

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

COMMONWEALTH OF PENNSYLVANIA	:	No. 52 EM 2021
	:	
v.	:	
	:	
SIKWA STEEL	:	
	:	
PETITION OF: JUSTIN C. CAPEK, ESQ.	:	

**ORDER**

**PER CURIAM**

**AND NOW**, this 19<sup>th</sup> day of November, 2021, in consideration of the Motion to Withdraw as Counsel, this matter is REMANDED to the Court of Common Pleas of Philadelphia County for that court to determine whether Attorney Justin C. Capek should be granted leave to withdraw. See Pa.R.Crim.P. 120(B) (providing that an attorney may not unilaterally withdraw his or her appearance with respect to a criminal defendant; rather, a court must determine whether leave to withdraw is warranted). In the event the court permits Attorney Capek to withdraw, the court is ORDERED to determine whether Sikwa Steel is entitled to court-appointed counsel for purposes of allocatur review. See Pa.R.Crim.P. 904(C), (F)(2) (specifying that an indigent petitioner is entitled to court-appointed counsel relative to a first PCRA petition; further providing that any such appointment continues through allocatur review).

The Court of Common Pleas of Philadelphia County is ORDERED to enter its order regarding this remand within 90 days and to notify this Court promptly of its determination.