

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

COMMONWEALTH OF PENNSYLVANIA, : No. 432 EAL 2023
Respondent :
v. : Petition for Allowance of Appeal
: from the Order of the Superior Court

DERRICK WALKER, :
Petitioner :

COMMONWEALTH OF PENNSYLVANIA, : No. 433 EAL 2023
Respondent :
v. : Petition for Allowance of Appeal
: from the Order of the Superior Court

DERRICK WALKER, :
Petitioner :

COMMONWEALTH OF PENNSYLVANIA, : No. 434 EAL 2023
Respondent :
v. : Petition for Allowance of Appeal
: from the Order of the Superior Court

DERRICK WALKER, :
Petitioner :

ORDER

PER CURIAM

AND NOW, this 16th day of April, 2024, the Petition for Allowance of Appeal is **GRANTED**. The issues, as stated by Petitioner, are:

- (1) Where this Court has previously split on the issue, what test should be employed in determining when 'other act' evidence satisfies the 'common plan' exception under Pa.R.E. 404(b); and under any of the possible tests approved by this Court, did the lower courts err by applying such a diluted standard that they improperly admitted prohibited propensity evidence under the guise of 'common plan'?
- (2) Is the admission of a rape kit report by a forensic nurse after a forensic examination without any testimony by that nurse a violation of the Confrontation Clause and inadmissible hearsay?