

[J-201-2003]
IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT

COMMONWEALTH OF PENNSYLVANIA,	:	No. 384 CAPITAL APPEAL DOCKET
	:	
Appellee	:	Appeal from the Order entered on 6/18/02
	:	in the Court of Common Pleas of
v.	:	Philadelphia County, Criminal Division,
	:	dismissing Appellant's PCRA petition at
	:	No. 1156 May Tern 1986
	:	
RUSSELL COX,	:	
	:	
Appellant	:	SUBMITTED: November 6, 2003
	:	
	:	
	:	
	:	

DISSENTING OPINION

MR. JUSTICE NIGRO

DECIDED: December 22, 2004

I dissent, as I agree with Justice Saylor that Appellant is entitled to an evidentiary hearing on his claim that counsel was ineffective for failing to object to the trial court's instructions as to vicarious criminal liability.