

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA,	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
Appellee	:	
	:	
v.	:	
	:	
DARNELL D. JONES,	:	
	:	
Appellant	:	No. 1789 WDA 2012

Appeal from the Judgment of Sentence entered on October 15, 2012
in the Court of Common Pleas of Allegheny County,
Criminal Division, No. CP-02-SA-0001634-2012

BEFORE: FORD ELLIOTT, P.J.E., OTT and MUSMANNO, JJ.

MEMORANDUM BY MUSMANNO, J.: FILED: August 23, 2013

Darnell D. Jones ("Jones") appeals, *pro se*, from the judgment of sentence imposed after being found guilty of Obedience to Traffic Control Devices. **See** 75 Pa.C.S.A. § 3111(a). We affirm.

On February 25, 2012, Officer Melinda Citero of the Pennsylvania State Police was dispatched to a vehicle crash on Interstate 376 West, where it connects with the ramp to enter the Fort Duquesne Bridge (Interstate 279 North). Officer Citero investigated the accident location and the damage caused to the vehicle as a result of the crash, interviewed Jones about his operation of the automobile prior to the accident, and interviewed a witness at the scene of the crash. Officer Citero concluded that Jones was operating his vehicle at an unsafe speed given the inclement weather, consisting of ice-covered roads, and issued a citation to Jones.

Although Jones was initially charged with the offense of driving vehicle at safe speed (75 Pa.C.S.A. § 3361), the magisterial district judge found him guilty of obedience to traffic control devices and imposed a \$25.00 fine plus court costs. Jones appealed to the Court of Common Pleas for a trial *de novo*. At the new trial, the aforementioned testimony given by Officer Citero was presented, and Jones testified on his own behalf. On October, 15, 2012, the trial court found Jones guilty of obedience to traffic control devices and imposed a sentence consisting of a \$25.00 fine plus court costs.

Jones filed a Notice of appeal on November 15, 2012.¹ The trial court ordered Jones to file a Pennsylvania Rule of Appellate Procedure 1925(b) concise statement. Jones filed a timely Concise Statement, after which the trial court issued an Opinion.

Jones's primary contention of error by the trial court is that the verdict was not supported by sufficient evidence. Brief for Appellant at 1 (unnumbered). Jones argues that the accident was allegedly caused by ice-covered sewer grates and not the excessive operating speed of his vehicle. ***Id.*** He contends that had he been driving too fast, airbags would have been

¹ As mentioned in the trial court's Opinion and the Commonwealth's brief, it is disputed as to whether Jones timely filed his Notice of appeal. Additionally, the Commonwealth notes that Jones's lack of compliance with the brief requirements under the Pennsylvania Rules of Appellate Procedure precludes his case from appellate review. For the purposes of this appeal, and as Jones is a *pro se* litigant, we have decided to address the merits of Jones's claim.

deployed and he would have suffered a more severe injury based on the impact of the crash. *Id.*

We address challenges to the sufficiency of the evidence under a well-established standard of review:

The standard we apply in reviewing the sufficiency of evidence is whether, viewing all the evidence admitted at trial in the light most favorable to the verdict winner, there is sufficient evidence to enable the fact-finder to find every element of the crime beyond a reasonable doubt. In applying [the above] test, we may not weigh the evidence and substitute our judgment for that of the fact-finder. In addition, we note that the facts and circumstances established by the Commonwealth need not preclude every possibility of innocence. Any doubts regarding a defendant's guilt may be resolved by a fact-finder unless the evidence is so weak and inconclusive that as a matter of law no probability of fact may be drawn from the combined circumstances. The Commonwealth may sustain its burden of proving every element of the crime beyond a reasonable doubt by means of wholly circumstantial evidence. Moreover, in applying the above test, the entire record must be evaluated and all evidence actually received must be considered. Finally, the trier of fact while passing upon the credibility of witnesses and the weight of the evidence produced, is free to believe all, part or none of the evidence.

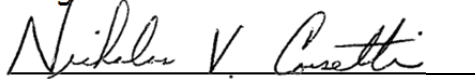
Commonwealth v. Muniz, 5 A.3d 345, 348 (Pa. Super. 2010) (internal citations and quotations omitted).

Here, the trial court found Officer Citero's testimony credible. **See** N.T., 11/26/12, at 4, 10. Jones's contention that the accident resulted because of black ice on the sewer covers, rather than a result of him driving too fast for conditions, is an attack upon the trial court's credibility determination. The finder of fact was well within its province to accept Officer Citero's testimony and to reject any evidence to the contrary offered

by Jones. As such, Jones's argument provides no basis upon which to grant appellate relief. ***See Commonwealth v. Johnson***, 910 A.2d 60, 65 (Pa. Super. 2006) (stating that a sufficiency argument founded upon a disagreement with the credibility determinations made by the fact finder does not warrant appellate relief). In light of Officer Citero's testimony, we determine that the verdict was sufficiently supported by the evidence.

Judgment of sentence affirmed.

Judgment Entered.

A handwritten signature in cursive script, reading "Nicholas V. Cussetti", is written over a horizontal line.

Deputy Prothonotary

Date: 8/23/2013