

J-85-2007
IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT

COMMONWEALTH OF PENNSYLVANIA,	:	No. 48 WAP 2005
	:	
Appellant	:	
	:	Appeal from the Order of the Court of
	:	Common Pleas of Erie County, entered
v.	:	November 9, 2005 at No. CP-25-CR-
	:	0000241-2005.
	:	
MICHAEL A. FINCHIO,	:	
	:	SUBMITTED: September 7, 2006
Appellee	:	

CONCURRING STATEMENT

MR. CHIEF JUSTICE CAPPY

FILED: JULY 18, 2007

I join the majority opinion based on this Court's majority decision in Commonwealth v. Duda, 932 A.2d 1138 (Pa. 2007). If I were writing on a clean slate, my position would be that expressed in Mr. Justice Castille's dissenting opinion in Duda, which I joined.

Messrs. Justice Castille and Fitzgerald join this concurring statement.