

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

COMMONWEALTH OF PENNSYLVANIA,	:	No. 353 WAL 2015
	:	
Respondent	:	
	:	
v.	:	Petition for Allowance of Appeal from
	:	the Published Opinion and Order of
	:	the Superior Court at No. 1068 WDA
	:	2014, at 121 A.3d 530 (Pa. Super.
	:	2015) entered on July 28, 2015,
KEITH PENNYBAKER,	:	affirming the Judgment of Sentence of
	:	the Allegheny County Court of Common
Petitioner	:	Pleas at No. CP-02-CR-0016074-2013
	:	entered on May 23, 2014

ORDER

PER CURIAM

AND NOW, this 31st day of August 2016, the Petition for Allowance of Appeal is **GRANTED**. The Superior Court's order is **VACATED** and Petitioner's judgment of sentence is **VACATED**. The matter is **REMANDED** to the trial court for resentencing without application of 42 Pa.C.S. §9718.4. See Commonwealth v. Hopkins, 117 A.3d 247 (Pa. 2015) and Commonwealth v. Wolfe, 68 MAP 2015, 2016 WL 3388530 (Pa. June 20, 2016).

Chief Justice Saylor, Justice Todd, and Justice Dougherty dissent as they would grant the petition and hear the appeal.