

[J-39-1999]
IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT

COMMONWEALTH OF PENNSYLVANIA,	:	No. 42 W.D. Appeal Docket 1998
	:	
Appellee	:	Appeal from the Order of the Superior
	:	Court at No. 2348PGH1995, entered
	:	August 12, 1997, affirming the Judgment
v.	:	of Sentence of the Court of Common
	:	Pleas of Mercer County, Criminal Division,
	:	at No. 479 Criminal 1995, entered
MARK K. HOAK,	:	December 8, 1995
	:	
Appellant	:	700 A.2d 1263 (Pa. Super. 1997)
	:	
	:	SUBMITTED: February 24, 1999

ORDER

PER CURIAM:

AND NOW, this 19th day of August, 1999, the Court being evenly divided, the Order of the Superior Court is affirmed.

Messrs. Justice Cappy and Castille and Madame Justice Newman would affirm.

Mr. Chief Justice Flaherty and Messrs. Justice Zappala and Nigro would reverse.

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