

**[J-239-1999]**  
**IN THE SUPREME COURT OF PENNSYLVANIA**  
**EASTERN DISTRICT**

COMMONWEALTH OF PENNSYLVANIA,	:	No. 202 Capital Appeal Docket
	:	
Appellee	:	
	:	Appeal from the Judgment of Sentence of
	:	Death entered by the Court of Common
v.	:	Pleas of Cumberland County (Hoffer, J.)
	:	dated June 18, 1996.
	:	
MARK NEWTON SPOTZ,	:	
	:	ARGUED: November 15, 1999
Appellant	:	
	:	
	:	

**CONCURRING OPINION**

**MR. CHIEF JUSTICE FLAHERTY**

**DECIDED: October 20, 2000**

A jury with the weighty responsibility of deciding whether one lives or is put to death certainly should be made aware of what is meant by life without parole in this commonwealth, thus, although I join the majority, I write once again to express my view that a Simmons type instruction should be given in all capital cases.