

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

COMMONWEALTH OF PENNSYLVANIA,	:	No. 195 MAL 2009
	:	
Respondent	:	Petition for Allowance of Appeal from
	:	the Memorandum Opinion and Order of
v.	:	the Superior Court (Bender, Panella, and
	:	Kelly) dated February 5, 2009 affirming
	:	the judgment of sentence of the Court of
WALTER J. HART,	:	Common Pleas of Delaware County
	:	(Osborne) dated January 3, 2008
	:	
Petitioner	:	

**ORDER**

**PER CURIAM**

**AND NOW**, this 12<sup>th</sup> day of March 2010, the Petition for Allowance of Appeal is **GRANTED**. The issue, rephrased for clarity, is:

Whether a person who offers a child a ride without previously obtaining the permission of a parent of the child, but who otherwise lacks criminal intent to harm the child, may be convicted of luring a child into a motor vehicle under 18 Pa.C.S.A. § 2910?

**IT IS FURTHER ORDERED** that this matter is **REMANDED** to the Court of Common Pleas of Delaware County solely for the trial court to appoint counsel for Petitioner to represent him in this appeal if he desires such representation. In their briefs, the parties are to specifically address the applicability of the Superior Court decisions in Commonwealth v. Adamo, 637 A.2d 302 (Pa. Super. 1994) and Commonwealth v. Figueora, 648 A.2d 555 (Pa. Super. 1994). Jurisdiction is retained.

Madame Justice Orié Melvin did not participate in the consideration or decision of this matter.