

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

COMMONWEALTH OF PENNSYLVANIA,	:	No. 518 MAL 2022
	:	
Respondent	:	
	:	Petition for Allowance of Appeal
	:	from the Order of the Superior Court
v.	:	
	:	
	:	
JONATHAN RICHARDS,	:	
	:	
Petitioner	:	

ORDER

PER CURIAM

AND NOW, this 15th day of March, 2023, the Petition for Allowance of Appeal is **GRANTED**. The issues, as stated by petitioner, are:

- (1) In light of *Alleyne v. United States*, 70 U.S. 99 (2013) is it not unconstitutional to consider an acceptance of ARD as a prior offense for sentencing purposes without the procedural protections afforded by *Alleyne*, i.e., a prior offense can only be determined by proof beyond a reasonable doubt?
- (2) Is it not fundamentally unfair and a violation of due process to equate a prior acceptance of ARD with a prior conviction for purposes of a recidivist mandatory minimum sentence even though that acceptance involved no proof of guilt beyond a reasonable doubt?

Petitioner's Motion for Stay of Proceedings is **DENIED**.