

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

COMMONWEALTH OF PENNSYLVANIA,	:	No. 17 WAL 2016
	:	
Respondent	:	
	:	
v.	:	Petition for Allowance of Appeal from
	:	the Unpublished Memorandum and
	:	Order of the Superior Court at No. 242
	:	WDA 2014 exited December 11, 2015,
	:	affirming the Order of the Potter
CHRISTOPHER R. BAKER,	:	County Court of Common Pleas at No.
	:	CP-53-MD-0000119-1992 exited
Petitioner	:	January 23, 2014

ORDER

PER CURIAM

AND NOW, this 25th day of February, 2016, the Petition for Allowance of Appeal is **GRANTED** on the issue of whether Petitioner’s sentence violates the prohibition against mandatory life sentences for juvenile offenders announced by the Supreme Court of the United States in Miller v. Alabama, 567 U.S. ____, 132 S. Ct. 2455 (2012). As a result of the recent holding by that Court that Miller must be applied retroactively by the States, see Montgomery v. Louisiana, 2016 WL 280758 (U.S. Jan. 25, 2016), the Superior Court’s order is **VACATED**, and the case is **REMANDED** for further proceedings consistent with Montgomery.

To the extent necessary, leave is to be granted to amend the post-conviction petition to assert the jurisdictional provision of the Post Conviction Relief Act extending to the recognition of constitutional rights by the Supreme Court of the United States which it deems to be retroactive. See 42 Pa.C.S. § 9545(b)(1)(iii).

Justice Eakin did not participate in the consideration or decision of this matter.