

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

ERIN QUIGLEY

Appellee

v.

MATTHEW WELCH

Appellant

IN THE SUPERIOR COURT OF
PENNSYLVANIA

No. 83 MDA 2014

Appeal from the Judgment Entered December 27, 2013
In the Court of Common Pleas of Union County
Civil Division at No(s): CV-165-2012

BEFORE: LAZARUS, J., MUNDY, J., and STABILE, J.

JUDGMENT ORDER BY LAZARUS, J.

FILED AUGUST 28, 2014

Matthew Welch appeals from the judgment entered in the Court of Common Pleas of Union County in favor of Erin Quigley in the amount of \$202,653.92. Specifically, Welch appeals from the award of \$100,000.00 in compensatory damages, plus interest, for harm Quigley sustained when Welch threatened and assaulted Quigley in her home. Welch does not appeal from the portion of the judgment consisting of an award of \$100,000.00 in punitive damages. For the reasons set forth below, we dismiss the appeal.

Pennsylvania Rule of Appellate Procedure 1911(a) requires an appellant to request and pay for transcripts of proceedings. Such transcripts constitute a part of "the record on appeal in all cases." Pa.R.A.P. 1921. It is the duty of the appellant, not the trial court, to provide an adequate certified

record for appellate review. **Smith v. Smith**, 637 A.2d 622 (Pa. Super. 1993).

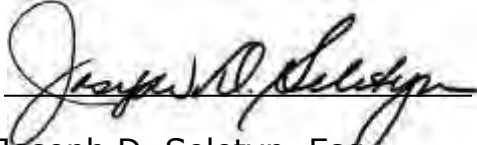
The notice of appeal in the certified record of the instant matter is not accompanied by a request for transcript of the October 23, 2013 non-jury trial on damages. Moreover, the record in this case does not include a transcript of the trial. Where an appellant fails to comply with the Pennsylvania Rules of Appellate Procedure and the Pennsylvania Rules of Judicial Administration for preparation of the transcript, dismissal of the appeal may be appropriate. **See** Pa.R.A.P. 1911(d).

An appellant's issues should be deemed waived for failure to ensure "that the original certified record for appeal contains sufficient information to conduct a proper review." **Smith, supra** at 623. "In the absence of an adequate certified record, there is no support for an appellant's arguments, and thus, there is no basis on which relief could be granted." **Commonwealth v. Preston**, 904 A.2d 1, 7 (Pa. Super. 2006) (en banc). **See also In the Interest of R.N.F.**, 52 A.3d 361 (Pa. Super. 2012) (appeal dismissed where lack of transcript precluded meaningful appellate review).

Because the record does not include a transcript of the trial, we are unable to engage in meaningful appellate review, and thus are constrained to dismiss Welch's appeal.

Appeal dismissed.

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: 8/28/2014