

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

COMMONWEALTH OF PENNSYLVANIA,	:	No. 30 EAL 2024
	:	
Petitioner	:	
	:	
v.	:	Petition for Allowance of Appeal
	:	from the Published Opinion and
	:	Order of the Superior Court at No.
	:	1631 EDA 2021, at 307 A.3d 767
	:	(Pa. Super. 2023) entered on
ROBERT REDANAUER,	:	December 28, 2023, quashing the
	:	Order of the Philadelphia County
Respondent	:	Court of Common Pleas at Nos.
	:	MC-51-CR-0007444-2021 and MC-
	:	51-CR-0007445-2021 entered on
	:	July 15, 2021
COMMONWEALTH OF PENNSYLVANIA,	:	No. 31 EAL 2024
	:	
Petitioner	:	
	:	
v.	:	Petition for Allowance of Appeal
	:	from the Published Opinion and
	:	Order of the Superior Court at No.
	:	1632 EDA 2021, at 307 A.3d 767
	:	(Pa. Super. 2023) entered on
ROBERT REDANAUER,	:	December 28, 2023, quashing the
	:	Order of the Philadelphia County
Respondent	:	Court of Common Pleas at Nos.
	:	MC-51-CR-0007444-2021 and MC-
	:	51-CR-0007445-2021 entered on
	:	July 15, 2021

ORDER

PER CURIAM

AND NOW, this 1st day of July, 2024, we **GRANT** the Petition for Allowance of Appeal, **REVERSE** the decision of the Superior Court quashing the Commonwealth's appeal, and **REMAND** to the Superior Court with instructions to remand to the Court of

Common Pleas to determine whether the Commonwealth established a *prima facie* case on MC-51-CR-0007445-2021. See N.T. 7/15/2021 at 9 (“We are at a preliminary hearing.”); *Commonwealth v. Hetherington*, 331 A.2d 205, 208 (Pa. 1975) (“[a] finding . . . that the Commonwealth has failed to establish a *prima facie* case is not a final determination, such as an acquittal, and only entitles the accused to his liberty for the present, leaving him subject to rearrest”); *Commonwealth v. Bronson*, 393 A.2d 453, 454 (Pa. 1978) (“claim of double jeopardy must fail if . . . jeopardy never attached”).

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