

**NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37**

COMMONWEALTH OF PENNSYLVANIA

IN THE SUPERIOR COURT OF  
PENNSYLVANIA

Appellee

v.

RAFAEL VALENTINE

Appellant

No. 1409 EDA 2015

Appeal from the Judgment of Sentence May 11, 2015  
In the Court of Common Pleas of Philadelphia County  
Criminal Division at No(s): CP-51-CR-0010785-2013

BEFORE: OTT, J., DUBOW, J., and JENKINS, J.

MEMORANDUM BY JENKINS, J.:

**FILED FEBRUARY 09, 2016**

Rafael Valentine ("Appellant") appeals from the judgment of sentence entered in the Philadelphia County Court of Common Pleas following his bench trial convictions for unlawful contact with a minor, endangering the welfare of a child ("EWOC"), corruption of minors, indecent assault, indecent exposure, terroristic threats, and involuntary deviate sexual intercourse with a child ("IDSI").<sup>1</sup> We affirm.

In its opinion, the trial court fully and correctly set forth the relevant facts of this case. Therefore, we have no reason to restate them.

On July 9, 2014, the trial court convicted Appellant of the aforementioned crimes. On May 11, 2015, the court sentenced Appellant to

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<sup>1</sup> 18 Pa.C.S. §§ 6318(a)(1), 4304(a)(1), 6301(a)(1)(i), 3126(a)(7), 3127(a), 2706(a)(1), and 3123(b), respectively.

an aggregate term of ten (10) to twenty-six (26) years' incarceration.<sup>2</sup> On May 12, 2015, Appellant timely filed a notice of appeal. Both Appellant and the trial court complied with Pa.R.A.P. 1925.

Appellant raises the following issues for our review:

IS [APPELLANT] ENTITLED TO AN ARREST OF JUDGMENT WITH REGARD TO HIS CONVICTIONS FOR [IDSI], CORRUPTING THE MORALS OF A MINOR, INDECENT ASSAULT, [EWOC], UNLAWFUL CONTACT WITH A MINOR, INDECENT EXPOSURE AND TERRORISTIC THREATS SINCE THE EVIDENCE IS INSUFFICIENT TO SUSTAIN THE VERDICTS OF GUILT AS THE COMMONWEALTH FAILED TO SUSTAIN ITS BURDEN OF PROVING [APPELLANT'S] GUILT BEYOND A REASONABLE DOUBT?

IS THE EVIDENCE [] INSUFFICIENT TO SUSTAIN THE TRIAL COURT'S FINDING THAT [APPELLANT] IS A SEXUALLY VIOLENT PREDATOR [("SVP")]?

Appellant's Brief at 4.

Appellant's issues challenge the sufficiency of the evidence. When examining a challenge to the sufficiency of evidence, our standard of review is as follows:

The standard we apply in reviewing the sufficiency of the 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

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<sup>2</sup> The court imposed consecutive sentences of seven (7) to twenty (20) years' incarceration for IDSI and three (3) to six (6) years' incarceration for corruption of minors. The court did not impose additional penalties on Appellant's remaining convictions.

and substitute our judgment for 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 the 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. Hansley***, 24 A.3d 410, 416 (Pa.Super.2011), *appeal denied*, 32 A.3d 1275 (Pa.2011) (quoting ***Commonwealth v. Jones***, 874 A.2d 108, 120-21 (Pa.Super.2005)).

Further, our review of Appellant's SVP status implicates the following principles:

The determination of a defendant's SVP status may only be made following an assessment by the Board and hearing before the trial court. In order to affirm an SVP designation, we, as a reviewing court, must be able to conclude that the fact-finder found clear and convincing evidence that the individual is a sexually violent predator.

As with any sufficiency of the evidence claim, we view all evidence and reasonable inferences therefrom in the light most favorable to the Commonwealth. We will reverse a trial court's determination of SVP status only if the Commonwealth has not presented clear and convincing evidence that each element of the statute has been satisfied.

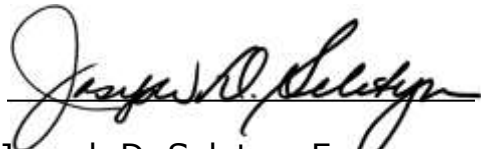
***Commonwealth v. Fuentes***, 991 A.2d 935, 941-42 (Pa.Super.2010).

After a thorough review of the record, the brief of the parties, the applicable law, and the well-reasoned opinion of the Honorable Charles A. Ehrlich, we conclude Appellant's issues merit no relief. The trial court opinion comprehensively discusses and properly disposes of the questions presented. **See** Trial Court Opinion, filed October 9, 2015, at 7-19 (finding: (1) evidence was sufficient to support conviction of unlawful contact with minor where both victim and her sister testified Appellant told victim to take clothes off for purpose of sexual assault; (2) evidence was sufficient to support conviction of EWOC where testimony established Appellant sexually assaulted victim, in violation of his duty of care to supervise children; (3) evidence was sufficient to support conviction of corruption of minors where Appellant's sexual assault of victim offended the common sense of community; (4) evidence was sufficient to support conviction of indecent assault where testimony established Appellant initiated sexual contact with seven-year-old child on multiple occasions; (5) evidence was sufficient to support conviction of indecent exposure where testimony established victim and sister saw Appellant's genitals when he sexually assaulted victim; (6) evidence was sufficient to support conviction of terroristic threats where testimony established Appellant told victim and sister he would "come get y'all" if they told anyone about the sexual assault to intimidate and silence them; (7) evidence was sufficient to support conviction of IDSI where testimony established Appellant inserted penis into victim's mouth and

buttocks; and (8) evidence was sufficient to support court's finding that Appellant is an SVP where doctor: (i) found mental abnormality pedophilic disorder based on Appellant's sexual assault of prepubescent girl on multiple occasions and Appellant's decision to act upon sexual urges on unwilling victim less than 13 years old when he was in his fifties; (ii) opined Appellant would reoffend due to Appellant's deviant sexual interests and fostering of relationship with children for purpose of sexual victimization consistent with statutory definition of predatory behavior; and (iii) recommended SVP determination). Accordingly, we affirm on the basis of the trial court's opinion.

Judgment of sentence affirmed.

Judgment Entered.

A handwritten signature in black ink, appearing to read "Joseph D. Seletyn", written over a horizontal line.

Joseph D. Seletyn, Esq.  
Prothonotary

Date: 2/9/2016