

[J-71-2014]
IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT

COMMONWEALTH OF PENNSYLVANIA,	:	2 EAP 2014
	:	
Appellant	:	
	:	Appeal from the Judgment of Superior
	:	Court entered on 7/31/13 at No. 505 EDA
v.	:	2012 affirming the judgment of sentence
	:	entered on 1/27/12 in the Court of
	:	Common Pleas, Philadelphia County,
ANTHONY ARMSTRONG,	:	Criminal Division at Nos. CP-51-CR-
	:	0006396-2009 and CP-51-CR-0009692-
Appellee	:	2009

ARGUED: September 9, 2014

ORDER

PER CURIAM

AND NOW, this 30th day of December, 2014, the Order of the Superior Court is **AFFIRMED** based on the reasoning set forth in its opinion addressing the issue on which this Court granted allowance of appeal, namely, “Does 42 Pa.C.S.A. Section 9714(a)(2) require prior sentencing as a second strike offender to invoke the third-strike sentencing provision?” Commonwealth v. Armstrong, 83 A.3d 411 (Pa. 2014); see Commonwealth v. Armstrong, 74 A.3d 228, 239-42 (Pa. Super. 2013). We express no opinion concerning the Superior Court’s treatment of any other issue.

Former Justice McCaffery did not participate in the decision of this case.

Mr. Chief Justice Castille, Messrs. Justice Saylor and Baer and Madame Justice Todd join the per curiam affirmance based on the intermediate court’s analysis.

Mr. Justice Eakin files a dissenting statement in which Mr. Justice Stevens joins.