

**NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37**

COMMONWEALTH OF PENNSYLVANIA

Appellee

v.

HECTOR B. GERMOSEN

Appellant

IN THE SUPERIOR COURT OF  
PENNSYLVANIA

No. 1652 MDA 2015

Appeal from the Judgment of Sentence June 15, 2015  
In the Court of Common Pleas of Dauphin County  
Criminal Division at No(s): CP-22-SA-0000235-2014

BEFORE: BOWES, OTT AND PLATT,\* JJ.

JUDGMENT ORDER BY BOWES, J.:

**FILED MAY 11, 2016**

Hector B. Germosen appeals from the trial court's verdict finding him not guilty. We quash.

Appellant was served with notice that a building that he owns in Harrisburg, Dauphin County, was going to be condemned, and was issued a citation regarding violations of the applicable building code. At a summary trial before a magisterial district judge, Appellant did not appear and was found guilty of the violations. Appellant filed a timely appeal to the Court of Common Pleas of Dauphin County. Appellant made repairs to the building. At the conclusion of a June 15, 2015 trial before the common pleas court, City Code Enforcement Officer Darryl Restagno agreed to lift the condemnation order and the failure to comply citation, subject to a physical inspection, and end the criminal matter. Appellant agreed. N.T. 6/15/15 at

\* Retired Senior Judge assigned to the Superior Court.

4. The court then granted Appellant's summary appeal and entered a not guilty verdict on the record. Appellant filed the present appeal.

This appeal is untimely. The verdict was entered in Appellant's presence on June 15, 2015. On June 29, 2015, he filed an untimely motion to modify his non-existent sentence and a notice of appeal on September 21, 2015, from the subsequent denial of the post-trial motion. Post-trial motions may not be filed in a summary case. Pa.R.Crim.P. 720(D). The "determination of guilt at the conclusion of the trial *de novo* shall constitute a final order for purposes of appeal." ***Id.*** Thus, Appellant's notice of appeal is untimely as it was not filed within thirty days of June 15, 2015. Pa.R.A.P. 903(a).

In response to this Court's rule to show cause why this appeal should not be dismissed as untimely, Appellant averred that he did not receive a copy of the June 15, 2015 order. The verdict rendered at the June 15, 2015 proceeding was the final order in this matter. Appellant was present when the not guilty verdict was entered, and had notice of it. N.T., 6/15/15. at 5.<sup>1</sup>

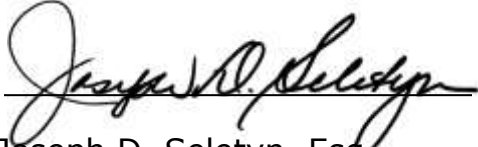
For the foregoing reasons, we quash this appeal.

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<sup>1</sup> To the extent Appellant's complaints on appeal relate to the fact that an inspection is to be conducted of his property, we note that he expressly agreed to the inspection. N.T., 6/15/15, at 4.

Appellant's Application for Continuance of Oral Argument is denied as moot. 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: 5/11/2016