

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

COMMONWEALTH OF PENNSYLVANIA,	:	No. 339 MAL 2025
	:	
Respondent	:	
	:	
v.	:	Petition for Allowance of Appeal
	:	from the Order of the Superior Court
	:	
	:	
ALBERTO MELLON,	:	
	:	
Petitioner	:	

ORDER

PER CURIAM

AND NOW, this 17th day of December, 2025, the Petition for Allowance of Appeal is **GRANTED**. The issue, rephrased for clarity, is:

Under *Birchfield v. North Dakota*, 579 U.S. 438 (2016), and *Commonwealth v. Bell*, 211 A.3d 761 (Pa. 2019), must the jury be instructed to consider evidence of a defendant's refusal to submit to a warrantless blood test only as evidence of the defendant's consciousness of guilt?