

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

COMMONWEALTH OF PENNSYLVANIA,	:	No. 774 MAL 2015
	:	
Petitioner	:	Petition for Allowance of Appeal from he
	:	Order of the Superior Court
	:	
v.	:	
	:	
	:	
ANGEL ANTHONY RESTO,	:	
	:	
Respondent	:	

**ORDER**

**AND NOW**, this 23<sup>rd</sup> day of August, 2016, the Petition for Allowance of Appeal is **GRANTED**. The issue, as set forth by the Commonwealth, is as follows:

Did the Pennsylvania Superior Court err in holding that the mandatory minimum sentence found in 42 Pa.C.S.A. § 9718(a)(3) [is] unconstitutional in light of Alleyne v. United States, 133 S. Ct. 2151 (2013), despite that statutory provision calling for no facts to be found beyond simply being convicted of the enumerated offense?

This matter is to be listed together with Commonwealth v. Bragg, 67 EAL 2016, Commonwealth v. Macklin, 288 MAL 2015, and Commonwealth v. Sachette, 973 MAL 2015, for oral argument purposes only.

Justice Wecht did not participate in the consideration or decision of this matter.