

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

COMMONWEALTH OF PENNSYLVANIA,	:	No. 356 MAL 2023
	:	
Respondent	:	
	:	Petition for Allowance of Appeal
v.	:	from the Published Opinion and
	:	Order of the Superior Court at No.
	:	791 MDA 2022, at 297 A.3d 424
	:	(Pa. Super. 2023) entered on June
MICHAEL T. MARTIN, JR.,	:	12, 2023, reversing and
	:	remanding the Order of the
Petitioner	:	Franklin/Fulton County Court of
	:	Common Pleas at No. CP-28-CR-
	:	0002065-2019 entered on May 13,
	:	2022

ORDER

PER CURIAM

DECIDED: April 23, 2024

AND NOW, this 23rd day of April, 2024, we **GRANT** the petition for allowance of appeal, **VACATE** the Superior Court’s decision reversing the trial court’s grant of the motion for a new trial based on the weight of the evidence, and **REMAND** for the Superior Court to review the challenge to the trial court’s order under the appropriate appellate standard of review. *Commonwealth v. Widmer*, 744 A.2d 745, 752 (Pa. 2000) (appellate court must give “the gravest consideration to the findings and reasons advanced by the trial judge when reviewing a trial court’s determination that the verdict is against the weight of the evidence” and consider each of the reasons given by the trial court to determine if trial court’s discretion was exercised on “a foundation of reason”); *Commonwealth v. Clay*, 64 A.3d 1049, 1053 (Pa. 2013) (reviewing court must “give the gravest consideration to the findings and reasons” of the trial court and finding that Superior Court did not apply the proper abuse of discretion standard because it “failed to consider the discretion

exercised by the trial judge or the findings and reasons advanced by the judge in support of his determination"); *Commonwealth v. DiStefano*, 265 A.3d 290 (Pa. 2021) (Superior Court must specify how trial court abused its discretion).