

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

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JEROME MARSHALL,	:	
	:	
Petitioner,	:	
	:	
v.	:	No. 03-cv-03308
	:	
JOHN E. WETZEL, Commissioner,	:	
Pennsylvania Department of Corrections;	:	
ROBERT D. GILMORE, Superintendent,	:	
State Correctional Institution at Greene;	:	
THE DISTRICT ATTORNEY OF THE	:	
COUNTY OF PHILADELPHIA; and	:	
THE ATTORNEY GENERAL OF THE	:	
STATE OF PENNSYLVANIA,	:	
	:	
Respondents.	:	

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**ORDER**

**AND NOW**, this 6<sup>th</sup> day of November, 2018, upon consideration of the Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254, ECF No. 1; the Response to Petition for Writ of Habeas Corpus, ECF No. 35; Petitioner’s Reply Memorandum in Support of Petition for a Writ of Habeas Corpus, ECF No. 51; Sur-Reply to Petitioner’s Reply Brief, ECF No. 55; Petition and Memorandum of Law of Petitioner’s Jerome Marshall, in Support of His Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254, ECF No. 145; the Supplemental Response to Petition for Writ of Habeas Corpus, ECF No. 158; Respondents’ Status Report of June 6, 2018, ECF No. 171; and the Respondents’ Status Report of June 25, 2018 , ECF No. 172, and for the reasons set forth in the Opinion issued this date, **IT IS HEREBY ORDERED THAT:**

1. The Petition for Writ of Habeas Corpus is **GRANTED IN PART** and **DENIED IN PART**.
2. Petitioner's two death sentences are **VACATED**.
3. The execution of the writ of habeas corpus is **STAYED** for 180 days from the date of this Order to permit the Commonwealth of Pennsylvania to grant petitioner a new sentencing hearing.
4. In all other respects, the Petition for Writ of Habeas Corpus is **DENIED**.
5. There is no basis for the issuance of a certificate of appealability.
6. The Clerk of Court shall **CLOSE** this case for statistical purposes.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.

JOSEPH F. LEESON, JR.

United States District Judge