

[J-175-2006]
IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT

COMMONWEALTH OF PENNSYLVANIA,	:	No. 447 CAP
	:	
Appellee	:	Appeal from the Order of the Court of
	:	Common Pleas of Philadelphia County,
	:	Trial Division, Criminal Section, entered on
v.	:	April 30, 2004, at Nos. 155-166, February
	:	Term 1984, Denying PCRA Relief.
	:	
DEWITT CRAWLEY,	:	
	:	
Appellant	:	SUBMITTED: October 27, 2006
	:	
	:	

CONCURRING OPINION

MR. JUSTICE EAKIN

DECIDED: May 31, 2007

I join the majority opinion. I write separately to reiterate my concerns expressed in Commonwealth v. Miller, 888 A.2d 624, 633 (Pa. 2005) (Eakin, J., concurring) (stating “no legislation has been passed to [set mental retardation standards for capital defendants since Atkins v. Virginia, 536 U.S. 304 (2002), and] this is inherently a legislative matter--it is hoped that the legislature would also act without further delay.”). It has been almost five years since Atkins was decided, and the legislature has still not acted in this regard. In the continued absence of legislative action, I agree with the three-part construct Justice Castille set forth in his concurring opinion. See Concurring Slip Op., at 3.