IN THE SUPREME COURT OF PENNSYLVANIA MIDDLE DISTRICT

COMMONWEALTH OF PENNSYLVANIA, : No. 186 MAL 2013

Respondent

: Petition for Allowance of Appeal from the

: Order of the Superior Court

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:

TERRY LEE TAYLOR.

:

Petitioner

<u>ORDER</u>

PER CURIAM

AND NOW, this 5th day of September, 2013, the Petition for Allowance of Appeal is **GRANTED**. The issues, as stated by petitioner, are:

- (1) Is whether a sentencing court has the authority to sentence an individual for a violation of 75 [Pa.C.S.] § 3802 (DUI) prior to the completion of a full drug and alcohol assessment under the requirements of [75 Pa.C.S. §3814]?
- (2) Is the language of 75 [Pa.C.S.] § 3814 a mandatory sentencing provision requiring a sentencing court to comply with its requirements prior to the imposition of a sentence for a DUI violation, or is § 3814 an optional provision that can be disregarded at the court's discretion?
- (3) Does a Defendant have the ability through conduct, or otherwise, to waive the requirements of 75 [Pa.C.S.] § 3814, and permit a sentencing court to enter a sentence even though a full drug and alcohol assessment has not been completed prior to sentencing?