

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

COMMONWEALTH OF PENNSYLVANIA,	:	No. 947 MAL 2015
	:	
Respondent	:	Petition for Allowance of Appeal from
	:	the Unpublished Memorandum and
v.	:	Order of the Superior Court at No. 777
	:	EDA 2015 exited November 13, 2015,
	:	affirming the Order of the Delaware
	:	County Court of Common Pleas at No.
STEVEN JONES, JR.,	:	CP-23-CR-0001881-2002 exited
	:	February 18, 2015
Petitioner	:	

ORDER

PER CURIAM

DECIDED: February 12, 2016

AND NOW, this 12th day of February, 2016, the Petition for Allowance of Appeal is **GRANTED** on the issue of whether Petitioner's sentence violates the prohibition against mandatory life sentences for juvenile offenders announced by the Supreme Court of the United States in *Miller v. Alabama*, 567 U.S. ____, 132 S. Ct. 2455 (2012). As a result of the recent holding by that Court that *Miller* must be applied retroactively by the States, see *Montgomery v. Louisiana*, 2016 WL 280758 (U.S. Jan. 25, 2016), the Superior Court's order is **VACATED**, and the case is **REMANDED** for further proceedings consistent with *Montgomery*.

To the extent necessary, leave is to be granted to amend the post-conviction petition to assert the jurisdictional provision of the Post Conviction Relief Act extending to the recognition of constitutional rights by the Supreme Court of the United States which it deems to be retroactive. See 42 Pa.C.S. § 9545(b)(1)(iii).

Mr. Justice Eakin and Madame Justice Donohue did not participate in the consideration or decision of this matter.

Judgment Entered 2/12/2016



CHIEF CLERK