

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

COMMONWEALTH OF PENNSYLVANIA	:	Nos. 53 and 54 EM 2021
	:	
v.	:	
	:	
JOHN LYNCH	:	
	:	
	:	
PETITION OF: D. WESLEY CORNISH,	:	
ESQUIRE	:	

ORDER

PER CURIAM

AND NOW, this 19th day of November, 2021, in consideration of the Motion to Withdraw, this matter is REMANDED to the Court of Common Pleas of Philadelphia County for that court to determine whether Attorney D. Wesley Cornish should be granted leave to withdraw.

Court-appointed counsel's duty of representation continues through allocatur review in this Court. See Pa.R.Crim.P. 122 (instructing that court-appointed counsel's representation continues on direct appeal through allocatur review). Additionally, counsel may not unilaterally refuse to continue representation of his or her client. Rather, counsel must seek leave from a court 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 of Common Pleas of Philadelphia County permits Attorney Cornish to withdraw, the court shall determine whether to appoint new counsel or to permit John Lynch to proceed *pro se*.

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.