

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

COMMONWEALTH OF PENNSYLVANIA,	:	No. 356 MAL 2003
	:	
Respondent	:	
	:	Petition for Allowance of Appeal from the
v.	:	Order of the Superior Court entered on
	:	April 8, 2003 at No. 511 MDA 2002
	:	affirming the Order of the Court of
	:	Common Pleas of Berks County entered
RAHADAMES BATISTA,	:	on March 13, 2002 at No. 4059 of 1998
	:	
Petitioner	:	

**ORDER**

**PER CURIAM**

**DECIDED: November 19, 2003**

AND NOW, this 19<sup>th</sup> day of November, 2003, the petition for allowance of appeal is granted limited to the issue of whether trial counsel was ineffective in allowing the jury to be selected in Petitioner's absence. The case is remanded to the PCRA court with direction to conduct an evidentiary hearing on the issue of whether trial counsel was ineffective in allowing the jury to be selected in Petitioner's absence.

Jurisdiction is relinquished.