

**[J-97A&B-2013][M.O. – Stevens, J.]
IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT**

COMMONWEALTH OF PENNSYLVANIA,	:	No. 599 CAP
	:	
Appellant	:	Appeal from the Order entered on
	:	9/30/09 (granting new trial and vacating
v.	:	death sentence entered on 3/8/07) in
	:	the Court of Common Pleas, Criminal
	:	Division of Lehigh County at No. CP-39-
	:	CR0003637-2003
JUNIUS BURNO,	:	
	:	
Appellee	:	SUBMITTED : November 4, 2013
	:	
COMMONWEALTH OF PENNSYLVANIA,	:	No. 46 EAP 2009
	:	
Appellee	:	Appeal from the Order entered on
	:	9/30/09 in the Court of Common Pleas,
v.	:	Criminal Division of Lehigh County at
	:	No. CP-39-CR-0003637-2003
JUNIUS BURNO,	:	
	:	
Appellant	:	SUBMITTED: November 4, 2013

CONCURRING OPINION

MR. JUSTICE SAYLOR

DECIDED: JUNE 16, 2014

I join the majority opinion except for its approval, as permissible “oratorical flair,” of the prosecutorial name-calling and expressions of personal opinion. Majority Opinion, slip op. at 29 (quoting N.T., March 5, 2007, at 770 (reflecting the district attorney’s statement, “The coward shot him while he was down on the ground. I know that. Fact.”)).

I appreciate the degree of preparation, commitment, and involvement required of Commonwealth attorneys in these high-stakes cases. On balance, however, I believe that justice would be better served if the Court were to enforce a higher standard of professionalism and caution prosecutors to restrain themselves in instances in which boundaries are tested and/or crossed. In other words, I would require Commonwealth attorneys to confine themselves more closely to the evidence and the applicable law both in the presentation of evidence and in arguments to jurors. Accord Commonwealth v. Cox, 581 Pa. 107, 148, 863 A.2d 536, 560 (2004) (Saylor, J., concurring and dissenting).