

[J-177-2006]
IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT

COMMONWEALTH OF PENNSYLVANIA,	:	No. 22 EAP 2004
	:	
Appellee	:	Appeal from the Judgment of the Superior
	:	Court Entered on November 18, 2003 at
v.	:	No. 1586 EDA 2002, reversing the
	:	Judgment of Sentence of the Court of
	:	Common Pleas of Philadelphia County,
	:	Criminal Division, entered on April 9, 2002
CHRISTOPHER HOLMES,	:	at 1287 March Term, 1996
	:	
Appellant	:	837 A.2d 501
	:	
	:	ARGUED: October 18, 2004
	:	RESUBMITTED: November 21, 2006
	:	
COMMONWEALTH OF PENNSYLVANIA,	:	No. 24 EAP 2004
	:	
Appellant	:	Appeal from the Judgment of the Superior
	:	Court Entered on August 22, 2003 at No.
v.	:	3194 EDA 2002, affirming the order of the
	:	Court of Common Pleas of Philadelphia
	:	County, Criminal Division, entered on
	:	October 10, 2002 at 9106-2342-44 1/1
RUFUS WHITFIELD,	:	
	:	
Appellee	:	ARGUED: October 18, 2004
	:	RESUBMITTED: November 21, 2006

CONCURRING OPINION

JUSTICE FITZGERALD

DECIDED: October 16, 2007

I agree with the majority's conclusion that trial courts retain the inherent authority to correct patent errors they have made, specifically and especially in the context of

recognizing and rectifying illegal sentences where justice requires it. I therefore join the majority in the matter of Commonwealth v. Holmes.

With respect to Commonwealth v. Whitfield, however, I concur in the result only. I believe that the courts below ultimately reached the only just result by vacating Whitfield's illegal sentence, and I would not have granted allocatur in this matter.