

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

COMMONWEALTH OF PENNSYLVANIA,	:	No. 115 EAL 2007
	:	
Petitioner	:	
	:	
v.	:	Petition for Allowance of Appeal from the
	:	Order of the Superior Court at 953 EDA
	:	2005, dated February 13, 2007, vacating
	:	and remanding the Order of the Court of
	:	Common Pleas of Philadelphia County at
JOHN RED A/K/A FRED FULTON,	:	CP-51-CR-0301931-2003, dated March
	:	23, 2005
Respondent	:	
	:	
	:	
	:	
	:	
	:	
	:	

**ORDER**

**PER CURIAM:**

AND NOW, this 13<sup>th</sup> day of November, 2007, the Petition for Allowance of Appeal is hereby **GRANTED**. The Superior Court did not fully address the Commonwealth's contention that Respondent was represented by counsel during the waiver colloquy and, thus, did not sufficiently preserve by objection the contention that the colloquy was constitutionally inadequate. See Commonwealth's Letter Brief at 6-7. The decision in Commonwealth v. Monica, 597 A.2d 600, 603 (Pa. 1991), referred to by the Superior Court, is distinguishable, because in that case there was no dispute that Appellant acted pro se throughout his trial proceeding. The Order of the Superior Court is thus **VACATED**, and the matter is **REMANDED** for reconsideration of this argument.