

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA,		IN THE SUPERIOR COURT OF PENNSYLVANIA
Appellee		
v.		
RICHARD CAPORAL,		
Appellant		No. 379 WDA 2012

Appeal from the Judgment of Sentence June 23, 2011
in the Court of Common Pleas of Allegheny County,
Criminal Division, at No(s):
CP-02-CR-0000753-2009
CP-02-CR-0001797-2009

BEFORE: BENDER, ALLEN, and MUSMANNO, JJ.

JUDGMENT ORDER BY BENDER, J.:

Filed: February 19, 2013

Richard Caporal (Appellant) appeals from the judgment of sentence of an aggregate term of 7 to 15 years' incarceration imposed following his guilty pleas for driving under the influence and for driving under suspension for alcohol-related offenses.¹ We vacate Appellant's sentence and remand for resentencing.

In this appeal, Appellant has raised three issues for our review; however, in light of the agreement with Appellant by the trial court and the Commonwealth that the court imposed an illegal sentence due to its failure to address Appellant's eligibility for the Recidivism Risk Reduction Incentive

¹ These two guilty pleas culminated in Appellant's fourteenth and fifteenth convictions for alcohol-related offenses.

(RRRI) program, we must vacate the sentence imposed and remand for resentencing. *See Commonwealth v. Robinson*, 7 A.3d 868 (Pa. Super. 2010) (stating “where the trial court fails to make a statutorily required determination regarding a defendant’s eligibility for an RRRI minimum sentence as required, the sentence is illegal”).

We recognize that Appellant has also raised a discretionary aspect of sentencing issue and a claim concerning the denial of two recusal motions. In light of our need to remand for resentencing, we suggest that these two arguments also be addressed at the resentencing hearing and in an opinion by the court, if a further appeal is undertaken.

Judgment of sentence vacated. Case remanded for resentencing. Jurisdiction relinquished.