

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
Appellant	:	
	:	
v.	:	
	:	
ANGEL RIBOT	:	No. 1190 EDA 2015

Appeal from the Order March 27, 2015
 In the Court of Common Pleas of Philadelphia County
 Criminal Division at No(s): CP-51-CR-0009168-2014

BEFORE: BENDER, P.J.E., MOULTON, and FITZGERALD*, JJ.

CONCURRING STATEMENT BY FITZGERALD, J.: **FILED AUGUST 15, 2017**

I agree with the majority that the best evidence rule does not preclude the admission of testimony that Appellant was in possession of the buy money. However, I believe the trial court acted within its discretion when it credited Appellant’s evidence of a written policy requiring that the buy money be photocopied over the testimony regarding a change in policy. Thus, there was an adequate basis for the trial court to find a violation of departmental policy, which could give rise to a sanction. However, the preclusion of all testimony regarding the buy money appears to be a drastic remedy that is not supported by the circumstances of this case. Thus, I concur in the result.

* Former Justice specially assigned to the Superior Court.