

[J-29-97]

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

COMMONWEALTH OF PENNSYLVANIA, : No. 160 M.D. Appeal Docket 1996  
: :  
Appellant : :  
: Appeal from Superior Court Memorandum  
: and Order No. 00254 Harrisburg 1995,  
v. : entered March 6 1996, reversing the  
: Order of the Court of Common Pleas of  
: York County Order No. 1019 CA 1994  
KEVIN M. SIERRA, : entered February 16, 1995.  
: :  
Appellee ARGUED: January 29, 1997

**ORDER**

**PER CURIAM:**

**DECIDED: JANUARY 6, 1999**

**AND NOW**, this 6<sup>th</sup> day of January, 1999, the Court being evenly divided the order of Superior Court is Affirmed.

Mr. Justice Nigro files an Opinion in Support of Affirmance.

Mr. Justice Castille files an Opinion in Support of Reversal in which Madame Justice Newman joins.

Mr. Justice Cappy files an Opinion in Support of Reversal.