

**[J-24-2006]**  
**IN THE SUPREME COURT OF PENNSYLVANIA**  
**EASTERN DISTRICT**

**CAPPY, C.J., CASTILLE, NEWMAN, SAYLOR, EAKIN, BAER, BALDWIN, JJ.**

COMMONWEALTH OF PENNSYLVANIA,	:	No. 26 EAP 2005
	:	
Appellant	:	Appeal from the Judgment of Superior
	:	Court on August 23, 2004 at No. 3036
	:	EDA 2003 (reargument denied on October
v.	:	7, 2004) Vacating and Remanding the
	:	Judgment of Sentence entered on October
	:	1, 2003 in the Court of Common Pleas of
ALLEN WILEY,	:	Philadelphia County, Criminal Division at
	:	No. 0303-0833 1/1
Appellee	:	
	:	
	:	
	:	
	:	Submitted: January 19, 2006
	:	

**DISSENTING STATEMENT**

**MR. JUSTICE EAKIN**

**Filed: August 23, 2006**

I respectfully dissent from the decision to dismiss this matter as improvidently granted. I believe this case presents the Court with the opportunity to clarify the distinctions between the inevitable discovery exception and independent source exception to the exclusionary rule.