## J-202-2004 IN THE SUPREME COURT OF PENNSYLVANIA MIDDLE DISTRICT

COMMONWEALTH OF PENNSYLVANIA,: No. 145 MAP 2004

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Appellant

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: Appeal from the Order of the Superior: Court, dated November 14, 2003, at No.

: No. 35 MDA 2003 which vacated the

: Judgment entered 12-13-2002 at No. 2766

JEROME BROWN, : CR 2002, Criminal Division and

: Remanded to the Court of Common Pleas

: of Dauphin County

Appellee

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: Submitted: November 10, 2004

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## <u>ORDER</u>

PER CURIAM DECIDED: May 16, 2005

**AND NOW**, this 16<sup>th</sup> day of May, 2005, the Order of the Superior Court is hereby AFFIRMED.

Mr. Justice Eakin files a dissenting statement in which Mr. Justice Castille joins.