

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF
PENNSYLVANIA

v.

TYSHAWN BOWERY

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No. CR-1661-2018

CRIMINAL DIVISION
APPEAL

Date: June 2, 2020

**OPINION IN SUPPORT OF THE ORDER OF MARCH 25, 2020,
IN COMPLIANCE WITH RULE 1925(a) OF THE
RULES OF APPELLATE PROCEDURE**

Tyshawn Bowery (hereinafter referred to as “Appellant”) files this appeal following the denial of his oral Motion for Judgment of Acquittal/Arrest of Judgment on March 4, 2020 and his Post Sentence Motion on March 25, 2020. The Notice of Appeal was timely filed on April 24, 2020. On June 1, 2020, the Court granted Appellant’s Motion to Enlarge the Time Period to File a Concise Statement of Errors Complained of on Appeal based on Appellant’s Counsel’s allegations that she never received the Court’s April 27, 2020 Order directing the Appellant to file a concise statement of matters complained of on appeal within twenty-one (21) days. Appellant timely filed his concise statement on June 2, 2020 stating, “the Court erred in denying his Post Verdict and Sentence Motions to Dismiss because the Commonwealth failed to present sufficient evidence to convict where they failed to present evidence that the substance that the Defendant possessed was a controlled substance.”

This issue was thoroughly addressed in the March 4, 2020 Sentencing Transcript and the Court's Opinion and Order dated March 25, 2020. Therefore, for purposes of this Opinion, the Court will rely on the March 4, 2020 transcript and its March 25, 2020 Opinion and Order denying Appellant's Post Sentence Motion.

BY THE COURT,

Ryan M. Tira, Judge

RMT/ads

cc: Superior Court (Original +1)
Court Reporter (Camala Jordan)
PD (NS)
DA (MW)
Gary Weber, Esquire – Mitchell Gallagher