

**[J-9-2013] [OAJC: Baer, J.]
IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT**

COMMONWEALTH OF PENNSYLVANIA,	:	No. 58 MAP 2012
	:	
Appellee	:	Appeal from the Order of the Superior
	:	Court entered January 20, 2012 at No.
	:	2464 EDA 2009, vacating and remanding
v.	:	the Judgment of Sentence of the
	:	Delaware County Court of Common Pleas,
	:	Criminal Division, entered July 14, 2009 at
SHATAAN ADAMS,	:	No. 23 CR-0002312-2008
	:	
Appellant	:	ARGUED: September 10, 2013

CONCURRING OPINION

MR. CHIEF JUSTICE CASTILLE

DECIDED: November 20, 2014

I concur in the result reached by the Court on the basis of my Dissenting Opinion in the companion case, Commonwealth v. Molina, ___ A.3d ___ (Pa. 2014). Because this case involves a pre-arrest scenario, in my view, the reference to appellant's pre-arrest silence during the course of the police investigation did not impinge upon his constitutional rights, irrespective of whether the prosecution later exploited the reference. In the alternative, I agree with Mr. Justice Baer's explanation of why the reference at issue did not implicate the right to silence, even if such a right could be said to obtain in the pre-arrest scenario.