

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

|                               |   |   |
|-------------------------------|---|---|
| COMMONWEALTH OF PENNSYLVANIA, | : | No. 584 WAL 2010                          |
|                               | : |   |
| Petitioner                    | : | Petition for Allowance of Appeal from the |
|                               | : | Order of the Superior Court entered       |
|                               | : | October 8, 2010 at No. 642 WDA 2009,      |
| v.                            | : | reversing the Judgment of Sentence of the |
|                               | : | Court of Common Pleas of Erie County      |
|                               | : | entered March 19, 2009 at No. CP-25-CR-   |
| LIONEL HAMER, III,            | : | 0001372-2008 and remanding.               |
|                               | : |   |
| Respondent                    | : |   |

**ORDER**

**PER CURIAM**

**AND NOW**, this 3<sup>rd</sup> day of August, 2011, the Petition for Allowance of Appeal is hereby **GRANTED**, the order of the Superior Court is **VACATED**, and this case **REMANDED** to that court for consideration of the other issues raised by petitioner before the Superior Court. Although the best evidence was available, the trial court followed proper procedure pursuant to Pa.R.E. 1002 by not allowing the introduction of the videotape, due to its containing material prohibited by Bruton v. United States, 391 U.S. 123 (1968). Jurisdiction relinquished.

Mr. Justice Saylor files a Dissenting Statement.