

**NON-PRECEDENTIAL DECISION – SEE SUPERIOR COURT I.O.P 65.37**

COMMONWEALTH OF PENNSYLVANIA,	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
Appellee	:	
v.	:	
HANNAH ROSE WILEY,	:	
	:	
Appellant	:	No. 1685 WDA 2012

Appeal from the Judgment of Sentence of October 15, 2012,  
in the Court of Common Pleas of Erie County,  
Criminal Division, at No: CP-25-CR-0001487-2011

BEFORE: SHOGAN, J., OTT, J., and STRASSBURGER, J.\*

MEMORANDUM BY STRASSBURGER, J: **FILED DECEMBER 30, 2013**

Hannah Rose Wiley (Appellant) appeals from the October 15, 2012 judgment of sentence of 8 to 24 months' incarceration following the revocation of her probation. We vacate the judgment of sentence and remand for a new probation revocation hearing.

After this Court denied her petition to withdraw, counsel for Appellant filed an advocate's brief arguing, *inter alia*, that the trial court erred in failing to ensure that Appellant either (1) was represented by counsel at her probation revocation hearing, or (2) knowingly, intelligently, and voluntarily waived her right to counsel. The Commonwealth concedes that Appellant is entitled to relief, and we agree. **See** Pa.R.Crim.P. 708(B) ("Whenever a defendant has been sentenced to probation ... the judge shall not revoke such probation... unless there has been: (1) a hearing held as speedily as

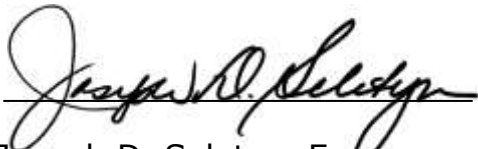
\*Retired Senior Judge assigned to the Superior Court.

possible at which the defendant is present **and represented by counsel....**") (emphasis added).

Accordingly, we vacate Appellant's October 15, 2012 judgment of sentence and remand the case for a new probation revocation hearing. The new hearing shall not take place unless Appellant is represented by counsel or waives her right to counsel following the appropriate colloquy.

Judgment of sentence vacated. Case remanded with instructions. Jurisdiction relinquished.

Judgment Entered.

A handwritten signature in black ink, appearing to read "Joseph D. Seletyn", written over a horizontal line.

Joseph D. Seletyn, Esq.  
Prothonotary

Date: 12/30/2013