

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

| | | |
|------------------------------|---|--------------------------|
| COMMONWEALTH OF PENNSYLVANIA | : | IN THE SUPERIOR COURT OF |
| | : | PENNSYLVANIA |
| | : | |
| v. | : | |
| | : | |
| | : | |
| JEMEIL MURPHY | : | |
| | : | |
| Appellant | : | No. 926 EDA 2022 |

Appeal from the Judgment of Sentence Entered November 22, 2021
In the Court of Common Pleas of Philadelphia County Criminal Division at
No(s): CP-51-CR-0006738-2019

BEFORE: DUBOW, J., KUNSELMAN, J., and COLINS, J.*

CONCURRING STATEMENT BY DUBOW, J.: **FILED DECEMBER 5, 2023**

I agree with the Majority's analysis and decision to grant Appellant a new trial. I, however, disagree that we are authorized to "address [Appellant's] other issues from trial mindful that they may arise again on remand." Maj. at 16. The Majority's analysis of these issues is advisory and we lack the authority to address them. ***See Commonwealth v. Enix***, 192 A.3d 78, 84 n.5 (Pa. Super. 2018) (observing, after granting a new trial, that "this Court may not provide advisory opinions to address issues that may arise in future cases" (citations omitted)).

* Retired Senior Judge assigned to the Superior Court.