

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA

Appellant

v.

OLIVER FRANKLIN SAVAGE

Appellee

IN THE SUPERIOR COURT OF
PENNSYLVANIA

No. 3345 EDA 2014

Appeal from the Order October 29, 2014
In the Court of Common Pleas of Lehigh County
Criminal Division at No(s): CP-39-CR-2092-2014

BEFORE: MUNDY, J., JENKINS, J., and FITZGERALD, J.*

DISSENTING STATEMENT BY MUNDY, J.:

FILED MAY 27, 2016

Without addressing the questionable issue of our appellate jurisdiction, which the Majority has accepted, I respectfully dissent on the merits. Unlike the Majority, I conclude the evidence presented by the Commonwealth was sufficient to establish a *prima facie* case that Appellee acted recklessly. I believe the trial court erred in granting Appellee's petition for writ of *habeas corpus* and dismissing the charges of involuntary manslaughter, recklessly endangering another person and homicide by vehicle.

Again, assuming *arguendo* that we possess jurisdiction to decide this appeal, I conclude that the Commonwealth met its burden in the trial court,

* Former Justice specially assigned to the Superior Court.

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and would reverse the trial court's October 29, 2014 order. Hence, I respectfully dissent.