

[J-267-98]
IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT

COMMONWEALTH OF PENNSYLVANIA,	:	No. 0229 Capital Appeal Docket
	:	
Appellee	:	Appeal from the Order of the Court of
	:	Common Pleas of Beaver County Dated
	:	April 29, 1998 at No. 356A of 1992
v.	:	
	:	
	:	
ANDRE STEVENS,	:	SUBMITTED: December 29, 1998
	:	
Appellant	:	
	:	

DISSENTING OPINION

MR. JUSTICE NIGRO

DECIDED: October 27, 1999

Based on the narrow set of circumstances presented in this case, I agree with Justice Zappala that the matter should be remanded to the PCRA court for reconsideration of Appellant's claim that his counsel could have developed a viable diminished capacity defense had counsel provided Dr. Martone with the proper materials to obtain a correct diagnosis in the first instance.