

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

COMMONWEALTH OF PENNSYLVANIA,	:	No. 652 WAL 2002
	:	
Petitioner	:	
	:	Petition for Allowance of Appeal from the
	:	Order of the Commonwealth Court
v.	:	
	:	
	:	
ERNEST SMALIS AND THE E. SMALIS	:	
PAINTING COMPANY,	:	
	:	
Respondents	:	

**ORDER**

**PER CURIAM**

**AND NOW**, this 1<sup>st</sup> day of April, 2003, the Commonwealth's petition is **GRANTED**. Upon review of the record, we conclude there was no violation of Commonwealth v. Persinger, 615 A.2d 1305 (Pa. 1992). Accordingly, the order of the Commonwealth Court is reversed, and the judgment of sentence is reinstated.