

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

COMMONWEALTH OF PENNSYLVANIA,	:	No. 590 MAL 2019
	:	
Petitioner	:	
	:	
v.	:	Petition for Allowance of Appeal
	:	from the Order of the Superior Court
	:	
	:	
ANTHONY SHAW,	:	
	:	
Respondent	:	

ORDER

PER CURIAM

AND NOW, this 24th day of March, 2020, the Petition for Allowance of Appeal is **GRANTED**. The issues, as stated by petitioner, are:

- A. Did the Superior Court improperly disregard the Rules of Appellate Procedure when it considered and decided the issue of whether PCRA/appellate counsel was ineffective?
 - 1. Did the Superior Court improperly disregard Pa.R.A.P. 302 when it addressed and decided the issue of PCRA/appellate counsel's alleged ineffectiveness even though that issue was raised for the first time on appeal?
 - 2. Did the Superior Court improperly disregard Pa.R.A.P. 1925(b)(4)(vii) when it addressed and decided the issue off PCRA/appellate counsel's alleged ineffectiveness even though that issue was not included in a Rule 1925 concise statement of matters complained of on appeal and, consequently, was not addressed by the PCRA court?
- B. Does the Superior Court holding in the instant case conflict with the Superior Court's own prior holding in *Commonwealth v. Henkel*, 90 A.3d 16 (Pa. Super. 2014 (*en banc*)?

C. Did the Superior Court improperly engage in its own fact-finding rather than permit the PCRA court to resolve factual disputes arising from the record regarding PCRA/appellate counsel's alleged ineffective assistance?