

NON-PRECEDENTIAL DECISION – SEE SUPERIOR COURT I.O.P 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
v.	:	
	:	
	:	
ADRIENE WILLIAMS	:	
	:	No. 220 WDA 2017

Appeal from the Judgment of Sentence August 26, 2018
In the Court of Common Pleas of Allegheny County Criminal Division at
No(s): CP-02-CR-0009769-2015

BEFORE: BOWES, J., NICHOLS, J., and STRASSBURGER, J.*

CONCURRING MEMORANDUM BY STRASSBURGER, J.:

FILED DECEMBER 28, 2018

I agree with the Majority that Appellant’s judgment of sentence should be affirmed. However, I believe that Appellant waived her mistrial claim by waiting until the close of the Commonwealth’s case before renewing her motion for mistrial. See Pa.R.Crim. P. 605(B); Commonwealth v. Randolph, 421 A.2d 469, 470–71 (Pa. Super. 1980) (finding mistrial claim precluded where defense counsel waited until Commonwealth had concluded its case to move for mistrial); see also Commonwealth v. Cornelius, 180 A.3d 1256, 1261–62 (Pa. Super. 2018) (finding claim challenging denial of motion for mistrial waived where defense counsel failed to object at time of alleged prejudice). Even if Appellant is not precluded from raising her mistrial

*Retired Senior Judge assigned to the Superior Court.

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claim, I agree with the Majority that any such claim lacks merit as the defense conceded at trial. See Majority Opinion at 8-9.