

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CLARANCE JOHNSON : CIVIL ACTION  
: :  
v. : :  
: :  
TREVOR WINGARD, et al. : NO. 06-4396


**ORDER**

ROBERT F. KELLY, S.J.,

AND NOW, this *12<sup>th</sup>* day of *Nov.*, 2013, upon careful and independent consideration of the petition, amended petition, and supplemental amended petition for habeas corpus, the responses, and after review of the Report and Recommendation of United States Magistrate Judge Elizabeth T. Hey, IT IS ORDERED that:

1. The Report and Recommendation is APPROVED AND ADOPTED.
2. The petition for a writ of habeas corpus is GRANTED only with respect to Petitioner's claim that his conviction for violation of Pennsylvania's Corrupt Organizations Act is unconstitutional.
3. The execution of the writ is stayed for 180 days from the date of this Order to permit the Commonwealth of Pennsylvania to vacate Petitioner's conviction for violation of Pennsylvania's Corrupt Organizations Act, and to resentence him accordingly.
4. In all other respects, habeas relief is DENIED and there is no basis for the issuance of a certificate of appealability.

BY THE COURT:

  
ROBERT F. KELLY, S.J.