

[J-174-2004]
IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT

COMMONWEALTH OF PENNSYLVANIA,	:	No. 20 EAP 2004
	:	
Appellant	:	
	:	Appeal from the Judgment of the Superior
	:	Court entered on October 15, 2003 at No.
v.	:	2901 EDA 2002, reversing and vacating
	:	the Order of the Court of Common Pleas
	:	of Philadelphia County, Criminal Division,
ROBERT MCDOWELL,	:	entered on August 21, 2002 at Nos. MC
	:	0110-0338 and MR 02007283 and
Appellee	:	remanding the case
	:	
	:	839 A.2d 1158 (Pa. Super. 2003) (Table)
	:	
	:	ARGUED: October 18, 2004

ORDER

PER CURIAM

DECIDED: November 8, 2004

Appeal dismissed as having been improvidently granted.

Mr. Justice Castille, Madame Justice Newman and Mr. Justice Eakin dissent and would reach the merits of the case.