

[J-155-2006]
IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT

COMMONWEALTH OF PENNSYLVANIA,	:	Nos. 506 & 507 CAP
	:	
Appellee	:	Appeal from the Judgment of Sentence
	:	entered on June 21, 2002, in the Court of
v.	:	Common Pleas of Jefferson County at CP-
	:	33-CR-0000026-2001 and CP-33-CR-
	:	0000524-2001
	:	
ROBERT GENE REGA,	:	
	:	
Appellant	:	ARGUED: December 5, 2006
	:	
	:	
	:	
	:	
	:	

CONCURRING OPINION

MR. CHIEF JUSTICE CAPPY

DECIDED: October 17, 2007

I join the majority opinion subject to similar concerns raised by Justice Castille in his concurring opinion regarding the scope of the “Bomar¹ exception” to this court’s decision in Commonwealth v. Grant, 813 A.2d 726 (Pa. 2002). I agree with Justice Castille that “we should examine more squarely the procedural question of whether and when criminal defendants ... should be afforded the post-verdict and direct appeal unitary review which occurred in Bomar.” Concurring Opinion at 2 (Castille, J.). My fear is that continued employment of the “Bomar exception” will eventually swallow the rule we announced in Grant governing the presentation of ineffectiveness claims.

¹ Commonwealth v. Bomar, 826 A.2d 831 (Pa. 2003).