

**[J-35-2013]**  
**IN THE SUPREME COURT OF PENNSYLVANIA**  
**MIDDLE DISTRICT**

COMMONWEALTH OF PENNSYLVANIA, : No. 79 MAP 2012

Appellant

v.

MICHAEL GREENE,

Appellee

:  
: Appeal from the order of Superior Court  
: entered on July 20, 2011 at No. 538 MDA  
: 2009 vacating and remanding the  
: judgment of sentence of the Court of  
: Common Pleas of Lackawanna County,  
: Criminal Division, dated January 14, 2009  
: at No. CP-35-CR-0001831-2004  
:  
: ARGUED: May 7, 2013  
:

**ORDER**

**PER CURIAM**

**DECIDED: November 20, 2013**

**AND NOW**, this 20<sup>th</sup> day of November, 2013, the Order of the Superior Court is hereby affirmed on the basis of the majority *en banc* opinion of the Superior Court, Commonwealth v. Greene, 25 A.3d 359 (Pa. Super. 2011).

Mr. Justice Eakin would enter a per curiam affirmance.

Mr. Chief Justice Castille files a dissenting statement.