

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

COMMONWEALTH OF PENNSYLVANIA,	:	No. 306 EAL 2014
	:	
Respondent	:	
	:	
v.	:	Petition for Allowance of Appeal from the
	:	: Unpublished Memorandum and Order
	:	: of the Superior Court at No. 2876 EDA
	:	: 2009 filed November 12, 2010, affirming
	:	: the Judgment of Sentence of the
MAURICE SMITH,	:	: Philadelphia County Court of Common
	:	: Pleas at Nos. CP-51-CR-0011502-2007
Petitioner	:	: and MC-51-CR-0008260-2007 filed
	:	: September 17, 2009

ORDER

PER CURIAM

AND NOW, this 24th day of September 2014, the Petition for Allowance of Appeal is **GRANTED** and the judgments of sentence for robbery and conspiracy are **VACATED**. See Commonwealth v. Tarver, 426 A.2d 569 (Pa. 1981) (holding that sentences for second-degree murder and robbery merge where the factual basis for the conviction for second-degree murder is the same as that of the robbery.) Accord Commonwealth v. Boone, 2009 Pa. LEXIS 925 (Pa. 2009). Case **REMANDED** to the Court of Common Pleas for resentencing for the conspiracy offense. The Petition for Allowance of Appeal is **DENIED** in all other respects.