

**IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT**

COMMONWEALTH OF PENNSYLVANIA,	:	No. 26 MAL 2015
	:	
Respondent	:	Petition for Allowance of Appeal from the
	:	Unpublished Order of the Superior Court
	:	
v.	:	
	:	
	:	
HARVEY ELWOOD DEMMITT, JR.,	:	
	:	
Cross Petitioner	:	

ORDER

PER CURIAM

DECIDED: July 28, 2015

AND NOW, this 28th day of July, 2015, the Petition for Allowance of Appeal is **GRANTED**, and the Superior Court's Order is **VACATED**. In ordering a new trial, the Superior Court failed to address Petitioner's first two issues on appeal to that court — a challenge to the sufficiency of the evidence, and a constitutional challenge to the implicated statute — which, if meritorious, may warrant Petitioner's discharge. Accordingly, the matter is **REMANDED** to the Superior Court to address the above two issues before addressing, if necessary, the remaining issues raised before it.