

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Commonwealth of Pennsylvania :  
 :  
 v. : No. 282 C.D. 2009  
 : No. 283 C.D. 2009  
 Thomas Crock, : No. 284 C.D. 2009  
 Appellant : Submitted: October 2, 2009

OPINION NOT REPORTED

MEMORANDUM OPINION  
PER CURIAM

FILED: November 24, 2009

Thomas Crock appeals, *pro se*, three orders of the Court of Common Pleas of Allegheny County dismissing his appeals of summary traffic convictions issued by the Pittsburgh Parking Authority. The trial court dismissed Crock's appeals after he failed to appear for the hearing on those appeals. Crock contends that he was not afforded proper notice of the hearing, and asks this Court to reverse the trial court's orders on that basis. Because we lack jurisdiction, we quash the appeal.

In July and September of 2007, Crock received three citations from the Pittsburgh Parking Authority for parking violations. After Crock was convicted of each summary offense, he appealed to the trial court. The trial court conducted a hearing on Crock's appeals on April 8, 2008, but Crock did not appear at the hearing. The trial court entered three orders, each dated April 8, 2008, dismissing Crock's appeals due to his nonappearance and adjudging him guilty of each offense. On April 15, 2008, Crock petitioned the trial court for reconsideration and a new trial. The trial court denied reconsideration by order

dated April 30, 2008.<sup>1</sup> On May 30, 2008, Crock filed a notice of appeal from the trial court's April 30, 2008, order with the Superior Court. Thereafter, the Superior Court transferred the matter to this Court for disposition.

On appeal, Crock argues that the trial court erred by concluding that he received notice of the hearing held on April 8. We need not reach this issue, however, because Crock's appeal to Superior Court was untimely.

It is axiomatic that the timeliness of an appeal is jurisdictional, and the issue of timeliness may be raised *sua sponte* at any stage of the proceedings. *Thorn v. Newman*, 538 A.2d 105, 107 (Pa. Cmwlth. 1988). An untimely appeal must be quashed absent a showing of fraud or a breakdown in the court's operation. *Id.*

Pennsylvania Rule of Appellate Procedure 903 prescribes the time for filing an appeal. Rule 903(a) states that a notice of appeal must be filed "within 30 days after the entry of the order from which the appeal is taken." PA. R.A.P. 903(a). Further, an order denying reconsideration is not an appealable order. *Thorn*, 538 A.2d at 108 (citing *Provident National Bank v. Rooklin*, 378 A.2d 893 (Pa. Super. 1977)). Additionally, the filing of an application for reconsideration does not toll the running of the appeal period. *Id.* at 108 n.4. It is for this reason that a party seeking reconsideration of an appealable order is advised to file a notice of appeal. *See* PA. R.A.P. 1701, Official Note; *Commonwealth v. Moir*, 766 A.2d 1253, 1254 (Pa. Super. 2000) (discussing preservation of appeal rights when reconsideration is sought).

In this case, the final appealable orders dismissing Crock's appeals and adjudging him guilty of each offense were filed on April 8, 2008, and the 30-

---

<sup>1</sup> Crock again sought reconsideration on May 12, 2008. His motion was denied by the trial court on May 16, 2008.

day appeal period expired on May 7, 2008. PA. R.A.P. 903(a). Crock's petitions for reconsideration, filed on April 15, 2008, and May 12, 2008, did not toll the 30-day appeal period. Crock filed his notice of appeal to the Superior Court on May 30, 2008, well beyond the 30-day deadline of May 7, 2008. Therefore, Crock's appeal is quashed for lack of subject matter jurisdiction.

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Commonwealth of Pennsylvania	:
	:
v.	: No. 282 C.D. 2009
	: No. 283 C.D. 2009
Thomas Crock,	: No. 284 C.D. 2009
Appellant	:

**PER CURIAM**

**ORDER**

AND NOW, this 24<sup>th</sup> day of November, 2009, the appeal in the above-captioned matter is QUASHED.