

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

COMMONWEALTH OF PENNSYLVANIA,	:	No. 730 MAL 2006
	:	
Respondent	:	
	:	
v.	:	Petition for Allowance of Appeal from the
	:	Order of the Superior Court at No. 1982
	:	MDA 2004, dated 08/05/2005 affirming
HENRY FORD WIMBUSH,	:	The order of the Court of Common Pleas
	:	Of Dauphin County at No. 3076CR1999.
Petitioner	:	
	:	
	:	

ORDER

PER CURIAM

DECIDED: April 4, 2007

AND NOW, this 4th day of April 2007, the Petition for Allowance of Appeal is GRANTED and the judgment of sentence is VACATED in light of our decision in Commonwealth v. Shiffler, 879 A.2d 185 (Pa. 2005) and this matter is REMANDED with directions that the trial court hold a new sentencing hearing, and resentence Petitioner accordingly.

Mr. Justice Castille and Mr. Justice Eakin dissent noting the following: Because I find the Petitioner has not previously raised the issue on which relief is being granted, I dissent.

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