**NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37**

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| COMMONWEALTH OF PENNSYLVANIA<br><br>v.<br><br>SHAURN THOMAS<br><br>Appellant | IN THE SUPERIOR COURT OF PENNSYLVANIA<br><br><br><br>No. 1943 EDA 2014 |

Appeal from the PCRA Order June 13, 2014
in the Court of Common Pleas of Philadelphia County Criminal Division
at No(s): No. CP-51-CR-0916842-1993

BEFORE: OLSON, SOLANO, and FITZGERALD,* JJ.

JUDGMENT ORDER BY FITZGERALD, J.: **FILED MAY 22, 2017**

Appellant, Shaurn Thomas, appeals from the order dismissing, as untimely, his second petition filed under the Post Conviction Relief Act ("PCRA"), 42 Pa.C.S. §§ 9541-9546.

On May 15, 2017, Appellant filed a Joint Superseding Emergency Petition To Remand To The Court Of Common Pleas. Attached to this petition is a letter dated May 12, 2017 from the Philadelphia District Attorney's Office, which states: "Based on our review and investigation, sufficient evidence exists to undermine our confidence in [Appellant's] conviction and creates a basis for relief in the interests of justice. As such, we will agree to vacate the conviction." Appellant's Joint Superseding Emergency Petition To Remand To The Court Of Common Pleas, 5/15/17,

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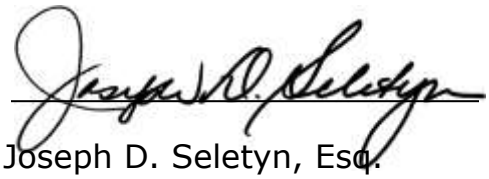
* Former Justice specially assigned to the Superior Court.

Ex. A. Based on this letter, Appellant requests that this Court immediately remand this case to the Philadelphia Court of Common Pleas for further proceedings. Appellant asserts that the Commonwealth joins in this request.

In view of the District Attorney's letter and Appellant's representation that the District Attorney joins in Appellant's emergency motion, we agree that immediate remand is proper. Accordingly, we vacate the order denying Appellant's second PCRA petition and remand this case for further proceedings.

Order vacated. Appellant's Joint Superseding Emergency Petition To Remand To The Court Of Common Pleas granted. Appellant's Second Petition To Remand To The Court Of Common Pleas For A Hearing Concerning After Discovered Evidence denied as moot. Case remanded for further proceedings. Jurisdiction relinquished.

Judgment Entered.



Joseph D. Seletyn, Esq.
Prothonotary

Date: 5/22/2017