

NON-PRECEDENTIAL DECISION – SEE SUPERIOR COURT I.O.P. 65.37

STEVEN ADDLESPURGER,	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
Appellant	:	
	:	
v.	:	No. 1975 WDA 2012
	:	
JULIE McVAY	:	

Appeal from the Order Dated November 15, 2012,
in the Court of Common Pleas of Allegheny County
Family Court Division at No. FD 04-004718-002

BEFORE: FORD ELLIOTT, P.J.E., OTT AND WECHT,* JJ.

JUDGMENT ORDER BY FORD ELLIOTT, P.J.E.: **FILED DECEMBER 18, 2013**

This is a *pro se* appeal from an order dated November 15, 2012, and entered in the Court of Common Pleas of Allegheny County.¹ According to the trial court, appellant appeared in motions court on October 18, 2012, and presented three motions: a petition for shared parenting; a petition to prosecute in *forma pauperis*; and a motion to correct false credit card charges. (**See** trial court opinion, 2/12/13 at 2.) Appellee, appellant’s ex-wife, appeared, opposed appellant’s petitions, and presented responses. (**Id.**) The trial court referred the first petition to the Generations custody

* Judge Wecht did not participate in the consideration or decision of this case.

¹ This is the 18th Superior Court appeal. (**See** trial court opinion, 2/12/13 at 1.)

program, granted the second petition, and denied the third. (*Id.*) The trial court advises that with respect to the third motion, the allegations contained therein pertained to issues that “either were or should have been litigated in the parties’ equitable distribution trial” that occurred in 2008 resulting in a final order dated July 25, 2008. (*Id.*)

According to the trial court, appellant next appeared in motions court on November 15, 2012, and presented the following three motions: reconsideration to correct false credit card charges; reconsideration for shared parenting; and reconsideration of wife’s previously granted *in forma pauperis* motion. (*Id.* at 3.) Appellee/wife appeared to oppose the motions and presented a response. (*Id.*) On November 15, 2012, the trial court denied appellant’s motions for reconsideration. On December 14, 2012, appellant filed an appeal.

We are mindful that appellant is proceeding *pro se*. However, appellant has a duty to file a complete record and a comprehensible brief. **See** Pa.R.A.P., Rule 1921, 42 Pa.C.S.A.; ***Cole v. Czegan***, 722 A.2d 686 (Pa.Super. 1998). The record does not contain the motions presented to the trial court on October 18, 2012, or on November 15, 2012. Appellant’s brief is incomprehensible. For these reasons alone, we may quash this appeal.

We, however, have no jurisdiction to consider an untimely appeal. **See** Pa.R.A.P. 903(a). Appellant has filed his appeal from the order denying his motions for reconsideration. It is well settled that the filing of a motion

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for reconsideration does not toll the appeal period. **See** Pa.R.C.P. 1930.2(b); **see *Karschner v. Karschner***, 703 A.2d 61, 62 (Pa.Super. 1997) (trial court's scheduling a hearing on husband's motion for reconsideration was insufficient to toll 30-day period within which to appeal final order of equitable distribution, and thus, husband's appeal had to be quashed as untimely where order was not vacated and no appeal was filed within 30 days of entry of order). Instantly, the trial court did not vacate its original order; hence, this appeal is untimely.

Appeal quashed.

Judgment Entered.

A handwritten signature in black ink, appearing to read "Joseph D. Seletyn", written over a horizontal line.

Joseph D. Seletyn, Esq.
Prothonotary

Date: 12/18/2013