

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

COMMONWEALTH OF PENNSYLVANIA,	:	No. 645 MAL 2016
	:	
Respondent	:	
	:	Petition for Allowance of Appeal from
v.	:	the Order of the Superior Court
	:	
	:	
ERIC JAY LEED,	:	
	:	
Petitioner	:	

ORDER

PER CURIAM

AND NOW, this 28th day of December, 2016, the Petition for Allowance of Appeal is **GRANTED**. The issues, as stated by Petitioner, are:

- (1) Did the Superior Court err as a matter of law when it upheld the lower court's determination that the issuing authority in [Petitioner's] case had a substantial basis to find that probable cause existed within the four corners of a search warrant's affidavit that was facially incapable of establishing probable cause? Specifically, did the Superior Court err when:
 - a. The [c]ourt considered information beyond the affidavit's four corners in direct conflict with the plain language of Pennsylvania Rule of Criminal Procedure 203? and/or
 - b. The Court found there was no meaningful legal distinction between a reviewing court's probable cause determination when an affidavit contains ambiguities or omissions requiring clarification, as opposed to when an affidavit contains explicit sworn-to facts requiring modification to substantiate a finding of probable cause?

- (2) Did the Superior Court's determinations below grant lower courts with arbitrary judicial discretion to fashion a finding of probable cause when the affidavit presented to the issuing authority does not, on its face, contain facts sufficient to establish probable cause?