

**NON-PRECEDENTIAL DECISION – SEE SUPERIOR COURT I.O.P 65.37**

COMMONWEALTH OF PENNSYLVANIA,	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
Appellant	:	
	:	
v.	:	
	:	
JERMEEL OMAR TYSON,	:	
	:	
Appellee	:	No. 1292 MDA 2013

Appeal from the Order June 18, 2013,  
Court of Common Pleas, Berks County,  
Criminal Division at No. CP-06-CR-0005578-2012

BEFORE: BENDER, P.J.E., DONOHUE and STRASSBURGER\*, JJ.

DISSENTING STATEMENT BY STRASSBURGER, J.: **FILED APRIL 21, 2014**

Because the instant crime and the prior crime for which Tyson was convicted are so similar — non-consensual sex with a sleeping victim who had invited Tyson into her home — in my view the trial court abused its discretion in denying the Commonwealth’s motion in limine seeking admission of the prior conviction under the common plan or scheme exception. I would reverse.

\*Retired Senior Judge assigned to the Superior Court.