

**IN THE SUPREME COURT OF PENNSYLVANIA  
MIDDLE DISTRICT  
[J-117-98]**

COMMONWEALTH OF PENNSYLVANIA,	:	No. 140 M.D. Appeal Dkt. 1997
Appellee,	:	
	:	
v.	:	Appeal from the Order of the Superior
	:	Court.
GRANVEL EUGENE ROBERTSON, JR.	:	
Appellant.	:	
	:	
	:	
	:	
	:	

**ORDER**

**PER CURIAM:**

**DECIDED: January 27, 1999**

The Court being equally divided, the Order of the Superior Court is AFFIRMED.

Mr. Justice Saylor did not participate in the consideration or decision of this case.

Mr. Justice Castille files an opinion in support of affirmance in which Mr. Justice Nigro and Madame Justice Newman join.

Mr. Justice Cappy files an opinion in support of reversal in which Mr. Chief Justice Flaherty and Mr. Justice Zappala join.