IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT

COMMONWEALTH OF PENNSYLVANIA,	:	No. 585 WAL 2014
	:	
Respondent	:	
	:	Petition for Allowance of Appeal from
	:	the **Unpublished Memorandum and**
v.	:	**Order** of the Superior Court at No. 213
	:	WDA 2014 exited December 2, 2014,
	:	**affirming** the Order of the Allegheny
RODERICK TODD ALLEN,	:	County Court of Common Pleas at No.
	:	CP-02-CR-0007206-1979 exited
Petitioner	:	January 14, 2014

ORDER

PER CURIAM

AND NOW, this 24th day of February, 2016, the Petition for Allowance of Appeal is **GRANTED** on the issue of whether Petitioner's sentence violates the prohibition against mandatory life sentences for juvenile offenders announced by the Supreme Court of the United States in *Miller v. Alabama*, 567 U.S. ___, 132 S. Ct. 2455 (2012). As a result of the recent holding by that Court that *Miller* must be applied retroactively by the States, *see Montgomery v. Louisiana*, 2016 WL 280758 (U.S. Jan. 25, 2016), the Superior Court's order is **VACATED**, and the case is **REMANDED** for further proceedings consistent with *Montgomery*.

To the extent necessary, leave is to be granted to amend the post-conviction petition to assert the jurisdictional provision of the Post Conviction Relief Act extending to the recognition of constitutional rights by the Supreme Court of the United States which it deems to be retroactive. *See* 42 Pa.C.S. § 9545(b)(1)(iii).

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