

**[J-265-1999]**  
**IN THE SUPREME COURT OF PENNSYLVANIA**  
**EASTERN DISTRICT**

COMMONWEALTH OF PENNSYLVANIA,	:	No. 211 Capital Appeal Dkt.
	:	
Appellee	:	Appeal from the Order entered 12/4/97 in
	:	the Court of Common Pleas, Philadelphia
	:	County, Criminal Division at 2563-2565
v.	:	May Tern 1987
	:	
	:	
CRAIG WILLIAMS,	:	
	:	SUBMITTED: November 23, 1999
Appellant	:	
	:	
	:	
	:	
	:	
	:	

**CONCURRING OPINION**

**MR. JUSTICE NIGRO**

**DECIDED: October 19, 2001**

I join the majority opinion but write separately only to clarify my position in Commonwealth v. Marrero, 748 A.2d 202 (Pa. 2000), which the majority relies upon in reaching its conclusion on how claims of appellate counsel's ineffectiveness are to be developed in PCRA capital cases. In Marrero, I found the appellant's ineffectiveness claims were waived in light of the fact that the appellant merely added a boilerplate claim of appellate counsel's ineffectiveness in his questions presented for review section. The appellant in Marrero never mentioned, much less discussed, his claim of appellate counsel's ineffectiveness in the discussion section of his brief. In my view, in order to avoid a finding of waiver, the appellant's discussion section must not only address each prong of the ineffectiveness standard as it relates to trial counsel but must, at the very least,

[J-265-1999; MO-J.Saylor]

include a properly-layered assertion that all prior appellate counsel were ineffective for failing to raise trial counsel's ineffectiveness.