

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

JACK WILLIAM SINCLAIR,

Appellant

v.

JOY M. SINCLAIR,

Appellee

IN THE SUPERIOR COURT OF
PENNSYLVANIA

No. 286 MDA 2013

Appeal from the Order Entered January 14, 2013
In the Court of Common Pleas of Centre County
Civil Division at No(s): 2001-2897

BEFORE: BENDER, P.J., WECHT, J., and FITZGERALD, J.*

MEMORANDUM BY BENDER, P.J.

FILED DECEMBER 09, 2013

Jack William Sinclair ("Husband"), acting *pro se*, purports to appeal from the order dated January 11, 2013, and entered January 14, 2013, that denied his petition for contempt of an order dated October 9, 2012, requiring Joy M. Sinclair (now Joy Marie Shutterly) ("Wife") to pay to Husband the sum of \$1,200. It also appears that Husband is attempting to appeal the order, entered August 16, 2006, which provided for the equitable distribution of the parties' marital assets in a bifurcated divorce. After review, we dismiss Husband's appeal.

Husband and Wife were married on April 20, 1985, separated in October of 2001, and were divorced by decree on February 26, 2004. At a

* Former Justice specially assigned to the Superior Court.

hearing held on May 16, 2006, the parties submitted a proposed equitable distribution scheme, contained in an agreed upon settlement document signed by both parties. The court entered an order on August 16, 2006, that detailed the final division of the disputed marital assets and denied Husband's request for attorney's fees.

Over the ensuing years both parties filed various petitions essentially requesting that the court find the other party in contempt for not complying with prior orders of court that all stem from failures to abide by the equitable distribution order. Husband filed the most recent petition, dated December 13, 2012, requesting that the trial court hold Wife in contempt for paying only \$800 of the \$1,200 she had been ordered to pay to Husband. **See** Order, 10/26/12. Husband's contempt petition was denied by order dated January 11, 2013, and entered on January 14, 2013.

On February 8, 2013, Husband filed an appeal with this Court, stating that his appeal is from the August 16, 2006 equitable distribution order, noting only that "[h]earings continued from this order through January 11, 2013." Notice of Appeal, 8/8/13. This Court, recognizing Husband's failure to identify the January 14, 2013 order or any other order except the 2006 order, quashed Husband's appeal on May 31, 2013. The order quashing the appeal was based on Husband's failure to file his appeal within thirty days after the entry of the order from which it appeared that he took the appeal. **See** Pa.R.A.P. 903(a); **McGrogan v. First Commonwealth Bank**, 74 A.3d 1063, 1078 (Pa. Super. 2013) (stating that we are without jurisdiction to

excuse a failure to file a timely notice of appeal, as the 30-day period must be strictly construed). Husband filed an application for reconsideration, arguing that although the original order was issued in 2006, numerous hearings were held over the years, culminating in the January 2013 order, a date that he asserted he referenced in various submissions. On June 26, 2013, this Court vacated the quashal order and referred the timeliness issue to this merits panel.

We now determine that Husband's appeal may be recognized as stemming from the January 2013 order; however, other than referencing the January 2013 order as involving a minor financial debt owed to him from Wife, his issues revolve around the August 16, 2006 equitable distribution order. Unfortunately for Husband, we are without jurisdiction to entertain any of his arguments referring back to the 2006 order. In summary, we conclude that although Husband's appeal was timely filed from the January 2013 order, he has failed to raise any issue in conjunction with that order. As for his attempt to appeal from the 2006 order, that appeal is untimely and we have no jurisdiction to address any issues he has attempted to raise relating to that order.

We are also compelled to comment on Husband's failure to submit a brief that comports with the Pennsylvania Rules of Appellate Procedure. For example, Husband's "Statement of Questions Involved" lists three issues. However, his sole "Argument" section does not correspond with the issues

he has presented and, therefore, does not facilitate our review. Specifically, Pa.R.A.P. 2119(a) requires that

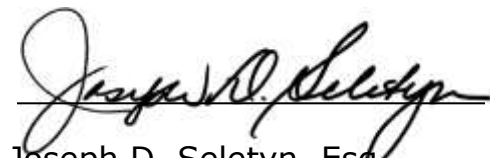
[t]he argument shall be divided into as many parts as there are questions to be argued; and shall have at the head of each part—in distinctive type or in type distinctively displayed—the particular point treated therein, followed by such discussion and citation of authorities as are deemed pertinent.

Additionally, and of particular note, Husband has failed to include a single citation to legal authority. For that reason alone, we conclude that he has waived the issues he attempts to raise in this appeal. **See Umbelina v. Adams**, 34 A.3d 151, 161 (Pa. Super. 2011) (“[W]here an appellate brief fails to provide any discussion of a claim with citation to relevant authority or fails to develop the issue in any other meaningful fashion capable of review, that claim is waived.”); **Kent v. Kent**, 16 A.3d 1158, 1164 (Pa. Super. 2011) (stating the wife waived two issues when she failed to provide citation to legal authority to support her claims).

Accordingly, for the reasons stated above, we dismiss Husband’s appeal.

Appeal dismissed.

Judgment Entered.



Joseph D. Seletyn, Esq.
Prothonotary

Date: 12/9/2013