

(Castille, J. - M.O.)

[J-52-99]  
IN THE SUPREME COURT OF PENNSYLVANIA  
MIDDLE DISTRICT

COMMONWEALTH OF PENNSYLVANIA, : Nos. 113 And 114 M.D. Appeal Dockets  
: 1998  
Appellee/Cross-Appellant :  
: Appeal from the Order of the Superior  
: Court entered October 28, 1997 at  
: 88 PHL 97 reversing the order of the  
v. : Court of Common Pleas of Sullivan  
: County entered December 5, 1996 at  
: No. 95-98 and remanding for a new trial.  
ROSA M. HARTFORD, :  
: Appellant :  
: ARGUED: 4/26/99  
:  
:

**DISSENTING STATEMENT**

**MR. JUSTICE CAPPY**

**FILED: AUGUST 18, 1999**

I dissent from the decision of the majority to dismiss this matter as having been improvidently granted. I would reach the issues as presented because I have grave doubts whether 18 Pa.C.S. §2904(a) was intended to apply to factual situations such as those presented in this case.

Madame Justice Newman joins this Dissenting Statement.