

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

| | | |
|-------------------------------|---|-----------------|
| COMMONWEALTH OF PENNSYLVANIA, | : | No. 158 MM 2018 |
| | : | |
| Respondent | : | |
| | : | |
| v. | : | |
| | : | |
| JUSTIN ELLIS, | : | |
| | : | |
| Petitioner | : | |

ORDER

PER CURIAM

AND NOW, this 8th day of January, 2019, the Petition for Leave to File Petition for Allowance of Appeal *Nunc Pro Tunc* is GRANTED.

In consideration of the Motion for Withdrawal of Counsel, this matter is REMANDED to the Court of Common Pleas of Delaware County for that court to determine whether Petitioner's present counsel should be granted leave to withdraw. See Pa.R.Crim.P. 120(B) (providing that an attorney may not unilaterally withdraw; rather, a court must determine whether leave to withdraw is warranted). If present counsel is permitted to withdraw, the court is DIRECTED to resolve any issues relative to Petitioner being appointed counsel or granted leave to proceed *pro se*.

The Court of Common Pleas of Delaware County is DIRECTED to enter its order regarding this remand within 60 days and to promptly notify this Court of its determination.

A Petition for Allowance of Appeal shall be due within 30 days of the common pleas court providing notice of the entry of its order on remand.