

[J-127-2005]
IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

COMMONWEALTH OF PENNSYLVANIA,	:	No. 58 MAP 2005
	:	
Appellant	:	Appeal from the Order of the Superior
	:	Court entered on January 26, 2004, at No.
	:	549 MDA 2002, reversing the Judgment of
v.	:	Sentence, in regard to the sexually violent
	:	predator determination, of the Court of
	:	Common Pleas of York County entered
DANIEL MEALS,	:	February 28, 2002, at No. 5375 CA 2000.
	:	
Appellee	:	842 A.2d 448 (Pa. Super. 2004)
	:	
	:	ARGUED: December 7, 2005

CONCURRING OPINION

MR. CHIEF JUSTICE CAPPY

DECIDED: December 27, 2006

I join the Majority Opinion, with the understanding that in this case, the test for conducting appellate review of the sufficiency of the evidence is whether the evidence and all reasonable inferences deducible therefrom, viewed in the light most favorable to the Commonwealth as the prevailing party, was sufficient to establish all of the elements of sexually violent predator (“SVP”) status under 42 Pa.C.S. §9792, see Commonwealth v. Frey, 904 A.2d 866, 871 (Pa. 2006), and that Mr. Loop’s testimony as to the process he followed in examining the factors listed in 42 Pa.C.S. §9795.4(b) for assessing SVP status represents nothing more than his own notion of the evaluation the statute required of him. In the present case, this Court was not asked to construe 42 Pa.C.S. §9795.4(b). That matter remains for another day.

Mr. Justice Baer joins this concurring opinion.