

**[J-132-99]**  
**IN THE SUPREME COURT OF PENNSYLVANIA**  
**WESTERN DISTRICT**

COMMONWEALTH OF PENNSYLVANIA,	:	No. 31 W. D. Appeal Docket 1999
	:	
Appellee	:	Appeal from the Order of the Superior
	:	Court entered July 30, 1998, at No.
	:	1404PGH97, affirming the Judgment of
v.	:	Sentence of the Court of Common Pleas
	:	of Erie County, Criminal Division, entered
	:	May 19, 1997, at No. 00777 of 1996
MARTIN DAVID SMILEY,	:	
	:	
Appellant	:	Argued: September 14, 1999

**ORDER**

PER CURIAM:

DECIDED: OCTOBER 4, 1999

Appeal dismissed as having been improvidently granted.

Messrs. Justice Zappala and Saylor dissent.