

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

COMMONWEALTH OF PENNSYLVANIA,	:	No. 797 MAL 2006
	:	
Petitioner	:	
	:	
v.	:	Petition for Allowance of Appeal from the
	:	Memorandum and Order of the Superior
	:	Court entered August 22, 2006 at No. 89
	:	EDA 2005, affirming the Order of the
	:	Court of Common Pleas of Delaware
MICHAEL FITHIAN,	:	County entered December 6, 2004 at No.
	:	4110 of 2003.
Respondent	:	

**DISSENTING STATEMENT**

**MR. JUSTICE SAYLOR**

**FILED: May 2, 2007**

I respectfully dissent, as I believe that the facts of this case are materially distinguishable from those before the Court in Commonwealth v. Nolan, 855 A.2d 834, 839 (Pa. 2004); Nolan's footnote 7 is dictum in any event, since that case concerned the application of a prior version of Section 110; and the trial court opinion in this case, adopted by the Superior Court, contains an extensive discussion of the “occur[rence] within the same judicial district” term of Section 110. At this juncture, I offer no comment on the merits; I merely believe that the majority’s present order is likely to cause confusion, in light of the above considerations.