

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

COMMONWEALTH OF PENNSYLVANIA,	:	No. 207 EAL 2007
	:	
Respondent	:	
	:	Petition for Allowance of Appeal from the
v.	:	Order of the Superior Court at 3520 EDA
	:	2005, dated March 22, 2007 affirming the
	:	Judgment of Sentence of the Court of
	:	Common Pleas of Philadelphia County at
ERIC HOLLEY,	:	CP-51-CR-0709281-2004, dated
	:	November 17, 2005.
Petitioner	:	

**ORDER**

**PER CURIAM**

**AND NOW**, this 4<sup>TH</sup> day of September, 2007, the Petition for Allowance of Appeal is **GRANTED**. The Order of the Superior court is **VACATED** and the matter is **REMANDED** to the Superior Court for further proceedings, including a remand to the Court of Common Pleas of Philadelphia County, if necessary, for an evidentiary hearing to determine the responsibility for the absence of trial transcripts from the record certified for appeal and whether Petitioner/Appellant preserved for appellate review the issue of weight of the evidence. If it is determined that the absence of the trial transcripts is attributable to court personnel the Superior court shall resolve the issues preserved for appeal on the merits. See, Commonwealth v. Moses, 743 A.2d 430 (Pa. 2000); Commonwealth v. Barge, 743 A.2d 429 (Pa. 1999); Cf. Commonwealth v. Williams, 715 A.2d 1101 (Pa. 1998).