

**[J-143-2003]**  
**IN THE SUPREME COURT OF PENNSYLVANIA**  
**EASTERN DISTRICT**

COMMONWEALTH OF PENNSYLVANIA,	:	No. 397 CAP
	:	
Appellee	:	
	:	Appeal from the Order entered November
v.	:	18, 2002 denying PCRA relief in the Court
	:	of Common Pleas, Criminal Division, of
	:	Erie County at No. 645 A & B of 1994.
	:	
JOSE ANTONIO MARRERO,	:	
	:	
Appellant	:	
	:	SUBMITTED: August 28, 2003
	:	
	:	
	:	

**ORDER**

**PER CURIAM**

**AND NOW**, this 21<sup>st</sup> day of November, 2006, we **VACATE** the Order of the Court of Common Pleas of Erie County and **REMAND** for proceedings consistent with Commonwealth v. Miller, 888 A.2d 624 (Pa. 2005).

Mr. Chief Justice Cappy, Messrs. Justice Castille, Saylor, Eakin and Baer and Madame Justice Baldwin join the per curiam remand.