

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA,	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
Appellee	:	
	:	
v.	:	
	:	
LOUISE YOUNG,	:	
	:	
Appellant	:	No. 1139 MDA 2012

Appeal from the Judgment of Sentence Entered April 16, 2012,
In the Court of Common Pleas of Lycoming County,
Criminal Division, at No. CP-41-CR-0000870-2011.

BEFORE: SHOGAN, OTT and COLVILLE*, JJ.

JUDGMENT ORDER BY SHOGAN, J.: Filed: February 21, 2013

Appellant, Louise Young, appeals from the judgment of sentence entered on April 16, 2012, following her conviction of criminal trespass, criminal mischief, and public drunkenness. We remand.

The record reflects that, after filing an appeal on June 20, 2012, and after the trial court ordered Appellant to file a concise statement of errors complained of on appeal by order of June 22, 2012, counsel failed to file a concise statement. On August 3, 2012, the trial court issued an order stating that Appellant had not complied with its order to file a concise statement and relied upon its opinion disposing of Appellant's post-sentence motion in seeking an affirmance.

*Retired Senior Judge assigned to the Superior Court.

Pursuant to established precedent, prejudice may be presumed where the failure of counsel to file a concise statement on behalf of a criminal defendant results in waiver of all claims to be asserted on direct appeal. ***Commonwealth v. Halley***, 870 A.2d 795 (Pa. 2005); ***Commonwealth v. West***, 883 A.2d 654 (Pa. Super. 2005). ***See also*** Pa.R.A.P. 1925, Note: Paragraph (c)(3). The remedy for deprivation of the right to appeal in such a situation is to remand. ***Id.***

For the reasons set forth above, we remand for the filing of a Rule 1925(b) statement within 30 days of the date of this Judgment Order, and for a trial court opinion to be filed with this Court within 30 days thereafter.

Remanded for further proceedings consistent with this Judgment Order. Panel jurisdiction retained.