

**[J-162A-B-2008] [M.O. - BAER, J.]
IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT**

COMMONWEALTH OF PENNSYLVANIA, : No. 116 MAP 2007
: :
Appellant : Appeal from the Order of the Court of
: Common Pleas of Centre County dated
v. : November 15, 2007 at No. CP-14-CR-
: 0001200-2007 Dismissing Count 1 as
OMAR A. OMAR, : Unconstitutional and Quashing the
: Criminal Information.
Appellee : :
: SUBMITTED: December 2, 2008

COMMONWEALTH OF PENNSYLVANIA, : No. 20 MAP 2008
: :
Appellant : Appeal from the Order of the Centre
: County Court of Common Pleas, Civil
v. : Division, dated January 25, 2008 at No.
: CP-14-CR-2020-2007.
DANIEL J. O'CONNOR, : :
: :
Appellee : ARGUED: December 2, 2008

DISSENTING OPINION

MR. JUSTICE EAKIN

DECIDED: October 5, 2009

Whilst I join Madame Justice Greenspan's dissent concluding Pennsylvania's Trademark Counterfeiting Statute, 18 Pa.C.S. § 4119, is not so vague and overbroad as to be deemed unconstitutional, I write separately because of references contrasting this statute to our recent holding in Malt Beverages Distributions Association v. Pennsylvania Liquor Control Board, ___ A.2d ___ (Pa. June 15, 2009). In her dissent, Madame Justice Greenspan states this Court properly found the statute at issue in Malt

Beverages to be ambiguous, yet now refuses to find ambiguity in the current statute, which I find to contain even more tenuous language. Dissenting Slip Op., at 5-6. I dissented in Malt Beverages, believing the statute there was not ambiguous. Therefore, I cannot agree with statements suggesting this Court properly found statutory ambiguity in Malt Beverages. In all other aspects, I join Madame Justice Greenspan's dissent.