

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

COMMONWEALTH OF PENNSYLVANIA,	:	No. 309 MAL 2019
	:	
Respondent	:	
	:	
v.	:	Petition for Allowance of Appeal
	:	from the <b>Unpublished</b>
	:	<b>Memorandum and Order</b> of the
	:	Superior Court at No. 99 MDA 2018
	:	entered on March 1, 2019, <b>affirming</b>
JOHN VINCENT WATERS,	:	the Judgment of Sentence of the
	:	Cumberland County Court of
Petitioner	:	Common Pleas at No. CP-21-CR-
	:	0000893-1981 entered on
	:	December 4, 2017

**ORDER**

**PER CURIAM**

DECIDED: March 24, 2021

**AND NOW**, this 24th day of March, 2021, the Petition for Allowance of Appeal is **GRANTED**, limited to the following issue:

Was an illegal sentence entered on December 4, 2017, where the “costs of prosecution” were imposed anew on a resentencing?

Allocatur is **DENIED** as to all other issues.

The judgment of the Superior Court is **VACATED** insofar as it held that the costs of resentencing were properly imposed on Appellant where his original sentence was illegal pursuant to *Miller v. Alabama*, 567 U.S. 460 (2012), and *Montgomery v. Louisiana*, 136 S. Ct. 718 (2016). The matter is **REMANDED** for further proceedings in light of this Court’s disposition in *Commonwealth v. Lehman*, Nos. 47 & 49 MAP 2019, 2020 WL 7502313, \_\_\_ A.3d \_\_\_ (Pa. Dec. 22, 2020).