

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

COMMONWEALTH OF PENNSYLVANIA,	:	No. 3 WM 2012
	:	
Respondent	:	
	:	
v.	:	
	:	
NICHOLAS HORNER,	:	
	:	
Petitioner	:	

**ORDER**

**PER CURIAM**

**AND NOW**, this 2<sup>nd</sup> day of February, 2012, the Application for Extraordinary Relief is **DENIED**.

Mr. Justice McCaffery dissents. Dissenting Statement to follow.