

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
Appellee	:	
	:	
v.	:	
	:	
ANTHONY D. FOWLKES	:	
	:	
Appellant	:	No. 439 EDA 2018

Appeal from the Judgment of Sentence January 23, 2018
In the Court of Common Pleas of Delaware County
Criminal Division at No(s): CP-23-CR-0002126-2017

BEFORE: GANTMAN, P.J., PANELLA, J., and FORD ELLIOTT, P.J.E.

MEMORANDUM BY GANTMAN, P.J.: **FILED NOVEMBER 14, 2018**

Appellant, Anthony D. Fowlkes, appeals from the judgment of sentence entered in the Delaware County Court of Common Pleas, after his jury trial convictions for two counts of possession of a controlled substance, and one count each of possession with intent to deliver, and possession of a firearm prohibited.¹ We affirm.

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

Appellant raises the following issue for our review:

WHETHER THE EVIDENCE PROFFERED BY THE
COMMONWEALTH WAS SUFFICIENT TO ESTABLISH
BEYOND A REASONABLE DOUBT THAT APPELLANT

¹ 35 P.S. §§ 780-113(a)(16), (30); 18 Pa.C.S.A. § 6105(a)(1), respectively.

POSSESSED THE FIREARM FOUND IN THE CLOSET[?]

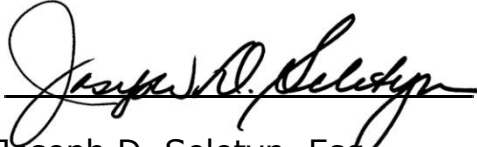
(Appellant's Brief at 4).

After a thorough review of the record, the briefs of the parties, the applicable law, and the well-reasoned opinion of the Honorable James P. Bradley, we conclude Appellant's issue merits no relief. The trial court opinion comprehensively discusses and properly disposes of the question presented. (**See** Trial Court Opinion, filed April 10, 2018, at 5-8) (finding: parties stipulated Appellant is person not to possess firearm, based on 2016 conviction for possession of controlled substance; Appellant's girlfriend's testimony, that firearm was hers, lacked credibility; testimony from Appellant's girlfriend that Appellant did not enter residence from November 2016 to date of arrest directly contradicted Officer News' testimony, which jury found credible; Commonwealth's evidence demonstrated Appellant shared front bedroom with his girlfriend and stored his clothing and gun in closet; police found gun tucked in among Appellant's personal possessions in area within Appellant's control; Commonwealth presented sufficient evidence to prove Appellant had constructive possession of gun recovered from closet and to sustain his firearm conviction). Accordingly, we affirm based on the trial court opinion.

Judgment of sentence affirmed.

J-S66013-18

Judgment Entered.

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

Joseph D. Seletyn, Esq.
Prothonotary

Date: 11/14/18