

**IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA**

COMMONWEALTH OF PENNSYLVANIA	: NO. 00-11,760
	:
vs.	: CRIMINAL DIVISION
	: Motion to Dismiss
CONSTANCE JAMISON,	: Motion to Suppress
Defendant	:

OPINION AND ORDER

Before the Court is Defendant's amended Motion to Dismiss/Motion to Suppress, filed February 14, 2001. A hearing on the Motion was held March 16, 2001.

Defendant has been charged with unlawful possession of a firearm by a felon. It appears the firearm, a handgun, was discovered in a handbag during the search of a residence pursuant to a search warrant issued in connection with alleged drug activity. Defendant was charged with illegal possession of the gun after she indicated to a law enforcement officer that the gun belonged to her. Defendant seeks to dismiss the charge for an alleged violation of the Corpus Delicti Rule, or in the alternative, to suppress the gun based upon an alleged illegal entry into the residence in which the gun was found.

With respect to the Corpus Delicti Rule, Defendant contends the Commonwealth has not established the commission of a crime prior to Defendant's admission of ownership of the gun. The evidence presented, however, indicates that the gun was found in the proximate location where one Mr. Alexander was found hiding, the person charged with the drug offenses, that Mr. Alexander was at that time a convicted felon and that Defendant was a convicted felon, and that only one other adult besides the two were in the residence at the time. The Court therefore believes the Commonwealth has shown that more likely than not a crime had been committed, i.e. possession of a fire arm by a convicted felon. Once the crime is established, Defendant's subsequent admission of ownership provides a sufficient basis to sustain the charge.

With respect to Defendant's contention the gun must be suppressed based upon an alleged

illegal entry into the premises, conflicting testimony was presented regarding the police entry into the residence. Although Defendant testified that police forced their way into the residence and were not given permission to enter, the Commonwealth's witness testified that they were admitted into the residence in a consensual manner. The Court finds the officer's testimony more credible. Since police admission into the residence was voluntarily granted, entry into that residence was proper and suppression of the gun, found pursuant to a search warrant shortly thereafter, is not warranted.

ORDER

AND NOW, this 29<sup>th</sup> day of March, 2001, for the foregoing reasons, Defendant's Motion to Dismiss/Motion to Suppress is hereby denied.

By the Court,

Dudley N. Anderson, Judge

cc: DA  
Matt Zeigler, Esq.  
Gary Weber, Esq.  
Hon. Dudley N. Anderson