

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA,

Appellee

v.

GI SEONG LIM,

Appellant

IN THE SUPERIOR COURT OF
PENNSYLVANIA

No. 109 EDA 2013

Appeal from the Judgment of Sentence of November 13, 2012
In the Court of Common Pleas of Montgomery County
Criminal Division at No(s): CP-46-CR-0002485-2012

BEFORE: GANTMAN, DONOHUE AND OLSON, JJ.

JUDGMENT ORDER BY OLSON, J.:

FILED NOVEMBER 27, 2013

Appellant, Gi Seong Lim, appeals *pro se* from the judgment of sentence entered on November 13, 2012. We quash the appeal.

On November 13, 2012, Appellant, who was represented by counsel, pled guilty to driving under the influence- highest rate of alcohol.¹ He was immediately sentenced to three days to six months' imprisonment. As part of the written guilty plea colloquy, Appellant acknowledged his understanding that any appeal must be filed within 30 days.² Appellant filed

¹ 75 Pa.C.S.A. § 3802(c).

² The transcript of the change of plea and sentencing hearing is not in the certified record.

the instant notice of appeal on January 1, 2013.³ On January 30, 2013, we issued an order to show cause why this appeal should not be quashed as being untimely.⁴ Appellant filed a timely response thereto and the issue was referred to this panel.

The judgment of sentence in this case was entered on November 13, 2012. Appellant did not file an appeal within 30 days after the entry of the judgment of sentence. **See** Pa.R.A.P. 903(a) (notice of appeal shall be filed within 30 days after entry of order from which appeal is taken). Rather, Appellant filed his appeal on January 1, 2013, 49 days after the judgment of sentence was entered. In his response to the order to show cause, Appellant makes no cognizable argument as to why we can consider his appeal, instead making general references about the unfairness of the sentence imposed. As this appeal is patently untimely, we lack jurisdiction to consider it. **See *Commonwealth v. Wrecks***, 934 A.2d 1287, 1289-1290 (Pa. Super. 2007) (citation omitted).

Appeal quashed.

³ **See *Commonwealth v. Feliciano***, 69 A.3d 1270, 1274 (Pa. Super. 2013) (prisoner mailbox rule).

⁴ Our order to show cause incorrectly stated that the notice of appeal was filed on January 4, 2013, the date it was received.

J-S64012-13

Judgment Entered.

A handwritten signature in black ink, written in a cursive style, reading "Joseph D. Seletyn". The signature is written over a horizontal line.

Joseph D. Seletyn, Esq.
Prothonotary

Date: 11/27/2013