

**IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT**

COMMONWEALTH OF PENNSYLVANIA, : No. 104 WAL 2007

Respondent

v.

LARRY D. WALLS,

Petitioner

:
: Petition for Allowance of Appeal from the Order
: of the Superior Court entered January 29, 2007
: at No. 915 WDA 2006, affirming the Judgment
: of Sentence of the Court of Common Pleas of
: Blair County, entered October 1, 2003 at CP-07-
: CR-0002173-1999.
:

ORDER

PER CURIAM

AND NOW, this 20th day of November 2007, the Petition for Allowance of Appeal is **GRANTED** and the Superior Court's decision is **VACATED** and the matter is **REMANDED** for reconsideration in light of our decision in Commonwealth v. Jones, 912 A.2d 815, 821 (Pa. 2006) (stating that, where crimes each have an element not included in the other, but the same narrow facts satisfy both of the different elements, the lesser crime merges into the greater-inclusive offense for sentencing).¹ Further, the Motion for Leave to Supplement Petition for Allowance of Appeal is **DENIED**.

¹ One should note that in December of 2002, the legislature enacted 42 Pa.C.S. § 9765, which defines when offenses merge for sentencing purposes. Because the offenses in this particular case predate the enactment of this provision, § 9765 does not apply.