

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

COMMONWEALTH OF PENNSYLVANIA,	:	No. 416 MAL 2015
	:	
Respondent	:	
	:	
v.	:	Petition for Allowance of Appeal from
	:	the <b>Judgment Order</b> of the Superior
	:	Court at No. 1516 MDA 2014 exited
	:	April 29, 2015, <b>affirming</b> the Order of
	:	the Lancaster County Court of Common
MANUEL ORTIZ,	:	Pleas at No. CP-36-CR-0003548-1994
	:	exited August 11, 2014
Petitioner	:	

**ORDER**

**PER CURIAM**

DECIDED: February 17, 2016

**AND NOW**, this 17th 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).

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