

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

COMMONWEALTH OF PENNSYLVANIA,	:	No. 80 WAP 2001
	:	
Appellant	:	
	:	
v.	:	Appeal from the Order of the Court of
	:	Common Pleas of Indiana County entered
	:	September 20, 2001 at 264 CRIM 2001
	:	
	:	
JOHN POMPUTIUS,	:	
	:	
Appellee	:	

**ORDER**

**PER CURIAM**

**DECIDED: NOVEMBER 19, 2003**

**AND NOW**, this 19<sup>th</sup> day of November, 2003, the Order of the Court of Common Pleas is **VACATED**. This matter is remanded to the Court of Common Pleas of Indiana County for further proceedings consistent with this Court's decision in Commonwealth v. Mockaitis, \_\_\_ A.2d \_\_\_, \_\_\_ (Pa. 2003), 2003 WL 22358576, at \*12-\*13 (Pa. Oct. 16, 2003) (noting that the constitutionally infirm provisions of Act 63 of 2003 are severable).