

## COMMONWEALTH OF PENNSYLVANIA, : No. 294 EAL 2014

■

: Petition for Allowance of Appeal from the  
: Order of the Superior Court

•

□

□

■

•

•

•

•

•

•

**AND NOW**, this 11<sup>th</sup> day of December, 2014, the Petition for Allowance of Appeal is **GRANTED**. The issues, as stated by Petitioner, are:

- (1) Does the *en banc* Superior Court's published decision contravene the plain language of the PCRA and precedent by deeming defendant duly diligent in pursuing his claim despite his failure to speak with the recanting witness for fourteen years?
- (2) Does the *en banc* Superior Court's published decision contravene precedent by failing to properly consider factors that greatly undermined the reliability of the recantation evidence, and rendered erroneous the determination that it likely would have changed the verdict?
- (3) Does the *en banc* Superior Court's published decision contravene precedent by approving an ostensible credibility finding against a key witness whose testimony the PCRA court suppressed?
- (4) Does the *en banc* Superior Court's published decision contravene the governing standard by rejecting the Commonwealth's recusal argument where the PCRA judge's repeated conduct in *sua sponte* raising claims on defendant's behalf created an objective appearance of impropriety?