J-S25042-13

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA,	IN THE SUPERIOR COURT OF PENNSYLVANIA
Appellant	
v.	
PETER D. GOINES,	
Appellee	No. 1776 MDA 2012

Appeal from the Order of September 11, 2012,
in the Court of Common Pleas of York County,
Criminal Division at No. CP-67-CR-0006835-2011

BEFORE: SHOGAN, MUNDY and COLVILLE*, JJ.

MEMORANDUM BY COLVILLE, J.:   **FILED MAY 30, 2013**

The Commonwealth purports to appeal from an order entered on September 11, 2012. We quash this appeal.

Appellee has been charged for crimes in connection to his alleged battery of L.C. On October 9, 2012, the Commonwealth filed a notice of appeal wherein it stated its intent to appeal an order entered on September 11, 2011. The following day, the Commonwealth filed an amended notice of appeal wherein it stated its intent to appeal an order entered on September 11, 2012. On appeal, the Commonwealth contends that it is appealing "the order of September 11, 2012 denying the Commonwealth's motion to admit prior bad acts under Pa Rule of Evidence 404(b)[.]" Commonwealth's Brief at 1. In its Pa.R.A.P. 1925(a) opinion, the trial court states that it did not

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*Retired Senior Judge assigned to the Superior Court.

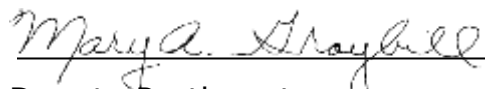enter any such order on September 11, 2012. Trial Court Opinion, 10/23/12.

Pursuant to Pa.R.A.P. 301(a), an order must be entered on the trial court's docket in order to be appealable. Furthermore, Pa.R.A.P. 301(b) requires that "[e]very order shall be set forth on a separate document."

The trial court's docket is devoid of an order entered on September 11, 2012. In addition, the certified record is devoid of a document evidencing an order being entered on that date. Moreover, the certified record does not contain an order denying the Commonwealth's motion to admit prior bad acts. The absence in the record and the docket of a September 11, 2012, order necessitates quashal of this appeal.

Appeal quashed.

Judge Mundy concurs in the result.

Judgment Entered.

Mary A. Graybill
Deputy Prothonotary

Date: 5/30/2013