

**[J-26A-2005]**  
**IN THE SUPREME COURT OF PENNSYLVANIA**  
**EASTERN DISTRICT**

**CAPPY, C.J., CASTILLE, NIGRO, NEWMAN, SAYLOR, EAKIN, BAER, JJ.**

COMMONWEALTH OF PENNSYLVANIA,	:	No. 41 EAP 2004
	:	
Appellee	:	
	:	Appeal from the Order entered on
	:	10/28/03 in the Superior Court at No. 519
v.	:	EDA 2001 affirming the Judgment of
	:	Sentence entered on 8/4/00 in the Court of
	:	Common Pleas, Criminal Division of
	:	Philadelphia County at No. 1072 1/3
JOYCE SCHOFIELD,	:	September term 1999
	:	
Appellant	:	ARGUED: April 11, 2005

**DISSENTING OPINION**

**MR. JUSTICE SAYLOR**

**DECIDED: December 29, 2005**

For the reasons set forth in my dissenting opinion in Commonwealth v. Castillo, \_\_\_ Pa. \_\_\_, \_\_\_ A.2d \_\_\_ (2005), I favor the discretionary review paradigm prevailing in the Rule 1925 setting prior to the decision in Commonwealth v. Lord, 553 Pa. 415, 719 A.2d 306 (1998). Further, under the circumstances presented here, where there has been substantial and meaningful compliance with Rule 1925(b) by a pro se litigant providing a statement of matters complained of on appeal to the trial judge, who prepared his Rule 1925(a) opinion with the benefit of such statement, I agree with Judge Klein's dissenting position that the waiver rule should not be enforced. See Commonwealth v. Schofield, No. 519 EDA 2001, slip op. (Pa. Super. Oct. 28, 2001) (Klein, J., dissenting) ("If a trial court understands the issues and has provided th[e]

[appellate] court with an explanation for its order in the 1925(a) opinion, we are able to conduct meaningful appellate review and need not be concerned with the timeliness of the filing of the statement. To do otherwise undermines the integrity of this court and confidence in the appellate review process.”).

Accordingly, I respectfully dissent, as I would remand to the Superior Court for merits review.