

[J-140-2002]

IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT

COMMONWEALTH OF PENNSYLVANIA, : No.362 CAP
: :
Appellee : :
: Appeal from the Order dated November 8,
: 2001 denying post-conviction relief, at No.
v. : 1134-88, in the Court of Common Pleas of
: Montgomery County
: :
ROBERT FISHER, : :
: :
Appellant : SUBMITTED: April 5, 1999
: :
: :
: :

CONCURRING OPINION

MR. JUSTICE NIGRO

DECIDED: December 31, 2002

I concur in the result. I write separately, however, to note that I, like Justice Cappy, believe that Appellant's claims of straight trial court error are waived and therefore, not subject to review on the merits. See Commonwealth v. Ford, 809 A.2d 325, 329 (Pa. 2002) (opinion announcing judgment of the Court); Commonwealth v. Bracey, 795 A.2d 935, 939-40 (Pa. 2001).