

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

COMMONWEALTH OF PENNSYLVANIA,	:	No. 180 WAL 2023
	:	
Respondent	:	
	:	
v.	:	Petition for Allowance of Appeal
	:	from the Order of the Superior Court
	:	
	:	
	:	
DEREK LEE,	:	
	:	
Petitioner	:	

**ORDER**

**PER CURIAM**

**AND NOW**, this 16th day of February, 2024, the Petition for Allowance of Appeal is **GRANTED, LIMITED TO** the issues set forth below. Allocatur is **DENIED** as to all remaining issues. The issues, as stated by Petitioner, are:

- (1) Is [Petitioner’s] mandatory sentence of life imprisonment with no possibility of parole unconstitutional under Article I, § 13 of the Constitution of Pennsylvania where he was convicted of second-degree murder in which he did not kill or intend to kill and therefore had categorically-diminished culpability, and where Article I, § 13 should provide better protections in those circumstances than the Eighth Amendment to the U.S. Constitution?
  
- (2) Is [Petitioner’s] mandatory sentence of life imprisonment with no possibility of parole unconstitutional under the Eighth Amendment to the U.S. Constitution where he was convicted of second-degree murder in which he did not kill or intend to kill and therefore had categorically-diminished culpability under the Eighth Amendment?

The Applications for Leave to File *Amicus* Briefs in support of Petition for Allowance of Appeal filed by Scholars of Eighth Amendment Law; The Boston University Center for Antiracist Research, Fair and Just Prosecution, and FAMM; Former Department of Corrections Secretaries John Wetzel and George Little; and Roderick and Solange MacArthur Justice Center and American Civil Liberties Union are **GRANTED**.