

**[J-114-2007]**  
**IN THE SUPREME COURT OF PENNSYLVANIA**  
**EASTERN DISTRICT**

COMMONWEALTH OF PENNSYLVANIA,	:	No. 528 CAP
	:	
Appellee	:	Application for Reargument of the
	:	Decision Rendered January 23, 2009
	:	
v.	:	962 A.2d 1170 (Pa. 2009)
	:	
	:	
JAMES W. VANDIVNER,	:	
	:	
Appellant	:	

**CONCURRING OPINION ON REARGUMENT**

**MR. JUSTICE BAER**

**FILED: July 22, 2009**

I join in full the Chief Justice's astute legal analysis of the presented issues. I very respectfully disassociate myself from what I perceive as personal harsh criticism of counsel as I believe this Court should lead in promoting civility in our great profession.