

[J-24-2007]
IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT

COMMONWEALTH OF PENNSYLVANIA,	:	No. 46 EAP 2006
	:	
Appellee	:	Appeal from the Judgment of Superior
	:	Court entered on April 20, 2006 at No.
	:	1362 EDA 2004 affirming in part and
v.	:	vacating in part the Judgment of Sentence
	:	entered on April 26, 2004 in the Court of
	:	Common Pleas, Philadelphia County,
EDWARD GORDON,	:	Criminal Division at No. CP-51-CR-
	:	0414381-2002.
Appellant	:	

ARGUED: April 16, 2007

CONCURRING OPINION

MR. JUSTICE EAKIN

DECIDED: December 28, 2007

I agree with Justice Castille's position on waiver of issues related to the non-retroactive Apprendi case, and decline to join footnote eleven. Otherwise, I join the majority.