

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA, :
 :
 vs. : NO. 927-2006
 :
 ANTWAINE CHAMBERS, :
 :
 Defendant : 1925(a) OPINION

Date: June 22, 2007

**OPINION IN SUPPORT OF THE ORDER OF OCTOBER 10, 2006 IN COMPLIANCE
WITH RULE 1925(a) OF THE RULES OF APPELLATE PROCEDURE**

Defendant Antwaine Chambers has appealed his sentence of February 16, 2007. On October 27, 2006, Chambers was found guilty of Possession with Intent to Deliver a Controlled Substance, 35 P.S. § 780-113(a)(30), Possession of a Controlled Substance, 35 P.S. § 780-113(a)(16), and Possession of Drug Paraphernalia, 35 P.S. § 780-113(a)(32). On February 26, 2007, Chambers filed a Post-sentence Motion. On April 27, 2007, the Honorable Nancy L. Butts denied that motion.

Chambers filed a notice of appeal on April 27, 2007. Judge Butts issued an order on May 7, 2007 in compliance with Pennsylvania Rules of Appellate Procedure Rule 1925(b) directing Chambers to file a concise statement of matters complained of on appeal within fourteen days of the order. Chambers filed his statement of matters on May 15, 2007.

On May 22, 2007, Judge Butts issued an opinion in compliance with Pennsylvania Rules of Appellate Procedure Rule 1925(a) addressing the first two issue raised in Chambers's statement of matters. With regard to the third issue raised in the statement of matters, Judge Butts deferred to this court since we denied Chamber's pre-trial Motion to Suppress Evidence.

On September 25, 2006, Chambers filed a Motion to Suppress Evidence. Chambers asserted that he was arrested without probable cause and this illegal arrest led to the discover of the crack cocaine, which gave rise to the criminal charges. Chambers argued that the crack cocaine should have been suppressed under the fruit of the poisonous tree doctrine.

On October 10, 2006, a hearing and argument was held before this court on the Motion to Suppress Evidence. Following the hearing and argument, we denied the Motion to Suppress. We determined that there was sufficient probable cause to arrest Chambers; consequently, the arrest did not taint the discovery of the crack cocaine. We set forth our reasoning for this conclusion on the record at the hearing. *See*, Notes of Testimony, 27-30 (10/10/06). We reaffirm that reasoning and adopt it for purposes of this opinion.

Accordingly, Chambers's appeal should be denied and his sentence of February 16, 2007 affirmed.

BY THE COURT,

William S. Kieser, Judge

cc: Gregory D. Drab, Esquire
DA
Hon. Nancy L. Butts
Christian Kalas, Esquire
Gary L. Weber, Esquire (Lycoming Reporter)