

[J-117A&B-1999]
THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT

COMMONWEALTH OF PENNSYLVANIA,	:	No. 10 W.D. Appeal Docket 1999
	:	
Appellee,	:	Appeal from the Judgment of the Superior
	:	Court entered on June 12, 1998, at No.
	:	1330PGH97 reversing the Order of the
v.	:	Court of Common Pleas of Allegheny
	:	County, Criminal Division, entered on
	:	June 20, 1997 at No. CC9603250.
DAVID M. TORRES A/K/A MICHAEL	:	
WILLIAMS,	:	714 A.2d 416 (Pa. Super. 1998)
	:	
Appellant.	:	ARGUED: September 14, 1999

COMMONWEALTH OF PENNSYLVANIA,	:	No. 67 W.D. Appeal Docket 1999
	:	
Appellee,	:	Appeal from the Judgment of the Superior
	:	Court entered on November 23, 1998, at
	:	No. 115PGH98 reversing the Order of the
v.	:	Court of Common Pleas of Allegheny
	:	County, Criminal Division, entered on
	:	January 5, 1998, at CC No. 9602993 and
ELIJAH WILLIAMS a/k/a BOB TORRES,	:	remanding the matter.
	:	
Appellant.	:	ARGUED: September 14, 1999

CONCURRING AND DISSENTING OPINION

MADAME JUSTICE NEWMAN

DECIDED: JANUARY 18, 2001

Regarding the resolution by the majority of the appeal of Elijah Williams a/k/a/ Bob Torres (Williams), I concur. My dissent is with the majority's disposition in the appeal of David M. Torres a/k/a Michael Williams (Torres). I would have affirmed the Superior Court's conclusion that the search warrant affidavit demonstrated

probable cause to search Torres' apartment. See Commonwealth v. Torres, 714 A.2d 416, 420-421 (Pa. Super. 1998). I write separately because I believe that the factual details recited in the affidavit, and the corroboration of those details by the police, sufficiently established the reliability of the unnamed witnesses. Because the affidavit itself illustrated the trustworthiness of the witnesses, there is no need to presume their credibility. Accordingly, the issue of whether an unnamed witness is entitled to a presumption of reliability is best left for another day.