

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Commonwealth of Pennsylvania :
 :
 v. : No. 1096 C.D. 2010
 : Submitted: November 12, 2010
 Joseph Slomnicki, :
 Appellant :

BEFORE: HONORABLE BONNIE BRIGANCE LEADBETTER, President Judge
HONORABLE DAN PELLEGRINI, Judge
HONORABLE ROCHELLE S. FRIEDMAN, Senior Judge

OPINION NOT REPORTED

MEMORANDUM OPINION
BY SENIOR JUDGE FRIEDMAN

FILED: January 3, 2011

Joseph Slomnicki, representing himself, appeals the May 11, 2010, order of the Court of Common Pleas of Allegheny County (trial court) finding him in violation of sections 302.4 and 307.1 of the Pittsburgh Property Maintenance Code (Code),¹ and imposing a fine of \$1,000 plus costs. Because Slomnicki waived all issues by failing to develop them in his brief, we dismiss the appeal.

Slomnicki is the owner of property located at 3101 Niagra [sic] Street, Pittsburgh, Pennsylvania. On August 28, 2009, Slomnicki was cited for violating sections 302.4 and 307.1 of the Code. On October 15, 2009, Slomnicki pled not guilty to the citations, and a trial was held before a magisterial district judge. The district judge continued the case for ninety days to give Slomnicki time to abate the

¹ Section 302.4 of the Code prohibits excessive weed and plant growth; section 307.1 of the Code prohibits accumulation of rubbish.

conditions, which Slomnicki failed to do. Slomnicki failed to appear at the continued trial and was found guilty *in absentia*² and fined \$1,000 per citation.

Slomnicki appealed to the trial court, which scheduled a *de novo* hearing for April 13, 2010. The trial court continued the case for thirty days to give Slomnicki a second opportunity to abate the conditions, which Slomnicki did not do. At the continued trial on May 11, 2010, the trial court found Slomnicki guilty but reduced the fine to \$500.00 per violation.

Slomnicki now appeals to this court,³ claiming that the trial court's verdict should be reversed because: (1) the magistrate did not advise him of his right to appeal to the trial court; (2) the trial court did not advise him of his right to counsel, right to file post-trial motions and his right to file an appeal; (3) Slomnicki was not responsible for cleaning up the property; (4) the citations were the result of an illegal search and seizure; and (5) the building inspector did not exhaust all administrative remedies before proceeding at the magisterial level.

² Pa. R. Crim. P. 455(a) provides:

If the defendant fails to appear for trial in a summary case, the trial shall be conducted in the defendant's absence, unless the issuing authority determines that there is a likelihood that the sentence will be imprisonment or that there is other good cause not to conduct the trial in the defendant's absence.

³ In an appeal from a summary conviction, our scope of review is limited to determining whether there has been an error of law, or whether the findings of the trial court are supported by competent evidence. *Commonwealth v. Hall*, 692 A.2d 283, 284 n. 2 (Pa. Cmwlth. 1997).

Unfortunately, all of the issues Slomnicki raises are waived because they are not properly developed in his brief. Indeed, the “Summary of the Argument” in Slomnicki’s brief is identical to his “Argument,” the only difference being the heading at the top of the page. (Slomnicki’s brief at 9-10.) Both portions of the brief list five “issues,” numbered A through E, and include only one sentence for each issue. There is no argument at all to support any of these issues as required by Pa. R.A.P. 2119(a), and the issues raised are not sufficiently developed for this court to review them in any meaningful way.

Arguments not properly developed in a brief will be deemed waived, *Rapid Pallet v. Unemployment Compensation Board of Review*, 707 A.2d 636, 638 (Pa. Cmwlth. 1998). Accordingly, Slomnicki’s appeal is dismissed pursuant to Pa. R.A.P. 2101 (stating that an appeal may be dismissed if defects in the appellant’s brief are substantial).

ROCHELLE S. FRIEDMAN, Senior Judge

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Commonwealth of Pennsylvania	:	
	:	
v.	:	No. 1096 C.D. 2010
	:	
Joseph Slomnicki,	:	
	:	
Appellant	:	

ORDER

AND NOW, this 3rd day of January, 2011, this appeal is hereby dismissed.

ROCHELLE S. FRIEDMAN, Senior Judge