

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

COMMONWEALTH OF PENNSYLVANIA,	:	No. 17 EAL 2024
	:	
Petitioner	:	
	:	
v.	:	Petition for Allowance of Appeal
	:	from the Order of the Superior Court
	:	
	:	
JAMES SMITH,	:	
	:	
Respondent	:	

**ORDER**

**PER CURIAM**

**AND NOW**, this 23rd day of July, 2024, the Petition for Allowance of Appeal is **GRANTED**. The issue, as stated by the Commonwealth, is:

Did the Superior Court override this Court’s controlling legal standard by holding that the evidence was insufficient to establish a prima facie case that defendant[s], [ ] off-duty police officer[s], committed simple assault, criminal conspiracy, and reckless endangerment, where the co-defendants ... accused a [pedestrian] of breaking into cars, chased him as he ran for help, and slammed him into a pillar—injuring his head, arms, and legs?

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