

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

COMMONWEALTH OF PENNSYLVANIA,	:	No. 592 EAL 2006
	:	
Respondent	:	Petition for Allowance of Appeal from the
	:	Order of the Superior Court entered on
	:	November 6, 2006 at 952 EDA 2005
v.	:	
	:	
	:	
TRACY MCINTOSH,	:	
	:	
Petitioner	:	

ORDER

PER CURIAM

AND NOW, this 10th day of **April, 2007**, it is hereby ordered that Petitioner's *Petition for Allowance of Appeal* is granted. The order entered on November 6, 2006 by the Superior Court is vacated as to the remand to a different judge of the Court of Common Pleas of Philadelphia County. See Commonwealth v. Whitmore, 912 A.2d 827 (Pa. 2006). The November 6, 2006 order of the Superior Court is affirmed in all other respects. Petitioner's *Application for Relief Requesting Permission to File a Reply to the Commonwealth's Brief Opposing Petition for Allowance of Appeal Filed in this Case* is denied.

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