Date of Agency/Trial Court Order: February 6, 2017
 Order Type: Order
 OTN(s):
 Lower Ct Docket No(s): CP-22-MD-0001339-2016

Supreme Court of Pennsylvania



Allocatur Docket Sheet

Docket Number: 503 MAL 2017

Page 3 of 4

April 2, 2018

Lower Ct Judge(s): Lewis, Richard A.
President Judge

Appendix 6

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content/Description
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Record Remittal:

REARGUMENT / RECONSIDERATION / REMITTAL

Filed Date: January 30, 2018
Disposition: Order Denying Application for Reconsideration Date: February 26, 2018
Reargument Order: AND NOW, this 26th day of February, 2018, the Motion to Reconsider is denied.
Record Remittal:

DISPOSITION INFORMATION

Related Journal No: Judgment Date:
Category: Decided Disposition Author: Per Curiam
Disposition: Order Denying Petition for Allowance of Appeal Disposition Date: January 18, 2018
Dispositional Filing: Author:
Filed Date:

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
June 30, 2017	Petition for Allowance of Appeal	Petitioner	Smith, Charles
July 3, 2017	Verified Statement in Support of Continuation of IFP Status	Petitioner	Smith, Charles
July 3, 2017	In Forma Pauperis Continued		Supreme Court of Pennsylvania
July 31, 2017	Case was transferred from 346 MT 2017		Office of the Prothonotary
Comments: Pleadings Perfected			
January 18, 2018	Order Denying Petition for Allowance of Appeal		Per Curiam
Comments: AND NOW, this 18th day of January, 2018, the Petition for Allowance of Appeal is DENIED.			



Appendix 6

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
January 18, 2018	Order Exited		Office of the Prothonotary
January 30, 2018	"Motion to Reconsider"	Petitioner	Smith, Charles
February 26, 2018	Order Denying Application for Reconsideration		Per Curiam
Comments: AND NOW, this 26th day of February, 2018, the Motion to Reconsider is denied.			
February 26, 2018	Order Exited		Office of the Prothonotary

CROSS COURT ACTIONS

Docket Number:	17 MDA 2017
Docket Number:	208 MT 2017
Docket Number:	25 MDM 2017
Docket Number:	26 MDM 2017
Docket Number:	344 MT 2017
Docket Number:	346 MT 2017
Docket Number:	461 MAL 2017

Appendix 7

COMMONWEALTH OF PENNSYLVANIA

v.

CHARLES E. SMITH
Defendant

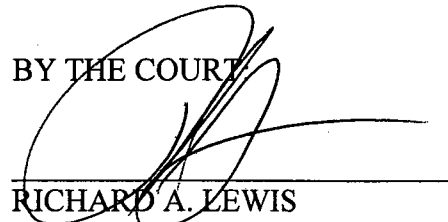
: IN THE COURT OF COMMON PLEAS
: DAUPHIN COUNTY, PENNSYLVANIA
:
: NO. 3690,3789-CR-2016; 1339-MD-2016
: PCRA

ORDER

AND NOW, this 22nd day of May, 2017, upon consideration of Defendant's Petition to

Waive all Transcript Costs and attached Poverty Affidavit filed in the above-captioned matter, IT
IS HEREBY ORDERED that Defendant's request to proceed IFP is hereby GRANTED.

BY THE COURT


RICHARD A. LEWIS
PRESIDENT JUDGE

DAUPHIN COUNTY
PENNA

2017 MAY -3 PM 1:03

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OFFICE OF
CLERK OF COURTS

Distribution:

Charles E. Smith, Inmate # 68421, DCP, 501 Mall Road, Harrisburg, PA 17111
Chris Jason, Esquire - Dauphin County District Attorney's Office
Court Reporter's Office - Susan Moore, RPR
Court Administration - Agnieszka Wrobel
Court Administration - Criminal Division
Clerk of Courts
FILE COPY - Chambers of the Honorable Richard A. Lewis

Appendix 8

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CLERK OF COURTS

2018 MAR 21 AM 9:17

DAUPHIN COUNTY
PENNA

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS
: DAUPHIN COUNTY, PENNSYLVANIA

vs. : NO. CP -22-5603-CR-2016

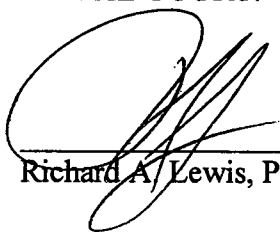
CHARLES E. SMITH

Defendant/Petitioner

ORDER

AND NOW, this 20th day of March, 2018, upon consideration of Petitioner's Petition for Post Conviction Relief, filed March 16, 2018, and this Court noting that Petitioner's case is still pending,¹ IT IS HEREBY ORDERED that said petition is hereby DENIED/DISMISSED.

BY THE COURT:



Richard A. Lewis, Pres. Judge

DISTRIBUTION:

District Attorney's Office – Michael Sprow, Esquire (PCRA)
Public Defender's Office – Mary Klatt, Esquire (Standby Counsel)
Charles E. Smith, Inmate #68421, Dauphin County Jail, 501 Mall Road, Harrisburg, PA 17111
Court Administration – Criminal Division
Clerk of Courts
FILE COPY - Chambers of the Honorable Richard A. Lewis

¹ Petitioner is currently scheduled for miscellaneous court on March 27, 2018.

Appendix 9

Jul. 6. 2016 2:27PM Dauphin County Booking

No. 1509 -P. 4-



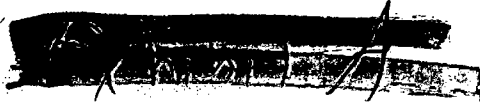
POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed:	OTN/LiveScan Number X033689-S	Complaint/Incident Number 16-0401-91-001
Defendant Name	First: CHARLES	Middle: E	Last: SMITH

The acts committed by the accused are described below with each Act of Assembly or statute allegedly violated, if appropriate. When there is more than one offense, each offense should be numbered chronologically.
(Set forth a brief summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated. The age of the victim at the time of the offense may be included if known. In addition, social security numbers and financial information (e.g. PINs) should not be listed. If the identity of an account must be established, list only the last four digits. 204 PA.Code §§ 213.1 - 213.7.)

Inchoate Offense	☐ Attempt 18 901 A	☐ Solicitation 18 902 A	☐ Conspiracy 18 903					
☒ 1	2506	A	of the Title 18	1	FF	26		
Lead?	Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
PennDOT Data (if applicable)		Accident Number	☐ Interstate		☐ Safety Zone		☐ Work Zone	
Statute Description (include the name of statute or ordinance): MURDER BY DELIVERY OF DRUGS								
Acts of the accused associated with this Offense:								

2 780-113 (a)(30) 35 1 F
Unl Delivery Controlled Substance - Heroin
CMT 8/29/16



Proof of Service

I, Charles E. Smith hereby declares that I have served the following documents "Petition for Certiorari" and Brief for Appellant" upon the following persons and in the manner prescribed below pursuant to F.R.AP. 25: First Class mail

Ryan Lysaght Esq.
Prosecutors Office Room 205
Dauphin County Courthouse
101 Market Street
Harrisburg, Pa. 17101

Eric Delp Esq. "Stand By"
Public Defenders Office
2 South 2nd Street
Harrisburg, Pa. 17101

Michael Sprow Esq.
Prosecutors Office Room 205
Dauphin County Courthouse
101 Market Street
Harrisburg, Pa. 17101

Suprme Court Clerk
Suite 4500
601 Commonwealth Avenue
Harrisburg, Pa. 17106

Date: May 9, 2018

C.C.: File

Respectfully Submitted,
Charles E. Smith 68421
Charles E. Smith #68421
Dauphin County Jail
501 Mall Road
Harrisburg, Pa. 17111