

[J-107-2002]
IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT

CAPPY, C.J., CASTILLE, NEWMAN, SAYLOR, BAER, BALDWIN, JJ.

COMMONWEALTH OF PENNSYLVANIA,	:	No. NO. 338 CAP
	:	
Appellee	:	Appeal from the Order entered on April 5,
	:	2001 at No. 269-1995 in the Court of
	:	Common Pleas. Criminal Division of
v.	:	Schuykill County
	:	
	:	
MARK NEWTON SPOTZ,	:	
	:	SUBMITTED: May 20, 2002
Appellant	:	
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CONCURRING OPINION

MR. CHIEF JUSTICE CAPPY

DECIDED: May 2, 2006

I join the majority opinion in all but one facet. With respect to the analysis of Appellant’s claim alleging discrimination in jury selection on the basis of gender, I join in the views expressed by Mr. Justice Saylor in his Concurring and Dissenting Opinion and Mr. Justice Castille in his Concurring Opinion regarding the application of our recent decision in Commonwealth v. Uderra, 862 A.2d 74 (Pa. 2004) to this issue.