

NON-PRECEDENTIAL DECISION – SEE SUPERIOR COURT I.O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
v.	:	
VAUGHN RICO WRIGHT,	:	No. 2035 WDA 2014
	:	
Appellant	:	

Appeal from the Judgment of Sentence, November 14, 2014,
in the Court of Common Pleas of Allegheny County
Criminal Division at No. CP-02-CR-0011279-2014

BEFORE: FORD ELLIOTT, P.J.E., SHOGAN AND OTT, JJ.

JUDGMENT ORDER BY FORD ELLIOTT, P.J.E.: **FILED FEBRUARY 19, 2016**

Vaughn Rico Wright appeals from the judgment of sentence of November 14, 2014, following his conviction of possession of a controlled substance¹ (heroin) and possession with intent to deliver² (“PWID”). We affirm.

On June 18, 2014, appellant was stopped for having an altered license plate. During a search incident to arrest, police recovered two “bricks” of heroin, each consisting of 50 stamp bags. Appellant did not have any drug use paraphernalia in his possession, nor did he have physical characteristics typical of a heavy drug user. (Trial court opinion, 5/22/15 at 5.) The

¹ 35 P.S. § 780-113(a)(16).

² 35 P.S. § 780-113(a)(30).

Commonwealth also presented expert testimony that appellant possessed the drugs with the intent to deliver. (*Id.* at 6.)

Following a non-jury trial before the Honorable Philip A. Ignelzi, appellant was found guilty of possession and PWID. Appellant was found not guilty of possession of altered, forged, or counterfeit documents and plates.³ The parties proceeded immediately to sentencing, and the trial court imposed a sentence of 18 to 36 months' incarceration for PWID, with no further penalty for the possession charge. This timely appeal followed. Appellant complied with Pa.R.A.P. 1925(b), and the trial court filed an opinion.

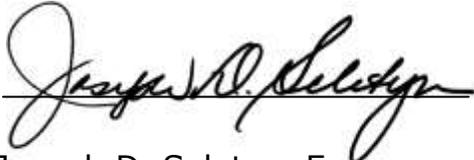
On appeal, appellant raises a single issue for this court's review, challenging the sufficiency of the evidence to prove the element of intent to deliver. Appellant argues that the evidence was consistent with possession of the drugs for personal use rather than distribution. Having determined, after careful review, that Judge Ignelzi, in his Rule 1925(a) opinion of May 22, 2015, ably and comprehensively disposes of appellant's issue on appeal, with appropriate reference to the record and without legal error, we will affirm on the basis of that opinion.

Judgment of sentence affirmed.

³ 75 Pa.C.S.A. § 7122(3).

J. S71008/15

Judgment Entered.

A handwritten signature in black ink, reading "Joseph D. Seletyn". The signature is written in a cursive style and is positioned above a horizontal line.

Joseph D. Seletyn, Esq.
Prothonotary

Date: 2/19/2016