

**NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37**

COMMONWEALTH OF PENNSYLVANIA

IN THE SUPERIOR COURT OF  
PENNSYLVANIA

Appellee

v.

DEBRA J. LUCAS

Appellant

No. 114 MDA 2012

Appeal from the Judgment of Sentence December 19, 2011  
In the Court of Common Pleas of Centre County  
Criminal Division at No(s): CP-14-MD-2013-2011

BEFORE: ALLEN, J., LAZARUS, J., and OTT, J.

JUDGMENT ORDER BY OTT, J.

Filed: February 11, 2013

Debra J. Lucas appeals from the judgment of sentence entered on December 19, 2011, finding her guilty of indirect criminal contempt following a guilty plea hearing. Lucas was sentenced to 60 days incarceration.<sup>1</sup> We vacate the judgment of sentence.

The record reflects Lucas filed this timely appeal on January 13, 2012. We concluded that the record belied the submissions of the trial court,<sup>2</sup> the Commonwealth and defense counsel<sup>3</sup> that there were no meritorious issues

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<sup>1</sup> Lucas was given 2 days credit.

<sup>2</sup> The trial court, in its February 16, 2012, Pa.Rule 1925(a) opinion took the position Lucas waived all issues because they were not raised in post-trial motions. As we stated in our November 1, 2012 memorandum remanding this matter, there is nothing in the record to show Lucas was ever apprised of those rights.

<sup>3</sup> Counsel's motion to withdraw from representation in accordance with ***Commonwealth v McClendon***, 434 A.2d 1185 (Pa. 1981), and its federal  
(Footnote Continued Next Page)

on appeal. Because our review of the record indicated there was no inquiry of any kind conducted to determine whether Lucas understood and voluntarily accepted the terms of the plea agreement, we remanded the matter on November 1, 2012. Defense counsel was directed to file an advocate's brief raising all issues relevant to the guilty plea.

New defense counsel, David Crowley, Esquire, timely submitted his brief raising the following issues: 1) the trial court lacked sufficient evidence from which to conclude Lucas violated the underlying protection from abuse ("PFA") order when no hearing was held; and 2) there was no evidence of record that Lucas voluntarily, knowingly, and intelligently pled guilty to violation of the PFA order.

The Commonwealth responded that it "concedes that a proper record of an offer of proof was not created during [Lucas'] hearing. The Commonwealth also concedes [Lucas] was not properly colloquied when the court accepted her plea." Commonwealth's Brief at 2. The Commonwealth requests the case be remanded to the trial court for a new hearing.

Judgment of sentence vacated. Case remanded. Jurisdiction relinquished.

*(Footnote Continued)* \_\_\_\_\_

precursor, ***Anders v. California***, 386 U.S. 783 (1967), alleging that the appeal was wholly frivolous, was denied.