IN THE SUPREME COURT OF PENNSYLVANIA EASTERN DISTRICT

COMMONWEALTH OF PENNSYLVANIA, : No. 303 EAL 2014

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<u>ORDER</u>

PER CURIAM

AND NOW, this 31st day of December, 2014, the Petition for Allowance of Appeal is hereby **GRANTED**. The order of the Superior Court remanding the case for an evidentiary hearing to assess whether counsel had a reasonable basis for not objecting to the detective's testimony is **VACATED**, in light of respondent's failure to aver facts in his PCRA petition establishing his right to relief. <u>See</u> 42 Pa.C.S. § 9543(a); <u>Commonwealth v. Hanible</u>, 30 A.3d 426, 438-43 (Pa. 2011); <u>see also Commonwealth v. Spotz</u>, 84 A.3d 294, 319 (Pa. 2014) (remand for reasonable-basis hearing unnecessary where it is apparent petitioner failed to establish prejudice (citations omitted)). Jurisdiction relinquished.

Mr. Justice Saylor files a Dissenting Statement.

Madame Justice Todd joins Dissenting Statement.