

**[J-144-1998]**  
**IN THE SUPREME COURT OF PENNSYLVANIA**  
**EASTERN DISTRICT**

COMMONWEALTH OF PENNSYLVANIA,	:	No. 219 Capital Appeal Docket
	:	
Appellee	:	Appeal from the judgment of sentence
	:	entered in the Court of Common Pleas of
v.	:	Montgomery County, Criminal Division,
	:	dated July 23, 1997 at No. 1134-88.
	:	
	:	
ROBERT FISHER,	:	
	:	
Appellant	:	SUBMITTED: September 3, 1998
	:	

**CONCURRING OPINION**

**MR. JUSTICE NIGRO**

**DECIDED: November 24, 1999**

I join in the Majority opinion, and write separately solely to reaffirm my position that a standardized Simmons instruction should be given in all capital cases for the reasons more fully explained in my concurring opinion in Commonwealth v. Clark, 551 Pa. 258, 710 A.2d 31, 43-44 (1998)(Nigro, J., concurring).