

**[J-121-1998]**  
**IN THE SUPREME COURT OF PENNSYLVANIA**  
**EASTERN DISTRICT**

COMMONWEALTH OF PENNSYLVANIA,	:	No. 177 Capital Appeal Docket
	:	
Appellee	:	
	:	
v.	:	
	:	SUBMITTED: MAY 11, 1998
DANIEL JACOBS,	:	
	:	
Appellant	:	
	:	
	:	
	:	
	:	

**CONCURRING OPINION**

**MR. JUSTICE NIGRO**

**DECIDED: March 26, 1999**

I join in the Majority opinion. With regard to footnote number 8, however, I note that I agree that a standardized Simmons instruction should be given in all capital cases for the reasons more fully explained in my concurring opinion in Commonwealth v. Clark, 710 A.2d 31, 43-44 (Pa. 1998) (Nigro, J., concurring).

Mr. Chief Justice Flaherty joins in the Concurring Opinion.