

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

COMMONWEALTH OF PENNSYLVANIA,	:	No. 433 MAL 2018
	:	
Petitioner	:	
	:	
v.	:	Petition for Allowance of Appeal from
	:	the Order of the Superior Court
	:	
	:	
MIGUEL DIAZ,	:	
	:	
Respondent	:	

**ORDER**

**PER CURIAM**

**AND NOW**, this 19<sup>th</sup> day of December, 2018, the Petition for Allowance of Appeal is **GRANTED**. The issues as stated by Petitioner are:

- 1) As a matter of first impression, did the Superior Court err as a matter of law in holding that counsel’s failure to obtain, object to the lack of, or ascertain the need for an interpreter on the first day of trial constitutes *per se* prejudice under [*United States v. Cronin*, 466 U.S. 648 (1984)], rather than applying the [*Strickland v. Washington*, 466 U.S. 668 (1984)/*Commonwealth v. Pierce*, 527 A.2d 973 (1987)] ineffectiveness standard?
  
- 2) Did the Superior Court err in applying *Cronin*, instead of the *Strickland/Pierce* ineffectiveness standard, on the claim of counsel’s ineffectiveness for failing to obtain or object to the lack of an interpreter on the first day of trial under the circumstances of the instant case, where the record clearly reflected that [Diaz], including by his own admissions, spoke and understood English as a second language, and, where, [Diaz] himself confirmed that on the first day of trial[,] he requested an interpreter only for his own testimony and his request was granted?