

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

KWILSON COLEMAN,

Petitioner,

v.

STEVEN GLUNT, *et al.*,

Respondents.

NO. 3:13-CV-1699

(JUDGE CAPUTO)

(MAGISTRATE JUDGE CARLSON)

ORDER

NOW, this 26th day of February, 2018, upon consideration of the Report and Recommendation of Magistrate Judge Martin C. Carlson (Doc. 54), and noting that the Commonwealth has agreed that Petitioner is entitled to habeas corpus relief “not only for re-sentencing, but also for re-trial on the merits,” (*id.* at 2), **IT IS HEREBY ORDERED** that:

- (1) The Report and Recommendation (Doc. 54) is **ADOPTED in its entirety**.
- (2) The Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 is **CONDITIONALLY GRANTED**.
- (3) Petitioner’s conviction and sentence is **VACATED**.
- (4) The matter is **REMANDED** to the Court of Common Pleas of York County.
- (5) The Commonwealth shall retry Petitioner within 120 days or he shall be released from custody.
- (6) The Clerk of Court is directed to mark the case as **CLOSED**.



A. Richard Caputo
United States District Judge