

**[J-58-2016] [MO: Wecht, J.]  
IN THE SUPREME COURT OF PENNSYLVANIA  
EASTERN DISTRICT**

COMMONWEALTH OF PENNSYLVANIA,	:	No. 709 CAP
	:	
Appellee	:	Appeal from the Judgment of Sentence
	:	imposed on October 9, 2014 in the
	:	Court of Common Pleas, York County,
v.	:	Criminal Division at No. CP-67-CR-
	:	0006857
	:	
TIMOTHY MATTHEW JACOBY,	:	SUBMITTED: May 10, 2016
	:	
Appellant	:	

**CONCURRING AND DISSENTING OPINION**

**JUSTICE DONOHUE**

**DECIDED: September 28, 2017**

I join the Majority’s reasoning and disposition with respect to all of Jacoby’s issues, except with respect to part VIII, on which I join in Chief Justice Saylor’s Dissenting Opinion with respect to the denial of Jacoby’s request for a *Frye* hearing on the subject of Y-STR DNA testing. For this reason, I would reverse the trial court’s ruling.