

[J-263-1999]
IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT

COMMONWEALTH OF PENNSYLVANIA,	:	No. 223 Capital Appeal Docket
	:	
Appellee	:	Appeal from the Order of the Court of
	:	Common Pleas of Philadelphia County,
	:	Criminal Division, dated January 29, 1998
v.	:	
	:	
JAMES LAMBERT,	:	
	:	
Appellant	:	SUBMITTED: November 8, 1999

CONCURRING OPINION

MR. JUSTICE ZAPPALA

DECIDED: December 31, 2001

I concur in the result. I write separately to disassociate myself from the discussion by the author of the Opinion Announcing the Judgment of the Court of the particular standard for appellate counsel ineffectiveness set forth on pages 12 through 15, as I believe that represents the position of that author, rather than the position of a majority of this Court.¹ As I set forth my understanding of our Court's jurisprudence in this regard in my concurring opinion in Commonwealth v. Williams, 782 A.2d 517 (Pa. 2001), I need not repeat it here.

¹ I am cognizant of the assertion made by the author of the Opinion Announcing the Judgment of the Court that this opinion "reflects a refusal to accept *stare decisis*." Opinion Announcing the Judgment of the Court at 13 n. 11. Such a contention does not merit a response.