

[J-240-98]
IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT

COMMONWEALTH OF PENNSYLVANIA,	:	187 Capital Appeal Dkt.
	:	
Appellee	:	Appeal from the Judgment of Sentence
	:	entered on June 19, 1996 in the Court of
	:	Common Pleas of York County, No. 2844
v.	:	CA 1995
	:	
	:	
JOHN A. SMALL,	:	
	:	
Appellant	:	ARGUED: November 17, 1998

CONCURRING OPINION

MR. JUSTICE SAYLOR

DECIDED: November 1, 1999

I agree with Mr. Justice Zappala that prior decisions of this Court do not preclude the questioning of a witness about extensive drug or alcohol use during the period of time between the events at issue and the trial, where the purpose of such questioning is to demonstrate that such drug or alcohol use has impaired the witness's ability to remember accurately the events at issue. Before such questioning is permitted, however, the party seeking to challenge a witness on such basis should be required to make an offer of proof that the witness has in fact engaged in chronic substance abuse. As defense counsel made no such offer concerning either of the two witnesses in question, I conclude that this issue does not entitle Appellant to relief.