

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

COMMONWEALTH OF PENNSYLVANIA,	:	No. 734 MAL 2017
	:	
Respondent	:	
	:	
v.	:	Petition for Allowance of Appeal from
	:	the Unpublished Memorandum and
	:	Order of the Superior Court at No.
	:	1728 MDA 2016 entered on
	:	September 29, 2017, affirming the
JAMES R. CRUZ, JR.,	:	PCRA Order of the Centre County
	:	Court of Common Pleas at No. CP-14-
Petitioner	:	CR-0001246-1993 entered on
	:	September 14, 2016

ORDER

PER CURIAM

DECIDED: March 28, 2018

AND NOW, this 28th day of March, 2018, the Petition for Allowance of Appeal is **GRANTED**. The judgment of the Superior Court is **VACATED**, as is the January 5, 2017 order of the Centre County Court of Common Pleas dismissing the untimely Petitioner's petition filed pursuant to the Post Conviction Relief Act, 42 Pa.C.S. §§ 9541-46. The case is **REMANDED** to the PCRA Centre County Court of Common Pleas for reconsideration in light of this Court's recent decision in *Commonwealth v. Chmiel*, 173 A.3d 617 (Pa. 2017).