

[J-255-1998]
IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

COMMONWEALTH OF PENNSYLVANIA,	:	No. 56 M.D. Appeal Dkt. 1998
	:	
Appellee,	:	Appeal from the Order of the Superior
	:	Court dated August 1, 1997 at 836 HBG
	:	1996 affirming the judgment of sentence
v.	:	entered by the Court of Common Pleas of
	:	Cumberland County dated October 3,
	:	1996 at No. 96-1436.
PHILIP S. BEACHEY,	:	
	:	698 A.2d 1325 (Pa. Super. 1997)
Appellant.	:	
	:	ARGUED: November 19, 1998

DISSENTING OPINION

MR. JUSTICE CASTILLE

DECIDED: APRIL 20, 1999

I disagree with the majority that the wording of 75 Pa.C.S. § 4306(a) makes it inapplicable in the circumstances of this case. In my view, the use of high beams during the daylight hours can cause the type of driving distraction that the legislature attempted to cure by enacting 75 Pa. C.S. § 4306. Here, the police officer's issuance of a traffic citation was not inappropriate considering that appellant repeatedly flashed his high beams in the dubious effort to draw the attention of passing motorists to the presence of a police radar unit. In fact, the police officer displayed eminent leniency by only issuing appellant a traffic citation when he should have been charged with the more serious offense of obstructing governmental operations. See 18 Pa.C.S. § 5101. Because I believe that section 4306 applies to the conduct evidenced by appellant in this matter, I respectfully dissent.