

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

COMMONWEALTH OF PENNSYLVANIA,	:	No. 315 MAL 2018
	:	
Respondent	:	
	:	Petition for Allowance of Appeal from
	:	the Order of the Superior Court
v.	:	
	:	
	:	
MICHAEL A. MOCK,	:	
	:	
Petitioner	:	

ORDER

PER CURIAM

AND NOW, this 5th day of December, 2018, the Petition for Allowance of Appeal is **GRANTED**. The issue, rephrased for clarity, is:

Did the Superior Court erroneously interpret 75 Pa.C.S. § 3806 as providing that an offender who *commits* a prior driving under the influence (“DUI”) offense more than ten years before his commission of a present DUI offense, but is *convicted* of the prior DUI offense within ten years of his commission of his present DUI offense, has a “prior offense” for purposes of the grading of, and/or sentencing on, the present DUI offense?