

**[J-33-2013] [MO: Baer, J.]
IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT**

COMMONWEALTH OF PENNSYLVANIA,	:	No. 658 CAP
	:	
Appellee	:	Appeal from the Judgment of Sentence
	:	entered on 07/21/2009 in the Court of
	:	Common Pleas Criminal Division of
v.	:	Montgomery County at No.
	:	CP-46-CR-0005181-2005 (Post-sentence
	:	motions denied on 04/12/2012)
HAROLD MURRAY, IV,	:	
	:	
Appellant	:	ARGUED: May 7, 2013
	:	

CONCURRING OPINION

MR. JUSTICE EAKIN

DECIDED: December 27, 2013

I join the majority. I write separately merely to reiterate that stating that capital cases are “subjected to the closest scrutiny,” Majority Slip Op., at 38, should not be construed as affording a more complete level of scrutiny to capital cases. As I have previously expressed, relaxing requirements of proof for capital defendants or affording these cases greater scrutiny than is given others does not afford those others the equal protection of the laws. See Commonwealth v. Brooks, 839 A.2d 245, 255 (Pa. 2003) (Eakin, J., concurring) (“[T]he constitution does not afford some lesser right to effective counsel on those charged with noncapital crimes. The right to counsel inures to the capital defendant, the felon, and the misdemeanor alike.”). Defendants not convicted of capital murder do not get scrutiny that is less close, nor do they deserve “less exacting review” than capital defendants.