

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

COMMONWEALTH OF PENNSYLVANIA,	:	No. 223 EAL 2021
	:	
Respondent	:	
	:	
v.	:	Petition for Allowance of Appeal
	:	from the Published Opinion and
	:	Order of the Superior Court at No.
	:	2821 EDA 2019, at 249 A.3d 1229
	:	(Pa. Super. 2021) entered on April
MELVIN HOWARD,	:	20, 2021, affirming the PCRA
	:	Order of the Philadelphia County
Petitioner	:	Court of Common Pleas at No. CP-
	:	51-CR-0304271-1988 entered on
	:	September 11, 2019

ORDER

PER CURIAM

AND NOW, this 12th day of November, 2021, the Petition for Allowance of Appeal is **GRANTED**. We **VACATE** the decision of the Superior Court and **REMAND** for the Superior Court to apply *Commonwealth v. Small*, 238 A.3d 1267 (Pa. 2020).

Justice Dougherty files a concurring statement in which Justice Mundy joins.