

**[J-235-99]**  
**IN THE SUPREME COURT OF PENNSYLVANIA**  
**EASTERN DISTRICT**

COMMONWEALTH OF PENNSYLVANIA,	:	No. 224 Capital Appeal Dkt.
	:	
Appellee	:	
	:	Appeal from the Judgment of Sentence
	:	entered on 2/23/98 in the Court of
v.	:	Common Pleas of Berks County, Criminal
	:	Division at No. 117-97
	:	
SHAWNFATEE MICHAEL BRIDGES,	:	
	:	
Appellant	:	Argued: November 15, 1999

**CONCURRING OPINION**

**MR. JUSTICE SAYLOR**

**DECIDED: August 24, 2000**

I join the majority's disposition and reasoning with respect to all issues, except as to the question concerning the application of the Davenport/Duncan six-hour rule to Appellant's written confession. With respect to such issue, I join only the majority's disposition, as I agree with its conclusion, in footnote 13, that this Court's decision in Commonwealth v. Hughes, 521 Pa. 423, 451, 555 A.2d 1264, 1278 (1989), is controlling. In text, however, the majority also holds that the six-hour rule does not apply to a custodial interrogation where the defendant has not been formally placed under arrest for the crime about which he or she is being questioned. I disagree that application of a judicially-imposed, bright-line rule set out to advance the salutary purposes of assuring prompt arraignment and controlling the effects of custodial interrogation should depend entirely upon the context, or potentially pretext, initially employed by law enforcement officers to bring the defendant into the interrogation

setting. In my view, as the rule is formulated, the policies underlying it can be consistently effectuated only if the subject matter of the custodial interrogation is made the controlling consideration, as was suggested in Commonwealth v. Persiano, 555 Pa. 428, 432, 725 A.2d 151, 153 (1999).

Given the present holding, I now favor abandonment of the Davenport/Duncan construct and reversion to the federal model entailing consideration of the totality of the circumstances in every case. See, e.g., Arizona v. Fulminante, 499 U.S. 279, 285-86, 111 S. Ct. 1246, 1252 (1991). I find the federal model vastly superior to continuation of a rule so readily capable of avoidance as to function as no rule at all; indeed, I believe that its maintenance on such terms carries with it the potential for diminishing respect for the courts' authority in the eyes of those subject to their lawful mandates.

Mr. Justice Cappy joins this concurring opinion.