

SUPREME COURT OF PENNSYLVANIA

Commonwealth v. Muhammad

No. 109 MAP 2023 (Pa. May 30 2025) · No. 109 MAP 2023 · Decided May 30, 2025

SUMMARY

The Supreme Court of Pennsylvania affirmed Rasheed Muhammad’s conviction for carrying a firearm without a license under 18 Pa.C.S. § 6106. The Court held that the jury’s negative response to a special interrogatory asking whether Muhammad possessed and controlled the firearm did not negate the conviction because Section 6106 does not require proof of both possession and control. The Court also formally proscribed the future use of the special-interrogatory procedure employed in this case for resolving the charge of persons not to possess firearms.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Justice Dougherty; Chief Justice Todd; Justice Donohue; Justice Wecht; Justice Mundy; Justice Brobson; Justice McCaffery
JURISDICTION	Supreme Court of Pennsylvania
DECIDED	May 30, 2025
DOCKET	109 MAP 2023
DISPOSITION	affirmed
PROCEDURAL POSTURE	Muhammad appealed the denial of extraordinary relief and his judgment of sentence for carrying a firearm without a license and resisting arrest. The Superior Court affirmed, and the Supreme Court of Pennsylvania granted allowance of appeal.
STANDARD OF REVIEW	Sufficiency of the evidence is reviewed de novo, with plenary scope of review. The evidence and all reasonable inferences are viewed in the light most favorable to the Commonwealth as verdict winner, without reweighing the evidence.
PRECEDENTIAL VALUE	Published; opinion announcing the judgment of the Court
PARTIES	Rasheed Muhammad v. Commonwealth of Pennsylvania

TOPICS

- criminal procedure
- statutory interpretation
- standard of review
- appellate procedure
- preservation of error

PRACTICE AREAS

criminal law

criminal procedure

firearms offenses

statutory interpretation

appellate procedure

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support Muhammad's conviction for carrying a firearm without a license under 18 Pa.C.S. § 6106 when the jury answered "no" to a special interrogatory asking whether he possessed and had under his control the firearm.
2. Whether the jury's negative answer to the compound possession-and-control interrogatory created an inconsistency requiring reversal of the Section 6106 conviction.
3. Whether special interrogatories of the type used in this criminal trial should be permitted in future cases involving persons not to possess firearms.

HOLDINGS

1. The evidence was sufficient to establish beyond a reasonable doubt that Muhammad carried a firearm in a vehicle, was not in his abode or fixed place of business, and lacked a valid license to carry a firearm.
2. The jury's negative answer did not invalidate the Section 6106 conviction because the interrogatory asked conjunctively whether Muhammad possessed and had the firearm under his control, while Section 6106 does not require proof that the defendant both possessed and controlled the firearm.
3. Trial courts should not use the special-interrogatory procedure employed in this case for the persons-not-to-possess-firearms charge; they should use less problematic procedures, such as bifurcation, to prevent disclosure of a defendant's criminal history.

KEY QUOTATIONS

"The crime of carrying a firearm without a license, however, does not require a finding of possession and control of the weapon." (7-8)

"That made-up question, pertaining to a made-up crime, does not reflect the elements of the very real crime of carrying a firearm without a license." (10)

"Accordingly, notwithstanding the differing viewpoints expressed by members of this Court respecting other issues, we take this opportunity to formally proscribe the future use of the process employed here respecting the charge of persons not to possess firearms." (11)

FACTUAL BACKGROUND

Police found a loaded, operable firearm in the center console of a rental vehicle occupied and driven by Muhammad. Muhammad was seated next to the console, searched through it while attempting to block the officer's view, and had personal mail in the vehicle; he also lacked a license to carry a firearm. At trial, the jury answered "no" to a special interrogatory asking whether Muhammad possessed and had under his control the firearm, but convicted him of carrying a firearm without a license and resisting arrest.

PROCEDURAL HISTORY

After a jury convicted Muhammad of carrying a firearm without a license and resisting arrest, the trial court denied his motion for extraordinary relief and imposed sentence. The Superior Court affirmed in a published opinion. The Pennsylvania Supreme Court affirmed the Superior Court's order, concluding that the jury's negative answer to a special interrogatory did not undermine the firearm conviction.

DISPOSITION

affirmed

CASES CITED

- Commonwealth v. Muhammad, 289 A.3d 1078, 1091-92 (Pa. Super. 2023)
- Commonwealth v. Widger, 237 A.3d 1151, 1160-61 (Pa. Super. 2020), appeal denied, 249 A.3d 505 (Pa. 2021)
- Commonwealth v. Banks, 253 A.3d 768 (Pa. Super. 2021), appeal denied, 267 A.3d 1213 (Pa. 2021)
- Commonwealth v. Chisebwe, 310 A.3d 262, 267-68 (Pa. 2024)
- Commonwealth v. Smith, Commonwealth v. Smith, 234 A.3d 576, 581 (Pa. 2020)
- Commonwealth v. Wright, 14 A.3d 798, 814 (Pa. 2011)
- Kmonk-Sullivan v. State Farm Mut. Auto. Ins. Co., 788 A.2d 955, 962 (Pa. 2001)
- Commonwealth v. Peters, 218 A.3d 1206, 1211 (Pa. 2019)
- Commonwealth v. Johnson, 26 A.3d 1078, 1093 (Pa. 2011)
- Commonwealth v. Samuel, 961 A.2d 57, 64 (Pa. 2008)
- Commonwealth v. Campana, 304 A.2d 432, 438 n.27 (Pa. 1973) (plurality)
- Commonwealth v. Jacobs, 39 A.3d 977, 987 (Pa. 2012) (opinion announcing judgment of court)
- Commonwealth v. Magliocco, 883 A.2d 479 (Pa. 2005)
- Commonwealth v. Muhammad, 308 A.3d 766 (Pa. 2023) (per curiam)