

[J-121-1998]
IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT

COMMONWEALTH OF PENNSYLVANIA,	:	No. 177 Capital Appeal Docket
	:	
Appellee	:	
	:	
v.	:	
	:	
DANIEL JACOBS,	:	
	:	
Appellant	:	SUBMITTED: May 11, 1998

CONCURRING OPINION

MADAME JUSTICE NEWMAN

DECIDED: March 26, 1999

I join the Majority, and write separately only to address footnote 8 of the Opinion.

I reiterate the position I expressed in Commonwealth v. Chandler, ___ Pa. ___, 721 A.2d 1040 (1998), regarding the “life means life” issue. As I stated in Chandler:

[I]n cases where Simmons would require a “life means life” instruction, I agree with Chief Justice Flaherty that the court should instruct the jury that the defendant’s sentence could be commuted. Where future dangerousness is at issue, the impossibility of parole and the possibility of commutation are equally relevant, so the court should inform the jury of both contingencies.

In this case, I agree with the majority that future dangerousness was not at issue.

Accordingly, I agree that the trial court properly declined to give a “life means life” instruction.