

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

M.D. Appeal Dkt.
73 MAP 2017

COMMONWEALTH OF PENNSYLVANIA,	:	No. 309 MAL 2017
	:	
Petitioner	:	
	:	Petition for Allowance of Appeal from
v.	:	the Order of the Superior Court
	:	
	:	
KATHLEEN E. BRADDOCK,	:	
	:	
Respondent	:	

ORDER

PER CURIAM

AND NOW, this 20th day of November, 2017, the Petition for Allowance of Appeal is

GRANTED. The issue, as framed by the Commonwealth, is as follows:

Whether the Superior Court, relying on *Commonwealth v. Giron*, 155 A.3d 635 (Pa. Super. 2017), improperly expanded the illegal sentencing doctrine when it vacated Braddock’s sentence on a non-preserved constitutional issue, holding that *Birchfield v. North Dakota*, 136 S.Ct. 2160 (2016), rendered enhanced penalties under 75 Pa.C.S. §§ 3803-3804 illegal, even though *Birchfield* recognized exigent circumstances or a search warrant can still justify increased penalties for a blood test refusal?