

[J-193-1997]
THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

COMMONWEALTH OF PENNSYLVANIA,	:	No. 38 M.D. Appeal Docket 1997
	:	
Appellant	:	Appeal from the Order of the Superior
	:	Court dated September 19, 1996, at No.
	:	952 Philadelphia 1995, reversing/vacating
v.	:	and remanding the Order of the
	:	Northumberland County Common Pleas
	:	Court dated February 15, 1995 at Nos. 30
DANIEL KIMBALL,	:	C 1989 and 31 C 1989
	:	
Appellee	:	683 A.2d 666 (Pa. Super. 1996)
	:	
	:	SUBMITTED: October 23, 1997

CONCURRING OPINION

MR. JUSTICE ZAPPALA:

DECIDED: JANUARY 22, 1999

I join in the majority opinion as I agree that the standard to evaluate counsel's effectiveness on direct appeal should equally apply to ineffective counsel claims under the Post Conviction Relief Act. Although I joined Justice Montemuro's opinion in Commonwealth v. Buehl, 540 Pa. 493, 658 A.2d 771 (1995), which held to the contrary, the protracted confusion in this area of the law convinces me that a separate standard for PCRA ineffectiveness claims is unworkable. Further, upon reflection, I am persuaded that the discrepancy in the language utilized in the PCRA and that espoused in Commonwealth v. Pierce, 515 Pa. 153, 527 A.2d 973 (1987), amounts to a distinction without a difference. Accordingly, I conclude that the better approach is that taken by the majority opinion.