

[J-18-2019]
IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT

COMMONWEALTH OF PENNSYLVANIA,	:	No. 755 CAP
	:	
Appellee	:	
	:	Appeal from the Orders entered on
v.	:	January 29, 2003, March 25, 2003
	:	and August 26, 2011 in the Court of
	:	Common Pleas, Philadelphia County,
KEVIN PELZER,	:	Criminal Division at CP-51-CR-
	:	1031752-1988, denying in part post
Appellant	:	conviction relief. (Nunc pro tunc
	:	appeal rights reinstated on June 1,
	:	2017.)

SUBMITTED: February 4, 2019

ORDER

PER CURIAM

DECIDED: November 26, 2019

AND NOW, this 26th day of November, 2019, the appeal is **DISMISSED**. Presently, because Pelzer is not currently sentenced to death, this Court lacks jurisdiction over the appeal. See 42 Pa.C.S. § 9546(d) (providing this Court with exclusive appellate jurisdiction over “a final order” in a “case in which the death penalty has been imposed”).

The case is **REMANDED** to the Philadelphia Court of Common Pleas for sentencing pursuant to our previous mandate in *Commonwealth v. Daniels and Pelzer*, 104 A.3d 267, 319 (Pa. 2014).

Justice Dougherty files a concurring statement joined by Justice Mundy.

Justice Wecht files a concurring statement joined by Justice Donohue.

Chief Justice Saylor and Justices Baer and Todd did not participate in the consideration or decision of this matter.