

[J-140-2001]
IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT

COMMONWEALTH OF PENNSYLVANIA,	:	No. 315 CAP
	:	
Appellee	:	Appeal from the Order of the Court of
	:	Common Pleas of Lehigh County, Criminal
	:	Division, entered 9/15/2000 at No.
v.	:	1827/1995 denying the PCRA petition
	:	
	:	
EDWIN RIOS ROMERO,	:	
	:	
Appellant	:	SUBMITTED: August 2, 2001

CONCURRING OPINION

MR. CHIEF JUSTICE CAPPY

DECIDED: December 28, 2007

I join the majority opinion with the exception of the legal point raised by Justice Saylor's concurring and dissenting opinion. Specifically, I agree with Justice Saylor that Appellant may rely on Williams v. Taylor, 529 U.S. 362 (2000) and Wiggins v. Smith, 539 U.S. 510 (2003), in support of his claim that counsel was ineffective for failing to adequately investigate mitigating evidence as this court has clearly allowed such reliance in the past. See Concurring and Dissenting Opinion at 5-7 (pointing out that this court has previously rejected the majority's perspective regarding Williams and Wiggins in Commonwealth v. Hughes, 865 A.2d 761 (Pa. 2004)). Nevertheless, in this case, I join the result of the majority opinion on this issue because I agree that the quality of evidence that Appellant proffered in support of his claim of counsel's ineffectiveness for failing to adequately investigate and present mitigating evidence was too weak to justify a new penalty phase hearing.

Mr. Justice Baer joins this concurring opinion.