

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

COMMONWEALTH OF PENNSYLVANIA,	:	No. 947 MAL 2013
	:	
Petitioner	:	Petition for Allowance of Appeal from the
	:	: <b>Unpublished Memorandum and Order</b>
	:	: of the Superior Court at No. 1733 MDA
v.	:	: 2012 filed September 16, 2013, <b>vacating</b>
	:	: the Judgment of Sentence of the Berks
	:	: County Court of Common Pleas at No.
NELSON ALVARADO-LENHART,	:	: CP-06-CR-0003854-2011 filed September
	:	: 6, 2012
Respondent	:	:

**ORDER**

**PER CURIAM**

**DECIDED: August 19, 2014**

**AND NOW**, this 19th day of August, 2014, the Petition for Allowance of Appeal is **GRANTED**, the decision of the Superior Court is **VACATED**, and the matter is **REMANDED** to the Superior Court for reconsideration under Commonwealth v. Lucarelli, 971 A.2d 1173 (Pa. 2009) (waiver of right to counsel is intentional and voluntary relinquishment of known right; forfeiture of right to counsel, by contrast, does not require that defendant intend to relinquish right but may result from defendant's extremely serious or dilatory conduct). The remand is not to be construed as an expression of view on whether, in fact, respondent forfeited the right to counsel.