

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA,

Appellee

v.

SYHEAM MANN,

Appellant

IN THE SUPERIOR COURT OF
PENNSYLVANIA

No. 262 EDA 2015

Appeal from the PCRA Order December 24, 2014
In the Court of Common Pleas of Delaware County
Criminal Division at No(s): CP-23-CR-0004106-2009

BEFORE: FORD ELLIOTT, P.J.E., BENDER, P.J.E., and MUSMANNO, J.

CONCURRING STATEMENT BY BENDER, P.J.E.: **FILED JULY 08, 2016**

I write separately only to note that this Court's decision in ***Commonwealth v. Riggle***, 119 A.3d 1058 (Pa. Super. 2015), pertaining to timely PCRA petitions asserting illegal sentencing claims based on sentencing statutes rendered unconstitutional by ***Alleyn v. United States***, 133 S.Ct. 2151 (2013), is currently being reconsidered by an *en banc* panel of this Court in ***Commonwealth v. Ciccone***, No. 3114 EDA 2014 (certified for *en banc* review by order dated October 26, 2015, without the filing of a panel decision). As of the date of the filing of this memorandum, however, ***Riggle*** is still good law. Accordingly, I join the majority memorandum in its entirety.

Judge Musmanno joins this concurring statement.