

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

COMMONWEALTH OF PENNSYLVANIA,	:	No. 534 MAL 2024
	:	
Respondent	:	
	:	
v.	:	Petition for Allowance of Appeal from the Order of the Superior Court
	:	
	:	
CHARLES CLAYTON CASSELL III,	:	
	:	
Petitioner	:	
	:	
COMMONWEALTH OF PENNSYLVANIA,	:	No. 535 MAL 2024
	:	
Respondent	:	
	:	
v.	:	Petition for Allowance of Appeal from the Order of the Superior Court
	:	
	:	
JERROD AARON SCOTT,	:	
	:	
Petitioner	:	

ORDER

PER CURIAM

AND NOW, this 15th day of April, 2025, the Petitions for Allowance of Appeal filed at 534 MAL 2024 and 535 MAL 2024 are **GRANTED**. The issue, rephrased for clarity, is:

When two or more persons jointly and constructively acquire and use drugs, is that a defense to the element of “delivery” for charges of possession with intent to deliver, drug delivery resulting in death, and third-degree murder (where delivery of drugs was a stated element of the Information)? If so, is the defense (1) sufficient for an acquittal of those charges, or (2), in the alternative, is the defense sufficient to obtain a “constructive possession” style of jury instruction?

The Prothonotary is directed to consolidate these cases and to schedule them to be argued together.