

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

COMMONWEALTH OF PENNSYLVANIA,	:	No. 368 EAL 2014
	:	
Respondent	:	
	:	
v.	:	Petition for Allowance of Appeal from
	:	the Unpublished Memorandum and
	:	Order of the Superior Court at No. 1026
	:	EDA 2013 exited July 8, 2014,
	:	affirming the Order of the Philadelphia
LUIS E. E. ANDUJAR,	:	County Court of Common Pleas at No.
	:	CP-51-CR-0002941-2007 exited April 9,
Petitioner	:	2012

ORDER

PER CURIAM

AND NOW, this 11th day of February, 2016, The Petition for Allowance of Appeal is **GRANTED** on the issue of whether Petitioner's sentence violates the prohibition against mandatory life sentences for juvenile offenders announced by the Supreme Court of the United States in *Miller v. Alabama*, 567 U.S. ____, 132 S. Ct. 2455 (2012). As a result of the recent holding by that Court that *Miller* must be applied retroactively by the States, see *Montgomery v. Louisiana*, 2016 WL 280758 (U.S. Jan. 25, 2016), the Superior Court's order is **VACATED**, and the case is **REMANDED** for further proceedings consistent with *Montgomery*.

To the extent necessary, leave is to be granted to amend the post-conviction petition to assert the jurisdictional provision of the Post Conviction Relief Act extending to the recognition of constitutional rights by the Supreme Court of the United States which it deems to to be retroactive. See 42 Pa.C.S. §9545(b)(1)(iii).

Mr. Justice Eakin did not participate in the consideration or decision of this matter.