

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA

Appellee

v.

LUIS T. GAUTHIER

Appellant

IN THE SUPERIOR COURT OF
PENNSYLVANIA

No. 2327 EDA 2014

Appeal from the Judgment of Sentence July 10, 2014
In the Court of Common Pleas of Philadelphia County
Criminal Division at No(s): CP-51-CR-0015241-2013

BEFORE: LAZARUS, J., OTT, J., and STEVENS, P.J.E.*

CONCURRING STATEMENT BY STEVENS, P.J.E.: **FILED APRIL 11, 2016**

I agree with the Majority that the trial court did not err in providing additional instructions to the jury, and thus, Appellant's sole appellate claim lacks merit. However, unlike the Majority, I would not raise *sua sponte* the issue of whether Appellant's driving while under the influence convictions merged for sentencing purposes.

*Former Justice specially assigned to the Superior Court.