

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

HAN TAK LEE,

Petitioner

v.

FRANKLIN J. TENNIS, Superintendent, et al.,

Respondents

No. 4:CV-08-1972

(Judge Nealon)

FILED SCRANTON

AUG - 8 2014

ORDER

AND NOW, THIS 7th DAY OF AUGUST, 2014, For the reasons set forth in the Memorandum of this date, IT IS HEREBY ORDERED THAT:

- 1. The Report and Recommendation, (Doc. 80), is ADOPTED;
2. Respondents' objections, (Doc. 82), are OVERRULED;
3. Petitioner's objections, (Doc. 86), are OVERRULED;
4. The petition for writ of habeas corpus, (Doc. 1), is CONDITIONALLY GRANTED;
5. Petitioner's state conviction and sentence is VACATED;
6. The matter is REMANDED to the Court of Common Pleas of Monroe County;
7. Within 120 days, the Commonwealth of Pennsylvania shall either retry Han Tak Lee or release him;
8. There is no basis for the issuance of a certificate of appealability; and

9. The Clerk of Court is directed to **CLOSE** this case.

A handwritten signature in black ink, appearing to read "Wendy Dawson". The signature is written in a cursive style with a horizontal line underneath the name.

United States District Judge