

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA

IN THE SUPERIOR COURT OF
PENNSYLVANIA

v.

ROBERT STEVEN THOMPSON, JR.

Appellant

No. 3604 EDA 2015

Appeal from the Judgment of Sentence October 29, 2015
In the Court of Common Pleas of Delaware County
Criminal Division at No(s): CP-23-CR-0003334-2014

BEFORE: BOWES, J., PANELLA, J., and FITZGERALD, J.*

JUDGMENT ORDER BY PANELLA, J.

FILED NOVEMBER 29, 2016

Appellant, Robert Steven Thompson, Jr., appeals from the judgment of sentence entered after he was convicted of disorderly conduct, possession of marijuana, and harassment. However, Thompson's counsel concedes that the post-sentence motion and notice of appeal were untimely filed. Counsel requests, in the interests of justice, that we nevertheless treat this appeal as timely. This we cannot do. *See Commonwealth v. Burks*, 102 A.3d 497, 500 (Pa. Super. 2014).

Here, as in *Burks*, there was no fraud or breakdown in the court's operation, merely a mistake by counsel. We have no authority to excuse

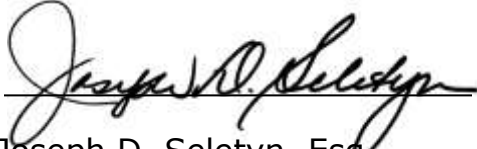
* Former Justice specially assigned to the Superior Court.

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Thompson's untimely notice of appeal, and therefore quash. Thus, Thompson's motion to proceed *pro se* is moot.

Appeal quashed. Motion to proceed *pro se* denied as moot.

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: 11/29/2016