

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA,		IN THE SUPERIOR COURT OF PENNSYLVANIA
Appellee		
v.		
TAHIR USMAN MIR,		
Appellant		No. 401 WDA 2014

Appeal from the Judgment of Sentence entered September 13, 2013,
in the Court of Common Pleas of Indiana County,
Criminal Division, at No(s): CP-32-CR-0000079-2012

BEFORE: FORD ELLIOTT, P.J.E., DONOHUE and ALLEN, JJ.

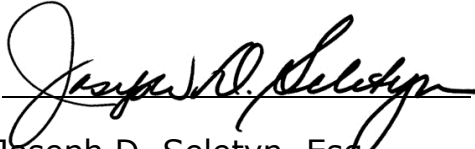
JUDGMENT ORDER BY ALLEN, J.:

FILED DECEMBER 17, 2014

Tahir Usman Mir ("Appellant") has appealed, and challenges the legality of his sentence pursuant to ***Alleyne v. United States***, 133 S.Ct. 2151 (2013). Appellant requests that his judgment of sentence be vacated and the case be remanded for a new sentencing hearing. Appellant's Brief at 54; Appellant's Reply Brief at 9. The sentencing court "agrees with [Appellant] that the sentence imposed is an illegal sentence pursuant to Alleyne and Munday." Trial Court Opinion, 4/22/14. In addition, the Commonwealth, citing ***Alleyne*** and ***Commonwealth v. Munday***, 78 A.3d 661 (Pa. Super. 2014), "is of the opinion that the Appellant is entitled to relief in the form of re-sentencing." Commonwealth Correspondence to Superior Court, 11/10/14. Given the foregoing, we vacate Appellant's judgment of sentence and remand for re-sentencing.

Judgment of sentence vacated. Case remanded for re-sentencing. Case stricken from the January 7, 2015 argument list. Jurisdiction relinquished.

Judgment Entered.

A handwritten signature in black ink, appearing to read "Joseph D. Seletyn", written over a horizontal line.

Joseph D. Seletyn, Esq.
Prothonotary

Date: 12/17/2014