

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	:	
	:	
v.	:	No. 1408-2009
	:	CRIMINAL DIVISION
JERMAINE WEEKS,	:	APPEAL
Defendant	:	

OPINION IN SUPPORT OF ORDER IN COMPLIANCE WITH RULE 1925(a)
OF THE RULES OF APPELLATE PROCEDURE

The Defendant appeals the Judgment of Sentence issued by the trial court on March 8, 2011. The Defendant filed a Notice of Appeal on June 9, 2011, and on June 13, 2011, the Court directed the Defendant, in accordance with Pa.R.A.P. No. 1925(b), to file within thirty days a concise statement of matters complained of on appeal. After granting an extension of thirty days on July 22, 2011, the Court received the Defendant's concise statement on August 22, 2011.

The Defendant raises two issues on appeal: 1) whether the evidence was sufficient to support Appellant's conviction for Person Not to Possess a Firearm in that the Commonwealth failed to show that Appellant intended to control the partially deconstructed rifle recovered out of his presence; and 2) whether the Suppression Court erred in denying Appellant's motion to suppress evidence by finding that the search of the apartment occurred after the issuance of a warrant despite the time stamped pictures of the scene indicating otherwise.

For the purposes of this Opinion, this Court will rely on the Order of the Honorable Marc F. Lovecchio, dated February 2, 2010, which denied the Defendant's motion to suppress evidence, and the Opinion and Order of this Court dated May 12, 2011, which denied the Defendant's Post Sentence Motion.

DATE: _____

By the Court,

Nancy L. Butts, President Judge

xc: DA
Jeffrey A. Rowe, Esq.
Gary L. Weber (LLA)