

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

COMMONWEALTH OF PENNSYLVANIA,	:	No. 430 WAL 2005
	:	
Petitioner	:	Petition for Allowance of Appeal from the
	:	Order of the Superior Court entered
	:	August 1, 2005 at 676 WDA 2004,
v.	:	reversing the Judgment of Sentence of the
	:	Court of Common Pleas of Allegheny
	:	County entered December 12, 2003 at
HARRY BRUCE WHITMAN,	:	CP-02-CR-0003197-2003, CP-02-CR-
	:	0003452-2003, CP-02-CR-0003460-2003,
Respondent	:	CP-02-CR-0003465-2003, CP-02-CR-
	:	0003504-2003, CP-02-CR-0003698-2003,
	:	CP-02-CR-0003699-2003, CP-02-CR-
	:	0003741-2003, CP-02-CR-0004133-2003,
	:	CP-02-CR-0004246-2003, CP-02-CR-
	:	0005238-2003, CP-02-CR-0005240-2003,
	:	CP-02-CR-0005719-2003.

ORDER

PER CURIAM

AND NOW, this 3rd day of April, 2007, the Petition for Allowance of Appeal is hereby GRANTED, limited to the following issue:

Whether the Superior Court exceeded its authority in sua sponte ordering resentencing before a different judge?

To the extent that the order of the Superior Court required that a new trial judge be assigned to preside over Respondent's resentencing, the court erred; its order is Reversed, and the matter is Remanded to the common pleas court for proceedings consistent with Commonwealth v. Whitmore, 912 A.2d 827 (Pa. 2006).

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