

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH : No. CP-41-CR-0000386-2017  
vs. :  
: CRIMINAL DIVISION  
: DARNELL KELLAM,  
: Appellant : 1925(a) Opinion

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

This opinion is written in support of this court's judgment of sentence dated June 20, 2018, which was filed on June 26, 2018.

By way of background, the police charged the appellant, Darnell Kellam, with persons not to possess firearms, receiving stolen property, firearms not to be carried without a license, and possession with intent to deliver controlled substances. On April 19, 2017, the appellant filed an omnibus pretrial motion in which he sought suppression of the evidence obtained from the search of his automobile. The Honorable President Judge Nancy L. Butts denied the appellant's omnibus pretrial motion in an Opinion and Order entered on July 18, 2017.

The appellant waived his right to a jury trial. On March 5, 2018, following a bench trial, the court found the appellant guilty of all of the charges except receiving stolen property. On June 20, 2018, the court sentenced the appellant to serve an aggregate term of five to ten years' incarceration in a state correctional institution.

On July 10, 2018, the appellant filed a notice of appeal. The appellant's sole

issue on appeal is that President Judge Butts erred in her ruling denying the appellant's motion to suppress on the grounds that the police had probable cause to conduct a warrantless search of the appellant's vehicle. The appellant contends that probable cause did not exist, and that any and all evidence found as a result of the search should have been suppressed. The rationale for President Judge Butts' denial of the appellant's omnibus pretrial motion can be found in the Opinion and Order entered on July 18, 2017.

DATE: \_\_\_\_\_

By The Court,

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Marc F. Lovecchio, Judge

cc: District Attorney  
Matthew Welickovitch, Esquire (APD)  
Work file  
Gary Weber, Esquire (Lycoming Reporter)  
Superior Court (original & 1)