

**NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37**

COMMONWEALTH OF PENNSYLVANIA, : IN THE SUPERIOR COURT OF  
: PENNSYLVANIA  
: Appellee :  
: v. :  
: LIONEL LOUIS SEASE, :  
: Appellant : No. 1015 MDA 2012

Appeal from the Order of April 4, 2012,  
in the Court of Common Pleas of York County,  
Criminal Division at No. CP-67-CR-0007076-2008

COMMONWEALTH OF PENNSYLVANIA, : IN THE SUPERIOR COURT OF  
: PENNSYLVANIA  
: Appellee :  
: v. :  
: LIONEL LOUIS SEASE, :  
: Appellant : No. 1016 MDA 2012

Appeal from the PCRA Order of April 4, 2012,  
in the Court of Common Pleas of York County,  
Criminal Division at No. CP-67-CR-0007854-2008

BEFORE: SHOGAN, OTT AND COLVILLE\*, JJ.

MEMORANDUM BY COLVILLE, J.:

Filed: March 20, 2013

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\*Retired Senior Judge assigned to the Superior Court.

This is a *pro se* appeal from the order denying as untimely Appellant's petition filed pursuant to the Post Conviction Relief Act ("PCRA"). The petition was Appellant's first PCRA petition.

Following the filing of Appellant's *pro se* PCRA petition, the PCRA court appointed counsel for Appellant. Counsel filed neither an amended PCRA petition nor a petition to withdraw. Appellant filed a *pro se* response to the court's notice of intent to dismiss the petition; after the petition was denied, Appellant filed a *pro se* notice of appeal. Thereafter, counsel petitioned the PCRA court for permission to withdraw explaining, *inter alia*, that he had failed to file anything other than motions for extensions of time because he believed that the PCRA petition was untimely. He also alleged that Appellant expressed a desire to proceed *pro se* on appeal. The PCRA court granted counsel's request.

An indigent, first-time PCRA petitioner is entitled to the assistance of counsel. Pa.R.Crim.P. 904(C).

This right to representation exists throughout the post-conviction proceedings, including any appeal from disposition of the petition for post-conviction relief. It is equally clear that once counsel has entered an appearance on a [petitioner's] behalf he is obligated to continue representation until the case is concluded or he is granted leave by the court to withdraw his appearance.

***Commonwealth v. Quail***, 729 A.2d 571, 573 (Pa. Super. 1999) (citations and quotation marks omitted).

When counsel has been appointed to a PCRA petitioner, counsel must, of record, either advance the petitioner's claims or certify their lack of merit.

***Commonwealth v. Karanicolas***, 836 A.2d 940, 946 (Pa. Super. 2003). The procedure for the latter is well established in the ***Turner/Finley*** line of cases.<sup>1</sup> In this case, counsel did neither. Accordingly, we vacate the order denying the PCRA petition and remand for appointment of counsel for the litigation of Appellant's PCRA petition.

Order vacated. Case remanded with instructions. Jurisdiction relinquished.

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<sup>1</sup> ***Commonwealth v. Turner***, 544 A.2d 927 (Pa. 1988); ***Commonwealth v. Finley***, 550 A.2d 213 (Pa. Super. 1988).