

[J-162-1997]
IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT

COMMONWEALTH OF PENNSYLVANIA,	:	No. 81 Capital Appeal Docket
	:	
Appellee	:	Appeal from the Judgment of Sentence
	:	entered in the Court of Common Pleas of
	:	Philadelphia County, October 25, 1994,
v.	:	Criminal Action 93-04-2839
	:	
	:	
SHELDON HANNIBAL,	:	
	:	ARGUED: October 20, 1997
Appellant	:	
	:	

CONCURRING OPINION

MR. JUSTICE NIGRO

DECIDED: June 20, 2000

I concur in the result reached by the majority. In my view, any error which may have occurred in the instructions regarding accomplice liability was harmless. The evidence in this case clearly established that Appellant was the actual shooter, and not the accomplice. Therefore, any irregularity in the trial court's accomplice instruction could not have affected Appellant's verdict and thus, must be viewed as harmless error. Accordingly, I agree with the majority that Appellant is not entitled to a new trial on this basis.