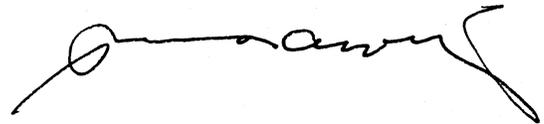


CONCURRING AND DISSENTING OPINION BY ACOBA, J.

I concur in the disposition of the appeal, but not on the determination of frivolousness. I would give notice to and allow responses by the parties on the question of frivolousness, before deciding that question.

A handwritten signature in black ink, appearing to read "J. Acoba", written in a cursive style.