

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

COMMONWEALTH OF PENNSYLVANIA,	:	No. 341 MAL 2007
	:	
Respondent	:	
	:	Petition for Allowance of Appeal from the
	:	Order of the Superior Court at No. 490
v.	:	MDA 2006, dated March 20, 2007,
	:	affirming the Order of the Court of
	:	Common Pleas of Lancaster County at
JUAN LUIS OLMEDA-RIVERA,	:	1435A-2005, dated January 31, 2006
	:	
Petitioner	:	

ORDER

PER CURIAM

DECIDED: December 21, 2007

AND NOW, this 21st day of December, 2007, the Petition for Allowance of Appeal is hereby **GRANTED**, the Order of the Superior Court is **VACATED**, and the matter is **REMANDED** for the Superior Court to address Petitioner's argument that the sentence imposed by the trial court violated his Fifth Amendment rights under Estelle v. Smith, 451 U.S. 454 (1981), and Mitchell v. United States, 526 U.S. 314 (1999). See Commonwealth v. Olmeda-Rivera, No. 490 Middle District Appeal 2006 (Pa.Super.), Brief of Appellant at 14-16, 22.

Mr. Justice Eakin did not participate in the consideration or decision of this matter.