

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

COMMONWEALTH OF PENNSYLVANIA,	:	No. 128 MAL 2017
	:	
Respondent	:	
	:	
v.	:	Petition for Allowance of Appeal from
	:	the <b>Published Opinion and Order</b> of
	:	the Superior Court at No. 530 MDA
	:	2016, at 154 A.3d 803 (Pa. Super.
	:	2017) entered on January 26, 2017,
KIM DAVID MARCH,	:	<b>reversing and remanding</b> the Order
	:	Entered of the Berks County Court of
Petitioner	:	Common Pleas at No. CP-06-CR-
	:	0005650-2015 entered on March 3,
	:	2016

**ORDER**

**PER CURIAM**

**DECIDED: OCTOBER 3, 2017**

**AND NOW**, this 3rd day of October, 2017, the Petition for Allowance of Appeal is **GRANTED**. The Superior Court's order is **VACATED** and this matter is **REMANDED** to the Superior Court for reconsideration in light of this Court's decision in *Commonwealth v. Myers*, \_\_\_ A.3d \_\_\_, 7 EAP 2016, 2017 WL 3045867 (Pa. July 19, 2017) and the United States Supreme Court's decision in *Birchfield v. North Dakota*, \_\_\_ U.S. \_\_\_, 136 S.Ct. 2160 (2016).