

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA,	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
Appellee	:	
	:	
v.	:	
	:	
RONALD LEE RAY,	:	
	:	
Appellant	:	No. 1065 MDA 2012

Appeal from the Order Entered May 11, 2012,
In the Court of Common Pleas of Berks County,
Criminal Division, at No. CP-06-CR-0002845-1998.

BEFORE: SHOGAN, OTT and COLVILLE*, JJ.

MEMORANDUM BY SHOGAN, J.:

Filed: February 26, 2013

Appellant, Ronald Lee Ray, appeals *pro se* from an alleged order dated May 11, 2012 in the Court of Common Pleas of Berks County. Upon review, we quash the appeal.

A previous panel of this Court summarized the factual and procedural history as follows:

On May 14, 1999, Appellant was convicted of incest, statutory sexual assault, involuntary deviate sexual intercourse, aggravated indecent assault and indecent assault.¹

¹ 18 Pa.C.S.A. §§4302, 3122.1, 3123(a)(7), 3125(8) and 3126(a)(6).

He was subsequently sentenced to an aggregate sentence of 76 to 240 months' incarceration. Throughout his trial, Appellant was represented by Lawrence J. Hracho, Esquire. A Notice of Appeal to this Court was filed on July 27, 1999. On August 12, 1999, Mr. Hracho withdrew his appearance for Appellant.

*Retired Senior Judge assigned to the Superior Court.

James R. Elliott, Esquire and Harold Kane, Esquire, subsequently represented Appellant on his direct appeal. On December 12, 2000, a panel of our Court affirmed the conviction and judgment of sentence. ***Commonwealth v. Ray***, 769 A.2d 1208 (unpublished memorandum). Appellant then filed a petition for Allowance of Appeal with our [Supreme] Court, but the petition was returned as untimely. A subsequent petition for *nunc pro tunc* allowance of appeal, filed by Paul A. Bauer, III, Esquire, was denied on March 19, 2001. ***Commonwealth v. Ray***, E.D. Allocatur Docket No. 10 MM 2001.

On January 8, 2002, Appellant filed a Petition for Post Conviction Relief (PCRA). On April 1, 2002, acting *pro se*, Appellant filed a "Supplement to Petition for Post Conviction Relief." On April 29, 2002, the trial court entered an Order and Notice of Intent to dismiss the PCRA Petition without hearing. The petition was subsequently dismissed on May 24, 2002. Mr. Bauer withdrew as counsel on June 13, 2002. Appellant, through his new counsel, appeals.

Commonwealth v. Ray, 1005 MDA 2002, unpublished memorandum, 832 A.2d 542 (Pa. Super. filed July 1, 2003).

In the above quoted memorandum, this Court affirmed the order dismissing Appellant's PCRA petition. Appellant filed a petition for allowance of appeal to our Supreme Court, which was denied on February 27, 2004. ***Commonwealth v. Ray***, 577 Pa. 695, 845 A.2d 817 (2004). The Supreme Court of the United States denied Appellant's petition for writ of *certiorari* on June 21, 2004. ***Ray v. Pennsylvania***, 542 U.S. 920 (2004).

Relevant to the matter before us, Appellant filed a petition for *coram nobis* in the Court of Common Pleas of Berks County on January 12, 2012. Appellant next filed a notice of appeal on June 8, 2012, indicating that the

appeal was from an alleged May 11, 2012 order. The lower court issued a memorandum opinion indicating that no order dated May 11, 2012 appears of record, that the court had not ruled on Appellant's petition filed January 12, 2012, and thus recommending that the instant appeal be quashed. Trial Court Opinion, 10/2/12, at 1.

Before addressing the merits of Appellant's claims, we must determine whether this matter is properly before us. We do not have jurisdiction over a case if the order before us is not appealable. ***Commonwealth v. Scarborough***, 9 A.3d 206, 210 (Pa. Super. 2010). An order is appealable if it is: (1) a final order, ***see*** Pa.R.A.P. 341-342; (2) an interlocutory order appealable by right or permission, ***see*** 42 Pa.C.S.A. § 702(b); Pa.R.A.P. 311-312, 1311-1312; or (3) a collateral order, ***see*** Pa.R.A.P. 313. ***Scarborough***, 9 A.3d at 210.

As noted previously, Appellant asserts that he is appealing from an order dated May 11, 2012. However, our review of the record reflects that there is no order entered on the record on, or near, May 11, 2012. The record reflects that Appellant filed his petition for *coram nobis* on January 12, 2012, and the next filing identified in the record is Appellant's June 8, 2012, notice of appeal. The lower court never ruled on Appellant's petition and no order exists. In its memorandum opinion, the lower court confirmed that it did not issue an order in response to Appellant's petition.

Because there is no final order, no interlocutory order appealable by right or permission, and no collateral order, Appellant's current appeal is not appealable.¹ Thus, we lack jurisdiction to review his claims.

Appeal quashed. Jurisdiction relinquished.

¹ We also note that, even if this appeal were reviewable, we would quash Appellant's appeal on the basis of his failure to comply with Chapter 21 of the Pennsylvania Rules of Appellate Procedure. Appellant's brief is so lacking it is difficult for this Court to discern Appellant's argument, or the relief he is seeking. As such, our ability to conduct meaningful appellate review is significantly hampered. Because Appellant's failure to comply with the rules of appellate procedure is substantial, we would quash the appeal on those grounds. *See* Pa.R.A.P. 2101; *Commonwealth v. Adams*, 882 A.2d 496, 498 (Pa. Super. 2005).