

**NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37**

COMMONWEALTH OF PENNSYLVANIA

IN THE SUPERIOR COURT OF  
PENNSYLVANIA

Appellee

v.

JOHN L. ERICKSON

Appellant

No. 1433 WDA 2012

Appeal from the Order August 31, 2012  
In the Court of Common Pleas of Warren County  
Criminal Division at No(s): CP-62-SA-0000018-2012

BEFORE: GANTMAN, J., OTT, J., and FITZGERALD, J.\*

JUDGMENT ORDER BY OTT, J. Filed: May 15, 2013

AND NOW, this 15th day of May, 2013, because John L. Erickson, Appellant, has filed his notice of appeal from non-appealable interlocutory orders, we are required to quash this appeal.

On September 13, 2012, Erickson filed his notice of appeal in this matter. Erickson claimed the trial court erred on August 31, 2012, denying his motion for reconsideration of the August 24, 2012 denial of his motion to dismiss charges.

It is unquestionably the law that a defendant may appeal only from a final judgment of sentence and an appeal from any prior order will be quashed as interlocutory. A denial of a motion to quash an indictment is such an interlocutory order and an appeal therefrom will be quashed.

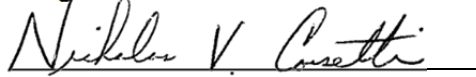
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\* Former Justice specially assigned to the Superior Court.

***Commonwealth v. Myers***, 322 A.2d 131, 132 (Pa. Super. 1974).

Appeal quashed.<sup>1</sup>

Judgment Entered.

A handwritten signature in cursive script, reading "Nicholas V. Cusetti", is written over a horizontal line.

Deputy Prothonotary

Date: May 15, 2013

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<sup>1</sup> Although Erickson filed his notice of appeal prior to his trial, which was held on October 1, 2012, the trial court retained jurisdiction to hold the trial pursuant to Pa.R.A.P. 1701(b)(6). ***See also Commonwealth v. Burkett***, 353 A.2d 350 (Pa. Super. 1986)