

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

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| COMMONWEALTH OF PENNSYLVANIA, | : | No. 981 MAL 2002 |
| Respondent | : | |
| | : | |
| v. | : | Petition for Allowance of Appeal from the |
| | : | Order and Memorandum Opinion of the |
| | : | Superior Court (Del Sole, P.J., Hudock, & |
| | : | Popovich, JJ.) dated August 19, 2002, |
| | : | quashing the appeal from the order of the |
| JAMES ALLEN MILLER, | : | Court of Common Pleas of Lehigh County |
| Petitioner | : | at No.s 2265-2268/1976, dated December |
| | : | 21, 1999. |

ORDER

PER CURIAM

DECIDED: May 23, 2003

AND NOW, this 23rd day of May 2003, the Petition for Allowance of Appeal is GRANTED. The initial order granting petitioner leave to appeal *nunc pro tunc* granted him 60 days to file that appeal. See Order dated 12/21/99 (filed 11/14/01). As the appeal was filed within that 60 day period, the Superior Court's quashal order is VACATED and the appeal is REMANDED for consideration on the merits.

Mr. Justice Saylor files a concurring statement.