

[J-41-2012]
IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT

COMMONWEALTH OF PENNSYLVANIA,	:	No. 34 WAP 2011
	:	
Appellant	:	Appeal from the Order of the Superior
	:	Court entered November 10, 2010 at No.
	:	2140 WDA 2008, vacating the Judgment
v.	:	of Sentence of the Court of Common
	:	Pleas of Allegheny County entered
	:	November 25, 2008 and the Order entered
DARRELL TYRONE JAMES,	:	October 22, 2008 at No. CP-02-CR-
	:	0011630-2007 and remanding.
Appellee	:	
	:	12 A.3d 388 (Pa.Super. 2010)
	:	
	:	ARGUED: April 10, 2012

CONCURRING OPINION

MR. JUSTICE McCAFFERY

DECIDED: May 29, 2013

I agree with the Majority's disposition and join it in its entirety. I write separately and respectfully only to briefly note my belief that the phrase "trash pull" is accepted police jargon, recognized by Pennsylvania jurisprudence as describing the investigation of **discarded** trash. See Commonwealth v. Washington, 858 A.2d 1255 n.5 (Pa.Super. 2004) (noting that a "trash pull" is "the investigation of **discarded** trash from a residence.") (emphasis added). The lower courts, in my view, should have noticed and accepted this definition, which would have corroborated and validated the challenged fact without the necessity of re-opening the suppression hearing to question the detective regarding the location of the trash.