NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
v.	:	
CHRISTOPHER JOHN ROEHM	:	
Appellant	:	No. 1530 EDA 2025

Appeal from the Judgment of Sentence Entered May 16, 2025
In the Court of Common Pleas of Bucks County
Criminal Division at No: CP-09-CR-0005706-2022

BEFORE: PANELLA, P.J.E., STABILE, J., and FORD ELLIOTT, P.J.E.*

MEMORANDUM BY STABILE, J.: **FILED AUGUST 31, 2026**

Appellant, Christopher John Roehm, appeals from the judgment of sentence imposed on May 16, 2025, by the Court of Common Pleas of Bucks County. He challenges the denial of his suppression motion and the trial court's refusal to sever the trial of his firearm charges. Upon review, we affirm the trial court's denial of Appellant's motion to suppress but remand the case for a new trial on the firearms charges.

The trial court summarized the facts established at the suppression hearing:

> In the morning hours of September 20, 2022, Officer Dylan Gallagher of the Bensalem Township Police Department responded to the Knight's Inn on Lincoln Highway in Bensalem Township regarding a wanted subject. Upon his arrival at the Knight's Inn, Ofc. Gallagher entered the motel lobby and reviewed a roster of individuals who were staying there. While reviewing the list, Ofc.

* Retired Senior Judge assigned to the Superior Court.

> Gallagher found Appellant's name and recognized that Appellant was wanted on an outstanding warrant. The front desk provided Ofc. Gallagher with Appellant's room number, Room 184, and advised that Appellant was the only registered occupant of that room.
>
> After receiving Appellant's room number, Ofc. Gallagher and his backup Ofc. Dennis Hart proceeded to Room 184 and made contact with Appellant. Ofc. Gallagher knocked on Appellant's door, and initially did not receive an answer. Ofc. Gallagher then saw the curtain move, at which time Ofc. Hart advised that he saw a white male. Ofc. Gallagher testified that [he opened the door with a room key he obtained from the lobby] at this time, and he saw Appellant inside the room. Before he entered Appellant's room, he explained to Appellant that he had a warrant for his arrest.
>
> Upon entering Appellant's room, Ofc. Gallagher observed Appellant's personal belongings, including a duffel bag on the floor, a satchel and small leather bag on the bed, as well as a cell phone and a wallet on the bed. Ofc. Gallagher also observed a burnt brown cigar located on an ashtray on the bed. Based on Ofc. Gallagher's training and experience, he recognized this as a cigar containing marijuana. Ofc. Gallagher also located a glass smoking pipe inside the Appellant's satchel. Ofc. Gallagher further found, inside the small leather bag, clear bags containing blue wax paper which he knew to contain heroin or fentanyl based on his training and experience. Eventually, Ofc. Gallagher placed Appellant into custody and put handcuffs on him. After Ofc. Gallagher placed Appellant under arrest, he secured the room, and called Ofc. Noah Pultro of the Bensalem Township Police Department, to request assistance with obtaining a search warrant for Appellant's room.
>
> Ofc. Pultro thereafter responded to the Knight's Inn and determined that Ofc. Gallagher had already secured Room 184. In addition to Ofc. Gallagher and Ofc. Pultro, there were three (3) other law enforcement officers assisting with the search including Detective Matthews, Det. Farnan, and Ofc. McMahon. While performing the search, Ofc. Pultro and Det. Matthews located a six (6) inch gray Smith & Wesson .38 revolver inside the closet.

Trial Court Opinion, 10/6/25, at 1-3

Appellant was charged with possession of a firearm prohibited[1], firearms not to be carried without a license[2], intentional possession of a controlled substance by a person not registered[3], and use/possession of drug paraphernalia[4]. On March 17, 2023, Appellant filed an Omnibus Pre-Trial motion to suppress the evidence obtained in the hotel room, and a separate motion to sever the person not to possess charge. On December 2, 2024, a suppression hearing was held, and Appellant's motion was granted in part and denied in part. The narcotics found during the warrantless search of Appellant's bag were suppressed. However, the trial court denied the motion as it related to the discovery of the firearm. As a result of the suppression hearing, the Commonwealth withdrew the narcotics related offenses.

During the suppression hearing, the trial court granted Appellant's motion to sever the person not to possess charge from the firearms without a license charge. N.T. Suppression, 12/2/24, at 73. Appellant's jury trial began on February 4, 2025. Prior to jury selection, Appellant decided to proceed *pro se*, but was appointed standby counsel to assist him with the *voir dire* process. On the first day of trial, Appellant and the Commonwealth agreed to a stipulation that the Appellant was in fact a person not to possess. N.T. Trial

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[1] 18 Pa.C.S.A. § 6105(a)(1).

[2] 18 Pa.C.S.A. § 6106(a)(1).

[3] 35 P.S. § 780-113(a)(16).

[4] 35 P.S. § 780-113(a)(32).

Day 1, 2/4/25, at 26-27. On the second day of trial, Appellant requested a mistrial because his motion to sever was previously granted, yet the Commonwealth proceeded to trial on both counts. After a brief discussion, Appellant's motion to sever was denied as there was no evidence of the earlier ruling on the motion during the suppression hearing. N.T. Trial Day 2, 2/5/25, at 3-4

At the conclusion of trial, the jury found Appellant guilty on all counts. Appellant was sentenced to serve a term of incarceration of not less than four nor more than eight years in a state correctional institution and a consecutive term of two (2) years' probation. This appeal followed.[5] Appellant raises the following three issues before us:

1. Did the trial court err in denying the motion to suppress where police illegally entered the hotel room?

2. Did the trial court err in holding that the firearm was admissible based on the theory of inevitable discovery?

3. Did the trial court err in refusing to sever the person not to possess charge from the firearms without a license charge?

Appellants' Brief at 9. We address each issue in turn.

As to the first two issues, our standard and scope of review of an order denying a motion to suppress is well-settled:

> Our standard of review of an order denying a motion to suppress evidence is limited to determining whether the findings of fact are supported by the record and whether the legal conclusions drawn

[5] Appellant and the trial court complied with Pennsylvania Rule of Appellate Procedure 1925.

> from those facts are in error. In making this determination, this court may only consider the evidence of the Commonwealth's witnesses, and so much of the witnesses for the defendant, as fairly read in the context of the record as a whole, which remains uncontradicted. If the evidence supports the findings of the trial court, we are bound by such findings and may reverse only if the legal conclusions drawn therefrom are erroneous.

Commonwealth v. Ellis, 700 A.2d 948, 954 (Pa. Super. 1997) (citations omitted).

> Our scope of review is limited to the record developed at the suppression hearing, considering the evidence presented by the Commonwealth as the prevailing party and any uncontradicted evidence presented by Appellant.

Commonwealth v. Fulton, 179 A.3d 475, 487 (Pa. 2018) (citation omitted).

First, Appellant argues that the motion to suppress the firearm should have been granted on the ground that the police illegally entered the hotel room in which he was staying. ***See*** Appellant's Brief at 16. Appellant contends that the police needed probable cause or a separate search warrant before entering the room. ***See id.*** at 19. Appellant argues that the police did not have probable cause to believe that he was inside the room and as such the entry was unjustified. ***See id.***

The Fourth Amendment to the United States Constitution and Article 1, Section 8 of the Pennsylvania Constitution protect citizens against unreasonable searches and seizures by law enforcement. ***See*** U.S. Const. amend. IV; PA. Const. Art. I, §8. This constitutional protection extends to one's home, vehicle and other dwellings they may stay in, which includes hotel

rooms. ***Commonwealth v. Dean***, 940 A.2d 514, 519 (Pa. Super. 2008). "A search conducted without a warrant is deemed to be unreasonable and therefore constitutionally impermissible, unless an established exception applies." ***Commonwealth v. Evans***, 153 A.3d 323, 327 (Pa. Super. 2016). Where police have a valid arrest warrant, they may enter the subject's home or other dwelling if there is "reason to believe" that the subject of the arrest warrant lived within the dwelling.[6] ***Commonwealth v. Stanley***, 446 A.2d 583, 586 (Pa. 1982) (citing ***Payton v. New York***, 445 U.S. 573, 602—03 (1980)).

Here, Appellant does not challenge the validity of the arrest warrant, but rather, he argues that the officers lacked probable cause to believe that Appellant was inside the hotel room. ***See*** Appellant's Brief at 19.

We find this case analogous to ***Commonwealth v. Mullen***, 267 A.3d 507 (Pa. Super. 2021). In ***Mullen***, this Court held that police did not violate the appellant's Fourth Amendment rights when they entered a residence to execute a valid arrest warrant. 267 A.3d 507, 516-17 (Pa. Super. 2021). The

[6] Appellant's reliance on ***Commonwealth v. Romero***, 183 A.3d 364 (Pa. 2018) (plurality) is misplaced. The ***Romero*** Court addressed the rights of third parties who were not the subject of an arrest warrant. The OJAC made clear throughout its disposition that the facts of ***Romero*** were distinguishable from cases focused on the rights of the subject of the arrest warrant. ***See Romero***, 183 A.3d at 379 n.6, 395, 397. Here, it is undisputed that Appellant was the subject of the arrest warrant, not a third party. Thus, ***Romero*** has no application to this case.

agent executing the warrant received an anonymous tip that the suspect was staying inside a residence. ***Id.*** Upon arriving at the residence, the police observed the suspect inside the dwelling, and the individual who opened the door to the police confirmed that the suspect was indeed in the house. ***Id.*** Based on the circumstances, the ***Mullen*** court held that the police had a reasonable belief that the suspect was inside the residence and that the arrest warrant gave them the right to enter the dwelling without violating the Fourth Amendment. ***Id.*** at 516—17.

Here, Officer Gallagher responded to the Knight's Inn based on a NCIC hit, much like the anonymous tip in ***Mullen***. Upon arrival to the hotel, Officer Gallagher confirmed with the staff in the lobby that a "Christopher Roehm" was registered to room 184. After proceeding to room 184, Officer Gallagher knocked on the door twice, before his partner, Officer Hart, informed him that he saw a white male individual inside the room who matched the description on the warrant. Because Appellant did not answer the door, Officer Gallagher used a key card that he obtained earlier from the front desk to enter the room. However, the chain lock was engaged, and the door only opened a few inches. The officers were able to observe Appellant inside the room and advised him that they had a warrant for his arrest. Appellant ultimately disengaged the chain lock and the officers entered. Based on the circumstances, and its resemblance to ***Mullen***, we conclude that the arrest warrant and the officers'

reasonable belief that Appellant was inside room 184 were sufficient to enter the hotel room to arrest Appellant.

For his second issue, Appellant argues that the trial court erred in admitting the firearm found in the hotel room in evidence based on the theory of inevitable discovery. ***See*** Appellant's Brief at 24. Appellant contends that the Commonwealth proved only that the firearm *could have* been discovered by hotel staff not that it *would have* been. ***See id.*** at 29.

Generally, evidence obtained from unconstitutional police conduct must be excluded. ***Commonwealth v. Williams***, 2 A.3d 611, 619 (Pa. Super. 2010). Pennsylvania courts have recognized an exception to the exclusionary rule in the form of the inevitable discovery doctrine. ***Commonwealth v. Gonzalez***, 979 A.2d 879, 890 (Pa. Super. 2009) (citations omitted). The doctrine provides that "evidence which **would have** been discovered was sufficiently purged of the original illegality to allow admission of the evidence." ***Id.*** (emphasis added). Further, it is the prosecution's burden to show by a preponderance of evidence that "the illegally obtained evidence ultimately or inevitably would have been discovered by lawful means[.]" ***Id.*** Simply showing that evidence could have been lawfully obtained is not sufficient, police must show that the evidence would have been discovered absent police misconduct. ***Commonwealth v. Perel***, 107 A.3d 185, 196 (Pa. Super. 2014).

Here, the trial court concluded that the search warrant for room 184 was tainted. Trial Court Opinion, 10/6/25, at 14. The search warrant was

based upon the illegal searches of Appellant's satchel and leather bag. ***Id.*** After entering the room, Appellant sat down on the bed in front of a satchel. N.T. Suppression, 12/2/24, at 16, 71. Officer Gallagher testified that the satchel was searched for officer safety because the arrest warrant was for weapons offenses, and the satchel was within Appellant's reach. ***Id.*** at 16-17. The satchel did not contain any weapons, but it did contain drug paraphernalia. ***Id.*** at 17. The trial court rejected this testimony, finding that at the time the satchel was searched, Appellant was standing and using both of his hands to put on pants. ***Id.*** at 71. The court noted that "there was nothing withing his reach, other than the pants at that point." ***Id.*** Likewise, the court found that the search of Appellant's leather bag[7] was improper because Appellant was handcuffed and the bag was not within his reach. ***Id.*** at 71-72.

The trial court was correct in finding that the search incident to arrest exception was inapplicable to this case. ***See, e.g., Commonwealth v. Simonson***, 148 a.3d 792, 799 (Pa. Super. 2016) ("The search incident to arrest exception allows arresting officers, in order to prevent the arrestee from obtaining a weapon or destroying evidence, to search both the person arrested and the area within his immediate control."). The search warrant that was subsequently obtained for the room was based on the items recovered from

[7] Inside the leather bag officers recovered clear bags containing a blue wax paper that Officer Gallagher believed, based on his training and experience, contained heroin or fentanyl. N.T. Suppression, 12/2/24, at 21.

the illegal searches of Appellant's satchel and leather bag; therefore, the trial court properly found that the warrant was tainted.

As to the discovery of the firearm, the trial court summarized its findings on the inevitable discovery doctrine as follows:

> [The trial court] determined, however, based on the testimony of Officers Gallagher and Pultro, that the firearm would have been inevitably discovered by the hotel staff. Both officers testified that had Officer Gallagher just arrested the Appellant without securing the room and executing a search warrant, hotel staff would have removed the Appellant's belongings from the room and secured the items in a storage area. They both testified that this has happened on numerous occasions while they have been with the police department. Further, they testified that the hotel staff would contact police if they recovered anything that readily looked illegal in nature. [The trial court] concluded that hotel staff would have found the firearm when removing the Appellant's belongings and would have contacted the police about it.

Id. at 14-15

During the suppression hearing, two officers testified that it was common practice for hotels within their jurisdiction to empty a room after a guest's departure and place items in storage. Officer Gallagher said the following on the matter:

> THE COURT: I have a question. So [Appellant] said: What's going to happen to all my stuff? I didn't hear you respond. So let's say that at the outset, you did cuff him and take him to the car. What would have happened to all of his belongings?
>
> THE WITNESS: The hotel puts it in storage.
>
> THE COURT: Would they have contacted you if there was something in his belongings or they just put it in storage and don't open his stuff?
>
> THE WITNESS: Sometimes they contact us, depending on what they locate or find.

* * * *

> Q. Officer Gallagher, have you ever experienced a case where a hotel does place items inside of a storage? Do they look through bags or are they just placing it into a storage area; do you know?
>
> A. I 'm not sure. I'm not with them when they search the property.
>
> Q. In your training and experience, have you received calls from hotels indicating they believe there might be some sort of illegal substance or contraband within a person's belongings?
>
> A. Yes.
>
> Q. Can you even estimate about how many times you've gotten a call like that?
>
> A. Five to ten times, maybe.

N.T. Suppression, 12/2/24, at 46-47.

Further, Officer Pultro, the officer who issued the search warrant for room 184, testified that he also was familiar with this process:

> THE COURT: I do have a question. I had asked the other officer as well. So, if [Appellant] had simply been arrested, without Officer Gallagher noticing any other contraband in the room, in your experience, what would have happened to his belongings in the room?
>
> THE WITNESS: Most likely they would have been left in the room and the staff would have collected them, and then either called [Appellant] or in the case that they find something, they usually end up calling us.
>
> THE COURT: They find something –
>
> THE WITNESS: Something of an illegal nature, something of contraband, weapons, such as that.
>
> THE COURT: So in your experience, how many times would you say in your time with Bensalem have you -- or are you aware of a

> call being made from a local hotel because an item was left in a room or found in a room of contraband or something illegal?
>
> THE WITNESS: I would say approximately 20 times in my six years there.

Id. at 60-61

Pursuant to our standard of review, where the lower court's factual findings are supported by the record, we are bound by them unless the legal conclusions drawn are erroneous. In the present case, the trial court's factual conclusions are supported by the record. Both officers testified to situations where hotel staff, after finding contraband, contacted the police. Further, the fact that the police confirmed the presence of Appellant in room 184 with the Knight's Inn's staff put them on notice that the occupant was going to be arrested. As such, if a weapon had been recovered after departure of the police, they would inevitably have contacted law enforcement.

Accordingly, we find that the trial court did not err in its application of the inevitable discovery doctrine, and we affirm the trial court's denial of Appellant's motion to suppress the firearm.

In his third and last issue, Appellant argues that the trial court erred in refusing to sever the person not to possess charge from the firearms without a license charge. Appellant contends that though his original motion for severance was granted, the trial court changed its position when Appellant decided to proceed *pro se* at trial.

Our standard of review when looking at a denial of a motion to sever is well settled:

> [A] motion for severance is addressed to the sound discretion of the trial court, and … its decision will not be disturbed absent a manifest abuse of discretion.

Commonwealth v. Jones, 610 A.2d 931, 936 (Pa. 1992).

On November 1, 2024, Appellant filed a motion to sever the person not to possess charge from his other charges as part of his pretrial motions. The motion was ruled on during the suppression hearing held on December 2, 2024. In the hearing's transcript we find the following exchange:

> [DEFENSE COUNSEL]: Judge, my client would like to exercise his right to a jury trial. There's also a motion to sever the counts. He's charged with firearms without a license, as well as person not to possess as well. I believe it's an agreed upon motion to sever.
>
> [PROSECUTOR]: Your Honor, it would be the Commonwealth's position as typically we would not object to a motion to sever when the lead charge is a person not to possess, given that the Commonwealth will inevitably have to present evidence of the defendant's underling convictions which do in fact make him ineligible to possess a firearm.
>
> THE COURT: Can I see the information? **Counts one and two will be severed**. Counts three and four are no longer valid because of my ruling.

N.T. Suppression, 12/2/24 at 73-74 (emphasis added)

Although the trial court granted Appellant's motion to sever during the suppression hearing, no order to that effect was filed. This led to a conflicting

situation on the second day[8] of Appellant's jury trial where the trial court proceeded to deny Appellant's motion, as evidenced in the transcript:

> [APPELLANT]: I was asking for -- or moving for a mistrial. A motion to sever was filed.
>
> THE COURT: A motion to sever was filed?
>
> [APPELLANT]: Yeah. And it wasn't – I don't know if it was ruled on because I don't have a pretrial motion transcript.
>
> THE COURT: I don't recall a motion to sever being filed. Do you?
>
> [PROSECUTOR]: I don't recall that ever being litigated. We just –
>
> THE COURT: Motion to sever for what purpose; the two drug charges from the gun charges? Is that what it was?
>
> [PROSECUTOR]: I believe so; which would have been rendered moot by the fact the drugs are suppressed.
>
> THE COURT: The motion is denied.
>
> [STANDBY COUNSEL]: Your Honor, I believe to sever the person not to possess from the failure to have a license, because the person [not] to possess requires proof that the prior crime – it was filed by Mr. Lacson. I don't know if it was ever ruled on because we don't have the transcripts, and it wasn't in the order.
>
> THE COURT: All right. I'll deny the motion.

N.T. Trial Day 2, 2/5/25, at 3-4

At the time of the denial of the motion to sever, Appellant was representing himself. Trial Court Opinion, 10/6/25, at 8. In its Rule 1925

[8] The first day of trial consisted of *voir dire* and opening argument. Testimony and evidence were not presented until the second day.

opinion, the trial court found that it did not abuse its discretion by not severing Appellant's firearm offenses:

> [The trial c]ourt originally used its discretion to grant the severance of the charges. The Appellant and Commonwealth, however, agreed to a stipulation that Appellant is in fact a person not to possess. The purpose of this was so that the offense which made him a person not to possess would not be named, eliminating any unduly prejudicial effect on the Appellant by trying the two charges together.

Trial Court Opinion, 10/6/25, at 17-18.

It is true that Appellant and the Commonwealth agreed to a stipulation that the Appellant was in fact a person not to possess. N.T. Jury Day 1, 2/4/25, at 27. The jury heard the following stipulation:

> [S]tipulation number one is that [Appellant] is in fact a person not to possess a firearm pursuant to Title 18, Section 6105. Meaning he is prohibited by law from possessing, using, controlling, selling, transferring, manufacturing, or obtaining a license to possess, use, control, sell, transfer, or manufacture a firearm.

N.T. Trial Day 2, 2/5/25, at 44.[9]

The stipulation, as agreed upon, did not disclose that Appellant had an underlying conviction. It merely stated that he was prohibited from possessing a firearm. However, during the jury charge, the trial court instructed:

> [T]o find [Appellant] guilty of [possession of a firearm prohibited], you must find that the following elements have been proven

[9] When asked if Appellant agreed to the stipulation in front of the jury, he initially said he did not know what the stipulation means. N.T. Trial Day 2, 2/5/25, at 44. After consulting with stand-by counsel, Appellant then agreed to the stipulation. ***Id.***

> beyond a reasonable doubt. First, that [Appellant] was a person prohibited by law from possessing or controlling or using a firearm. To be prohibited, **the Commonwealth must show that [Appellant] at the time of the conduct had been convicted of a specified offense that is enumerated in the crimes code** that prohibits from possessing a weapon.
>
> You heard a stipulation. So again, that's a fact that you can consider. Both sides agreed that [**Appellant] is indeed a person who is prohibited from possessing a weapon because he had an enumerated offense** that prohibits him from possessing a weapon.

Id. at 117-18 (emphases added).

This effectively nullified the effect the stipulation may have had mitigating prejudice. The jury was informed of the prior conviction. Thus, the trial court's reliance on the stipulation in denying Appellant's motion to sever was erroneous. We now consider whether this was harmless error.

"The critical consideration is whether the appellant was prejudiced by the trial court's decision not to sever. The appellant bears the burden of establishing such prejudice." ***Commonwealth v. Dozzo***, 991 A.2d 898, 901 (Pa. Super. 2010). With respect to the person not to possess charge under § 6105 of the Crimes Code, the Commonwealth is required to establish the defendant's prior conviction as an essential element of the offense. At the same time, it is well settled that evidence of prior criminal conduct is generally inadmissible when offered solely to demonstrate a defendant's propensity to commit crimes. ***Commonwealth v. Boyle,*** 733 A.2d 633, 636 (Pa. Super.1999). This stems from the fact that a prior conviction is "extremely

prejudicial to a defendant." ***Commonwealth v. Aponte***, 855 A.2d 800, 811 n.12 (Pa. 2004). This rule is not without exception.

Evidence may be admissible in certain circumstances where it is relevant for some other legitimate purpose and not utilized solely to blacken the defendant's character or demonstrate a defendant's criminal propensity. ***Boyle***, 733 A.2d at 636. Thus, evidence of other crimes may be introduced to show 1) motive; 2) intent; 3) absence of mistake or accident; 4) a common scheme or plan; and 5) identity. ***Commonwealth v. Reid***, 811 A.2d 530, 550 (Pa. 2002) (citations omitted); ***see also*** Pa. R.E. 404(b). In the case sub-judice the trial court makes no mention of these exceptions.

Where a defendant's prior conviction is not brought in to show one of the exceptions laid above, we have generally held that severance of the charges is required:

> We feel there is no question that appellant was prejudiced in this case. The crime of "former convict not to own a firearm," requires the Commonwealth to show a previous conviction for a violent crime. Thus, where these charges are brought with others, clearly the jury is exposed to the fact that this particular defendant had previously committed a violent crime.
>
> Normally, in criminal trials, evidence of prior crimes committed by a particular defendant is not admissible and any references to it constitutes reversible error. The purpose of this rule is to prevent the conviction of an accused for one crime by the use of evidence that he has committed other unrelated crimes, and to preclude the inference that because he has committed other crimes, he was more likely to commit that crime for which he is being tried.
>
> The prejudice here is a bit different. Clearly the introduction of the fact of appellant's former conviction of a violent crime was

> required as an element of proof of the crime of "former convict not to own a firearm."
>
> Appellant claims that because of the nature of the proof required in that crime, it could not be consolidated with other charges, since the prejudice of the introduction of his former conviction would spread to all the charges. We agree. We feel to reach any other result would be inconsistent with general principles of evidence admissible in a criminal trial.
>
> Normally, evidence that a particular defendant committed a prior crime is admissible only where it tends to prove (1) motive, (2) intent, (3) absence of mistake or accident, (4) a common scheme, plan or design embracing the commission of two or more crimes so related to each other that proof of one tends to prove the others, or (5) to establish the identity of the person charged with the commission of the crime on trial. Clearly here the evidence of appellant's former crime does not satisfy any of these criteria. Thus following normal evidentiary principles, we believe the severance should have been granted.
>
> However, the denial of a motion for severance is not an abuse of discretion if the facts and elements of the two crimes are easily separable in the minds of the jurors and if the crimes are such that the fact of commission of each crime would be admissible as evidence in a separate trial for the other.
>
> We believe this test to be inapplicable to our situation. Here, we are presented with a crime which, as part of the proof, requires proof that the appellant had previously committed a violent crime. Clearly the fact that appellant committed the former violent crime, is of no evidentiary value to the proof of any of the other crimes with which he is so charged; its only relevance is to satisfy the requirements of "former convict not to own a firearm."

Commonwealth v. Carroll, 418 A.2d 702, 704 (Pa. Super. 1980) (citations omitted).

In ***Commonwealth v. Galassi***, 442 A.2d 328 (Pa. Super. 1982) the defendant was charged with person not to possess under Section 6105 and firearms not to be carried without a license under Section 6106. ***Id.*** at 329.

The ***Galassi*** Court, relying on the above-quoted text in ***Carroll***, held that the failure to sever the two counts was in fact reversible error. ***Id.*** at 331.

As such, we hold that the trial court abused its discretion and erred in denying Appellant's motion to sever. In accordance with our holdings in both ***Galassi*** and ***Caroll***, we hold that the trial court committed reversible error in failing to sever Appellant's firearm charges, as that failure significantly prejudiced Appellant. Accordingly, we remand the case back to the trial court for a new trial on the firearms charges.

Judgment affirmed in part and vacated in part. Case remanded. Jurisdiction relinquished.

Judgment Entered.

Benjamin D. Kohler

Benjamin D. Kohler, Esq.
Prothonotary

Date: 8/31/2026