[J-60-2025]
IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT

TODD, C.J., DONOHUE, DOUGHERTY, WECHT, MUNDY, BROBSON, McCAFFERY, JJ.

COMMONWEALTH OF PENNSYLVANIA,	:	No. 48 EAP 2024
	:	
Appellee	:	Appeal from the Order of the
	:	Superior Court at No. 1788 EDA
	:	2022, at 2023 PA Super 255,
v.	:	entered on December 6, 2023,
	:	affirming the Judgment of Sentence
	:	of the Philadelphia County Court of
BASILE OUTLAW,	:	Common Pleas at No. MC-51-MD-
	:	0000031-2022, entered on June 21,
Appellant	:	2022.
	:	
	:	ARGUED: September 9, 2025

OPINION

JUSTICE WECHT **DECIDED: October 29, 2026**

In this appeal from a direct criminal contempt conviction, we consider whether a courtroom spectator who called a judge a vulgar insult in open court "obstruct[ed] the administration of justice" within the meaning of the Judicial Code.[1] We conclude that he did not. Thus, we reverse.

In June 2022, Philadelphia County Court of Common Pleas Judge Roxanne E. Covington was holding a hearing on a motion to suppress evidence in Marquis McClain's criminal case. Seated in the gallery of the courtroom was McClain's acquaintance, Basile

[1] 42 Pa.C.S. § 4132(3) (stating that "the several courts of this Commonwealth" may "issue attachments and [] impose summary punishments for contempts of court" for "the misbehavior of any person in the presence of the court, thereby obstructing the administration of justice").

Outlaw. After Judge Covington announced that she would be denying McClain's suppression motion, Outlaw stood up and said "the judge is a cocksucker" loud enough for Judge Covington to hear. Judge Covington responded, "What did you say?" Outlaw replied: "Never mind. I'm leaving."[2] Outlaw then exited the courtroom.

A deputy sheriff and a court employee began searching the building for Outlaw. The trial court recessed the suppression matter to allow McClain's defense attorney to confer with his client in the wake of the court's suppression ruling. The court subsequently adjourned, but Judge Covington asked McClain's attorney to "stick around for another moment . . . just in case."[3] Around this time, Outlaw came back to the courtroom on his own, at which time he was taken into custody for direct criminal contempt.

The trial court held a brief contempt hearing, at which Judge Covington recounted the above facts. A deputy sheriff who witnessed the outburst also testified. His version of events was consistent with Judge Covington's account. Outlaw did not contest the facts. The court appointed counsel for Outlaw and set bail at $75,000. Outlaw's attorney conceded that the outburst constituted direct criminal contempt, and he asked the court to proceed immediately to sentencing. Judge Covington declined to do so, scheduling a sentencing hearing for the following week.

At the subsequent hearing, Judge Covington restated her factual findings. Judge Covington recounted that:

> As I was making my findings on the motion, at the end of my findings, Mr. Outlaw stood up and interrupted the court and yelled out[:] the judge is a cocksucker. Upon doing so, I stopped the proceeding and stated, What did you say? And he said, never mind. I'm leaving. I'm leaving, and proceeded to walk out the door. I inquired of the sheriff if he could go and stop him.

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2 Outlaw's remark was not transcribed by the court reporter.

3 Notes of Testimony ("N.T."), 6/16/2022, at 58.

> . . . Shortly thereafter Mr. Outlaw returned to the courtroom . . . and the sheriff then took him into custody.[4]

Outlaw expressed remorse for his actions at the suppression hearing, saying that he had returned to Judge Covington's courtroom after the incident "to apologize for the outburst and disrespect."[5] Defense counsel requested Outlaw's immediate release from custody, assuring the court that Outlaw regretted his actions and was remorseful. The court ultimately sentenced Outlaw to fifteen to thirty days' incarceration.[6]

Outlaw appealed to the Superior Court, arguing that the evidence was insufficient to support his conviction because he did not obstruct the administration of justice.[7] The Commonwealth of Pennsylvania, represented by the Philadelphia District Attorney's Office, conceded on appeal that the evidence was insufficient to sustain Outlaw's conviction.[8] Notwithstanding the Commonwealth concession, the Superior Court affirmed Outlaw's judgment of sentence. The court began by setting forth the applicable law, explaining that an obstruction to the administration of justice occurs when the conduct at issue "significantly disrupt[s] judicial proceedings," either by "actual, imminent prejudice

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4 N.T., 6/21/2022, 4-5.

5 *Id.* at 16-18.

6 Outlaw sought parole after serving his minimum sentence, but the trial court never acted on his motion. Outlaw served his entire sentence.

7 A conviction for direct criminal contempt requires proof beyond a reasonable doubt of: (1) misconduct, (2) in the presence of the court, (3) committed with the intent to obstruct the proceedings, (4) that obstructs the administration of justice. *Commonwealth v. Falana*, 696 A.2d 126, 128 (Pa. 1997); *see* 42 Pa.C.S. § 4132(3) (stating that courts may "impose summary punishments" for contempt of court for "misbehavior of any person in the presence of the court, thereby obstructing the administration of justice").

8 *See* Superior Court Brief for the Commonwealth, 2023 WL 4065057, at *6 ("[T]he Commonwealth is constrained to conclude that although defendant's outburst was patently unacceptable, uttered in the court's presence, and intended to undermine the authority of the court, it did not delay or otherwise obstruct the proceedings. Accordingly, the evidence was insufficient to sustain defendant's conviction.").

to a fair proceeding or prejudice to the preservation of the court's orderly procedure and authority."[9] "While '[n]either injudicious remarks nor affronts to the dignities or sensibilities of the court,' without more, constitute an obstruction to the administration of justice, the element is met where there has been a 'significant disruption' of the proceedings."[10] Applying those principles to the circumstances of this case, the Superior Court concluded that Outlaw's conduct significantly disrupted the suppression hearing. The panel explained that:

> [t]he court took evidence on the day of the contempt demonstrating that Outlaw called the judge an obscene name while the judge was on the bench, in a voice loud enough for the judge and the deputy sheriff to hear and then left the courtroom. At the continued hearing, the court stated the incident occurred as it was concluding its business for the day, that it asked, "What did you say?," and that it stopped what it was doing in response. Outlaw did not object to the court's statement of the facts, including that the judge asked, "what did you say," and stopped the proceedings. Here, the judge "observed . . . with [her] own eyes what happened," which "is sufficient support for a finding of direct criminal contempt." *Commonwealth v. Moody*, 125 A.3d 1, 11 (Pa. 2015). Accordingly, the evidence was sufficient to find Outlaw's conduct obstructed the administration of justice.[11]

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[9] *Commonwealth v. Outlaw*, 306 A.3d 406, 411 (Pa. Super. 2023) (quoting *Commonwealth v. Williams*, 753 A.2d 856, 863 (Pa. Super. 2000)).

[10] *Id.* (quoting *Commonwealth v. Mutzabaugh*, 699 A.2d 1289, 1293 (Pa. Super. 1997)); *accord Williams v. Williams*, 721 A.2d 1072, 1074 (Pa. 1998) (holding that "momentary" or "transient" disruptions, even "reprehensible" ones, do not obstruct the administration of justice within the meaning of Subsection 4132(3)); *Matter of Campolongo*, 435 A.2d 581, 584 (Pa. 1981) ("For conduct to constitute an obstruction of the administration of justice, it must significantly disrupt judicial proceedings."); *Commonwealth v. Rubright*, 414 A.2d 106 (Pa. 1980) (reversing a criminal contempt conviction where the contemnor's "impertinent" comments "were of momentary nature" and did not impede the progress of the hearing); *Commonwealth v. Meehan*, 235 A.3d 1284 (Pa. Super. 2020) ("The record shows that the exchange between Appellant and the trial court was of a momentary nature and that the progress of the administration of justice was not impeded thereby.").

[11] *Outlaw*, 306 A.3d at 413 (citation modified).

Alternatively, the panel reasoned, even if Outlaw did not significantly disrupt the suppression hearing, his behavior was still contemptuous because he caused "actual, imminent prejudice" to "the preservation of the court's orderly procedure and the court's authority."[12] The Superior Court stated that such prejudice occurs when the conduct at issue creates "an open threat to the orderly procedure of the court and such flagrant defiance of the person and presence of the judge before the public that, if not instantly suppressed and punished, demoralization of the court's authority will follow."[13] In this case, the panel opined, Outlaw caused actual prejudice to the trial court's authority because his comment "demonstrated his disrespect for the court and its command of the courtroom."[14] The Superior Court therefore concluded that the evidence was sufficient to prove that Outlaw obstructed the administration of justice.

Outlaw then petitioned this Court for allowance of appeal, asking us to consider whether "a single act of profane name-calling directed at the judge constitute[s] direct criminal contempt when it did not in any way, let alone any significant way, obstruct the proceedings."[15] Because the Philadelphia District Attorney's Office concurs with Outlaw that the evidence was insufficient to support his conviction, we invited the Pennsylvania Office of the Attorney General ("OAG") to participate in this matter as *amicus curiae*.[16]

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12 *Id.* at 414 (quoting *Commonwealth v. Williams*, 753 A.2d 856, 863 (Pa. Super. 2000)).

13 *Id.* at 413 (citing *Moody* and *Commonwealth v. Garrison*, 386 A.2d 971, 976 (Pa. 1978) (plurality)). The panel also theorized that, "if not punished, Outlaw's conduct would potentially encourage others to commit similar disruptions." *Id.*

14 *Id.* (cleaned up).

15 *Commonwealth v. Outlaw*, 322 A.3d 144 (Pa. 2024) (table) (*per curiam* order partially granting Outlaw's petition for allowance of appeal).

16 We also granted the OAG's subsequent request to participate in oral argument.

The power of courts in this Commonwealth to issue contempt orders is limited by Section 4132 of the Judicial Code, which states that:

> The power of the several courts of this Commonwealth to issue attachments and to impose summary punishments for contempts of court shall be restricted to the following cases:
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> (1) The official misconduct of the officers of such courts respectively.
>
> (1.1) The willful failure of the officers of such courts to disclose a person's complete criminal history record information when requested.
>
> (2) Disobedience or neglect by officers, parties, jurors or witnesses of or to the lawful process of the court.
>
> (3) The misbehavior of any person in the presence of the court, thereby obstructing the administration of justice.[17]

Specifically at issue here is Subsection 4132(3). A conviction under that Subsection "requires proof beyond a reasonable doubt: (1) of misconduct, (2) in the presence of the court, (3) committed with the intent to obstruct the proceedings, (4) which obstructs the administration of justice."[18] This Court has held that, "[f]or conduct to constitute an obstruction of the administration of justice, it must significantly disrupt judicial proceedings."[19] This means that "[r]emarks that are injudicious, or even disrespectful, will not, without more, justify a summary conviction for contempt of court."[20]

To illustrate these principles, consider *Williams v. Williams*, where a *pro se* attorney in a custody dispute reacted injudiciously to a trial judge's evidentiary ruling:

> **The Court**: Objection is sustained.

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17 42 Pa.C.S. § 4132.

18 *Falana*, 696 A.2d at 128.

19 *Matter of Campolongo*, 435 A.2d at 584.

20 *Id.*

> **Williams**: He's such a fucking asshole.
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> **Opposing Counsel**: I heard him say that you are such a fucking asshole. I heard it as an officer of the court. And the stenographer is nodding her head. That's exactly what he said, "He is such a fucking asshole." And he said it under his breath. And as an officer of the court, I am standing here, and I am testifying that that's exactly what he said.[21]

The trial court held Williams in contempt. On appeal, however, this Court held that Williams' remark did not obstruct the administration of justice because, although "there was a momentary break in the proceedings" due to Williams' comment, "the hearing resumed quickly," "[t]he entire incident encompassed just three and a half pages of hearing transcript," and "[s]uch a transient delay is not an obstruction of justice."[22] Expounding upon the statutory requirement that the contemnor must "obstruct[t] the administration of justice,"[23] we explicitly stated that "[i]nappropriate and even ill-mannered conduct which does not obstruct or delay the trial falls short of the misbehavior punishable under 42 Pa.C.S. § 4132(3)."[24]

Consistent with *Williams* is *Behr v. Behr*,[25] where a *pro se* litigant brought to family court a box of documents that had the word "DEATH" scrawled on it in faint orange highlighter. The box remained under the litigant's table for the entire hearing, and only after the proceeding concluded did anyone notice it. The trial court held the litigant in contempt, but this Court reversed, concluding that the litigant's conduct did not

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21 *Williams*, 721 A.2d at 1073.

22 *Id.*

23 42 Pa.C.S. § 4132(3).

24 *Williams*, 721 A.2d at 1074 (quoting *Williams v. Williams*, 681 A.2d 181, 183 (Pa. Super. 1996)).

25 695 A.2d 776 (Pa. 1997).

significantly disrupt the judicial proceeding.[26] We also rejected the trial court's suggestion that a significant disruption occurred when the presence of the box triggered an investigation and subsequent contempt hearing. We called this "circular reasoning" because, if we accepted the argument, it would mean that "any time a court reconvenes a hearing to investigate alleged misconduct, the alleged contemnor has automatically obstructed the administration of justice."[27]

The circumstances of this appeal are analogous to those in *Williams*. The insult that Outlaw directed at the court here ("the judge is a cocksucker") is offensive in a manner similar to the remark made in *Williams* ("He's such a fucking asshole."). Both comments fall well below the expected standard of courtroom decorum, and both contemnors made their comments in response to judicial rulings with which they disagreed. Furthermore, the delay to the proceedings in this case was limited to the judge asking Outlaw "What did you say?", followed by Outlaw responding "Never mind. I'm leaving."[28] This is the exact sort of "transient delay" or "momentary break in the proceedings" that we held in *Williams* cannot serve as the basis for a conviction under Subsection 4132(3).[29]

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[26] *Behr*, 695 A.2d at 779 ("The mere presence of a box with the word "DEATH" scrawled in faint orange ink, which appears to be from a highlighting marker cannot sustain a verdict beyond a reasonable doubt that Appellant disrupted the proceedings.").

[27] *Id.*

[28] N.T., 6/21/2022, at 4-5 ("As I was making my findings on the motion, at the end of my findings, Mr. Outlaw stood up and interrupted the court and yelled out the following phrase: the judge is a cocksucker. Upon doing so, I stopped the proceeding and stated, What did you say? And he said, never mind. I'm leaving. I'm leaving, and proceeded to walk out the door.").

[29] *Williams*, 721 A.2d at 1074 ("While there was a momentary break in the proceedings, the hearing resumed quickly. . . . Such a transient delay is not an obstruction of justice."). Although there was a brief search for Outlaw in the courthouse after his outburst, and although the court did eventually reconvene for a contempt hearing (continued…)

Arguing for affirmance of Outlaw's conviction, the OAG argues that the phrase "obstructing the administration of justice" has "ancient roots in the common law" and necessarily includes "insulting remarks that cast doubt upon judicial authority in the public eye, regardless of whether the remarks substantially delayed or repeatedly interrupted a proceeding."[30] According to the OAG, when the legislature codified the judicial contempt powers in Section 4132, it "did not signal an intent to abandon the common law meaning of the phrase 'obstructing the administration of justice' as encompassing disrespect that undermines judicial authority in the eyes of the public."[31] Thus, the OAG maintains that "Section 4132(3), as a reenacted codification of the common law, must be interpreted as encompassing blatant, in-court disrespect of a judge in the execution of her duties, irrespective of any delay or repeated interruption in the underlying case."[32] In the OAG's view, for conduct to be contemptuous, it must *either* significantly disrupt the proceedings *or* undermine the court's authority in the eyes of the public.

The OAG is correct that, at common law, judges had broad authority to impose contempt for insulting remarks that undermine the court's authority with the public. This sweeping authority continued to be enforced well into the twentieth century. In *Appeal of Levine*,[33] for example, we affirmed the contempt conviction of a District Attorney who responded to a scheduling misunderstanding by saying to a trial judge: "that's the way with this court, always mixing things up; everything is set on one day."[34] Upholding the

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after he was found, the court's own investigative efforts cannot form the basis of the obstruction per *Behr*.

30 Brief for OAG at 14.

31 *Id.* at 16-17.

32 *Id.* at 17.

33 95 A.2d 222 (Pa. 1953).

34 *Id.* at 224.

contempt conviction, this Court described the inherent contempt powers possessed by trial courts in extremely broad terms, saying that: "[g]enerally speaking, one is guilty of contempt when his conduct tends to bring the authority and administration of the law into disrespect."[35]

Appeal of Levine represents perhaps the zenith of judicial contempt authority in the Commonwealth of Pennsylvania. The *Appeal of Levine* Court itself admitted that the judicial power to punish all disrespectful conduct committed in the court's presence is "arbitrary in [] nature and liable to abuse."[36] Following *Appeal of Levine*, the judicial contempt powers were codified and limited by the General Assembly's enactment of 42 Pa.C.S. § 4132. Our decisions interpreting that statutory codification, including *Williams*, *Behr*, and *Campolongo*, retreated from *Appeal of Levine*'s maximalist approach and stressed that "[i]nappropriate and even ill-mannered conduct which does not obstruct or delay the trial falls short of the misbehavior punishable under 42 Pa.C.S. § 4132(3)."[37] These decisions also emphasized that "trial judges are supposed to be persons of fortitude who are able to thrive in a hardy environment, and they must be on guard against confusing offenses to their sensibilities with obstruction of the administration of justice."[38]

The OAG's argument cannot be squared with these contemporary precedents. Under the OAG's proposed approach, virtually all disrespectful remarks or profane

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35 *Id.* at 225.

36 *Id.*

37 *Williams*, 721 A.2d at 1074; *Matter of Campolongo*, 435 A.2d at 584 ("For conduct to constitute an obstruction of the administration of justice, it must significantly disrupt judicial proceedings."); *Behr*, 695 A.2d at 779 ("To obstruct justice, conduct must significantly disrupt proceedings."); *Rubright*, 414 A.2d at 106 (reversing a criminal contempt conviction where the contemnor's "impertinent" comments "were of momentary nature" and did not impede the progress of the hearing).

38 *Williams*, 721 A.2d at 1074; *Matter of Campolongo*, 435 A.2d at 584 ("Mere affront to the trial judge is not enough.").

language would be contemptuous, so long as the comment can be said to risk undermining the court's authority in the minds of the public.[39] Indeed, the OAG maintains that "spewing" vulgar language of any kind while court is in session constitutes an obstruction to the administration of justice (even if it does not delay the proceedings) because such language "weakens the public's faithful adherence to a court's judgments and rules of decorum."[40] The OAG's view of the law is not compatible with this Court's precedent, which holds that there can be no obstruction of the administration of justice within the meaning of the Judicial Code absent a significant disruption to the judicial proceeding.[41]

The OAG's argument also cannot be reconciled with the outcome in *Williams*, where we reasoned that calling a jurist a "fucking asshole" was insufficient to support a contempt conviction under 42 Pa.C.S. § 4132(3) because the remark did not significantly disrupt the underlying proceeding. Contrary to the OAG's argument, the *Williams* Court limited its analysis to the significant disruption requirement, never once suggesting that the case turned on whether the contemnor's conduct undermined the court's authority

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[39] Brief for OAG at 26 (arguing that when "commentary openly and defiantly belittles the court with abusive language, to let the conduct stand is to degrade judicial authority in the eyes of the public, thereby obstructing the administration of justice").

[40] *Id.* at 9; *accord id*. at 9-10 (arguing that Outlaw's conception of "obstructing the administration of justice" "fails to capture offensive remarks that serve no legitimate purpose and create the impression that the public is free to disregard a judge's orders and rules of courtroom decorum.").

[41] *Matter of Campolongo*, 435 A.2d at 584 ("For conduct to constitute an obstruction of the administration of justice, it must significantly disrupt judicial proceedings."); *Williams*, 721 A.2d at 1074 ("Inappropriate and even ill-mannered conduct which does not obstruct or delay the trial falls short of the misbehavior punishable under 42 Pa.C.S. § 4132(3).").

with the public. Indeed, the OAG's view of the law is identical to the views expressed by the dissenting justices in *Williams*.[42]

Furthermore, even if the OAG were correct that a significant disruption is not required, and the relevant inquiry becomes whether the contemnor undermined the court's public authority, then we fail to see why the contempt conviction in *Williams* should not have been affirmed. While we will not endeavor to rank the various obscenities discussed here in order of offensiveness, we do not believe that calling a judge a "fucking asshole" "create[s] the impression that the public is free to disregard a judge's orders and rules of courtroom decorum" any more or less than calling a judge a "cocksucker" would.[43]

The OAG attempts to distinguish *Williams*, but we are not persuaded by that argument. According to the OAG, the remark in *Williams*, unlike Outlaw's remark, did not undermine the trial court's public authority and thus could have constituted obstruction only if it significantly disrupted the proceedings (which it did not). The OAG's argument hinges on the fact that the contemnor in *Williams* was said to have made the offensive remark "under his breath," whereas Outlaw did not.[44] Specifically, the OAG maintains that:

> Williams' frustrated murmurings, unlike Outlaw's, are an example of non-obstructive misconduct. While it is indeed misconduct to call a judge a "fucking asshole," *whispering profanity does not threaten the court's authority in future proceedings.* Because he made the remarks under his breath, they were not a public display of disrespect for the court's rulings and its control of the courtroom. His grumblings did not send a message to members of the public that it is acceptable for spectators to protest rulings

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42 *Williams*, 721 A.2d at 1075 (Saylor, J., dissenting) ("Counsel's remarks were not only injudicious and disrespectful—the epithets directed at the Court were an affront to the authority and dignity of the tribunal and thus alone sufficient to constitute interference with the due and orderly administration of justice.").

43 Brief for OAG at 9-10.

44 *Williams*, 721 A.2d at 1074.

> they do not like while the court conducts business. There simply was no threat to the public's adherence to the rule of law. If Outlaw also had quietly muttered his chosen epithet, there would be no obstruction here either. But that's not what Outlaw did.[45]

Even if we agreed with the OAG that statements which undermine the court's public authority can support a contempt conviction in the absence of a substantial disruption, we would still decline the OAG's invitation to distinguish *Williams* based upon the amplitude of the derogatory comment. For one thing, it is not entirely clear that the expletive in *Williams* was actually "whisper[ed]," as the OAG suggests. While opposing counsel in that case informed the judge that Williams made the offensive remark "under his breath," the comment was delivered loudly enough for both opposing counsel and the court reporter to hear it. And the comment also was transcribed by the court reporter, unlike Outlaw's remark. We believe that these circumstances illustrate the impracticability of the OAG's approach, which calls upon appellate courts reviewing cold transcripts to deduce the contemnor's volume level and to speculate regarding whether the offensive comment was delivered loudly enough to "weake[n] the public's faithful adherence" to courtroom "rules of decorum."[46]

In any event, the OAG's argument is foreclosed by this Court's precedent, which holds that "[i]nappropriate and even ill-mannered conduct which does not obstruct or delay the trial falls short of the misbehavior punishable under 42 Pa.C.S. § 4132(3)."[47] Because we conclude that no such obstruction or delay occurred here, we reverse the decisions below and vacate Outlaw's judgment of sentence.

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45 Brief for OAG at 31 (emphasis added).

46 *Id.* at 9.

47 *Williams*, 721 A.2d at 1074; *Matter of Campolongo*, 435 A.2d at 584 ("For conduct to constitute an obstruction of the administration of justice, it must significantly disrupt judicial proceedings."); *Behr*, 695 A.2d at 779 (same).

Chief Justice Todd and Justices Donohue, Dougherty, Brobson and McCaffery join the opinion.

Justice Mundy files a concurring opinion in which Justices Dougherty and Brobson join.