

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

COMMONWEALTH OF PENNSYLVANIA,	:	No. 372 EAL 2011
	:	
Petitioner	:	Petition for Allowance of Appeal from the
	:	Order of the Superior Court
	:	
v.	:	
	:	
	:	
TONY L. BENNETT,	:	
	:	
Respondent	:	
	:	

**ORDER**

**PER CURIAM**

**AND NOW**, this 22<sup>nd</sup> day of November 2011, the Petition for Allowance of Appeal is **GRANTED**. The issues, as stated by petitioner, are:

- (1) Does the Superior Court's published decision overturning [respondent's] first-degree murder conviction on the basis of a supposedly defective accomplice liability instruction overlook and contradict this Court's precedent?
  
- (2) In the alternative, did the Superior Court contravene this Court's precedent by failing to modify the judgment to the lesser-included offense of second-degree murder, which was unaffected by the supposedly erroneous jury instruction?