

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

COMMONWEALTH OF PENNSYLVANIA,	:	No. 433 EAL 2005
	:	
Petitioner	:	Petition for Allowance of Appeal from the
	:	Order of the Superior Court at No. 3514
	:	EDA 2003, dated 04/19/2005 affirming in
v.	:	part and reversing In part the order of the
	:	Court of Common Pleas of Philadelphia at
	:	Nos. 0104-1342 and 9910-0196.
FRANK GRAY,	:	
	:	
Respondent	:	
	:	
	:	
	:	

ORDER

PER CURIAM

AND NOW, this 4th day of April 2007, the Petition for Allowance of Appeal is GRANTED in part, and decision of the Superior Court is REVERSED to the extent that the court *sua sponte* removed the sentencing judge on remand, as that directive exceeded the Superior Court's authority. See Commonwealth v. Whitmore, 912 A.2d 827 (Pa. 2006). The matter is remanded to the Superior Court for remand to the trial court consistently with this Order.

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