

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Christopher L. Haigh,	:	
Petitioner	:	
	:	No. 144 M.D. 2021
v.	:	
	:	Submitted: July 24, 2026
Pennsylvania State Police,	:	
Respondent	:	

BEFORE: HONORABLE ANNE E. COVEY, Judge
HONORABLE LORI A. DUMAS, Judge
HONORABLE STACY WALLACE, Judge

OPINION NOT REPORTED

**MEMORANDUM OPINION BY
JUDGE DUMAS**

FILED: September 3, 2026

Presently before the Court, in our original jurisdiction, are cross applications for summary relief filed by both Christopher L. Haigh (Petitioner) and Pennsylvania State Police (PSP). Essentially, the parties dispute whether Petitioner is required to register as a sexual offender pursuant to the Sexual Offender Registration and Notification Act (SORNA), Act of February 21, 2018, P.L. 27, No. 10, *as amended* by the Act of July 12, 2018, P.L. 140, No. 29 (SORNA II).¹ After review, we deny Petitioner summary relief and grant summary relief in favor of PSP.

¹ 42 Pa.C.S. §§ 9799.10-9799.75.

I. BACKGROUND²

In April 1994, Petitioner was arrested. Following a jury trial, he was convicted on a count of involuntary deviate sexual intercourse (IDSI) and a count of indecent assault.³ In June 1995, the trial court sentenced Petitioner to incarceration. He was paroled in 2007.

PSP advised Petitioner that he was required to register as an offender pursuant to what was commonly referred to as Megan's Law, the precursor to SORNA.⁴ Petitioner has complied with his registration requirements.

In April 2021, Petitioner commenced this action, seeking mandamus, injunctive, and declaratory relief. According to Petitioner, there were no registration requirements in place at the time of his sentencing, nor have there been requirements applicable to him at any time since his sentencing. Further, in his view, the registration requirements imposed on him are punitive and, therefore, violate numerous constitutional rights.

PSP answered the petition, generally denying Petitioner's claims. However, PSP agreed that Petitioner was required to register as a sex offender upon his parole in 2007. Additionally, PSP responded that Petitioner is required to register as a lifetime offender and that PSP lacks authority or discretion to exempt Petitioner from his registration requirements.

² We derive this background from Petitioner's petition for review, PSP's answer and new matter, and the parties' cross applications for summary relief. *See* Pet. for Rev., 4/26/21; Answer & New Matter, 7/6/21; Pet'r's Appl. for Summ. R., 3/11/26; PSP's Appl. for Summ. R., 3/11/26.

³ 18 Pa.C.S. §§ 3123, 3126.

⁴ Megan's Law I, Act of October 24, 1995, P.L. 1079 (Spec. Sess. No. 1), *formerly* 42 Pa.C.S. §§ 9791-9799.6; Megan's Law II, Act of May 10, 2000, P.L. 74, *formerly* 42 Pa.C.S. §§ 9791-9799.7; Megan's Law III, Act of November 24, 2004, P.L. 1243, *formerly* 42 Pa.C.S. §§ 9791-9799.9.

This matter lay dormant for some time. In September 2025, we issued a rule upon Petitioner to show cause why his petition should not be terminated for want of prosecution. Order, 9/25/25. Petitioner timely responded and requested that his claims be addressed on the merits, and the Court discharged the rule. Answer to Rule, 10/22/25; Order, 2/9/26.

In March 2026, the parties filed cross applications for summary relief. According to Petitioner, SORNA II imposes a sentence beyond the statutory maximum, which constitutes cruel and unusual punishment and undermines the trial court's authority to impose an individualized sentence. Pet'r's Appl. for Summ. R., 3/11/26, at 3. Additionally, Petitioner asserts that the provisions of SORNA II are excessively punitive, thus violating "all [of] his substantive due process rights and . . . [the] inalienable rights guaranteed to him under [article I, section 1] of the Pennsylvania Constitution." *Id.* In relief, Petitioner asks this Court to direct the permanent removal of his personal information from the sex offender registry and public website. *Id.* Petitioner also asks this Court to direct PSP to excuse Petitioner from any further registration requirements. *Id.*⁵

⁵ Petitioner also asserts, for the first time, that SORNA has created an unconstitutional, irrebuttable presumption that he is a dangerous individual, thus implicating his right to reputation. Pet'r's Appl. for Summ. R. at 1-2. We decline to address this claim as Petitioner has not pleaded it, *see* Pet. for Rev., nor has he sought leave to file an amended petition for review. "Our pleading rules operate to require the petitioner to disclose the material facts sufficient to enable the adverse party to prepare the case. Thus, a pleading must not only apprise the opposing party of the asserted claim, it must also formulate the issues by summarizing those facts essential to support the claim." *Toland v. Pa. Bd. of Prob. & Parole*, 263 A.3d 1220, 1231 (Pa. Cmwlth. 2021) (cleaned up); *see* Pa.R.A.P. 1513(e)(4); *see also, e.g., J.B. v. Pa. State Police*, 273 A.3d 77, 84-85 (Pa. Cmwlth. 2022) (recognizing that an irrebuttable presumption claim must identify (1) the right protected by due process that is encroached by the irrebuttable presumption, (2) evidence that the presumption is not universally true, and (3) reasonable alternative means for ascertaining the presumed fact). We note further that Petitioner has identified no evidence of record that would support such a claim. *See Commonwealth v. Torsilieri*, 316 A.3d 77, 86-100 (Pa. 2024) (recognizing that an

(Footnote continued on next page...)

For its part, PSP rejects Petitioner’s claim that the sexual offender registration requirements are inapplicable to him. PSP’s Appl. for Summ. R., 3/11/26, ¶ 3. Rather, PSP maintains that Petitioner remains subject to the registration requirements of Subchapter I of SORNA II. *Id.*, ¶ 4 (referencing precedent that the requirements of Subsection I are merely “collateral” and “do[] not constitute *ex post facto* punishment”). PSP therefore asks for judgment in its favor. *Id.*, Wherefore clause.

This matter is ready for disposition.

II. DISCUSSION

Petitioner’s constitutional claims rest on two flawed premises. First, according to Petitioner, because his crimes and sentence predate sexual offender registration requirements, these requirements are inapplicable to him. *See* Pet. for Rev., ¶¶ 3, 6-7, 13-14; *see also* Pet’r’s Br. at 6, 9. Second, Petitioner maintains that these requirements are punitive and, therefore, constitute an illegal enhancement of his original sentence. *See* Pet. for Rev., ¶¶ 7-9, 15, 16; *see also* Pet’r’s Br. at 7 (citing *Commonwealth v. Muniz*, 164 A.3d 1189 (Pa. 2017)).

This Court may grant an application for summary relief if the party’s right to judgment is clear as a matter of law and no material issues of fact are in dispute. *Gregory v. Pa. State Police*, 185 A.3d 1202, 1205 n.5 (Pa. Cmwlth. 2018); Pa.R.A.P. 1532(b). Further, “the moving party has the burden of proving that its right to relief is so clear as a matter of law that summary relief is warranted.” *Naylor v. Dep’t of Pub. Welfare*, 54 A.3d 429, 431 n.4 (Pa. Cmwlth. 2012).

irrebuttable presumption challenge presents a unique constitutional inquiry that must resolve a mixed question of law and fact and requires evidence demonstrating, *e.g.*, a scientific consensus that a legislative presumption is not universally true).

In considering an application for summary relief, the record includes pleadings, depositions, answers to interrogatories, admissions, affidavits, and reports signed by expert witnesses. *Summit Sch., Inc. v. Dep’t of Educ.*, 108 A.3d 192, 195-96 (Pa. Cmwlth. 2015). We view the record “in the light most favorable to the nonmoving party, resolving all doubts as to the existence of disputed material facts against the moving party.” *Marcellus Shale Coal v. Dep’t of Env’t Prot.*, 216 A.3d 448, 458 (Pa. Cmwlth. 2019) (*en banc*).

The registration and reporting requirements of Megan’s Law were not punitive and, therefore, did not implicate *ex post facto* clauses in the federal and state constitutions. See *Commonwealth v. Williams*, 832 A.2d 962, 984 (Pa. 2003); *Commonwealth v. Gaffney*, 733 A.2d 616, 617 (Pa. 1999). Accordingly, successive versions of Megan’s Law were applied retroactively to sexual offenders whose crimes were committed before the initial adoption of Megan’s Law in 1995. See, e.g., *Gaffney*, 733 A.2d at 617 (holding that registration was required even though the underlying conviction occurred prior to the effective date of Megan’s Law I); *C.M. v. Pa. State Police*, 269 A.3d 1280, 1284-85 (Pa. Cmwlth. 2022) (concluding that the petitioner’s obligation to register arose upon enactment of Megan’s Law II, even though his crimes were committed in 1987); *Commonwealth v. Anthony*, 841 A.2d 542, 544-45 (Pa. Super. 2004) (holding that the registration requirements of Megan’s Law II applied to the appellant, even though his conviction occurred prior to the effective date thereof).⁶

⁶ Superior Court decisions “are not binding on this Court, but they offer persuasive precedent where they address analogous issues.” *Lerch v. Unemployment Comp. Bd. of Rev.*, 180 A.3d 545, 550 (Pa. Cmwlth. 2018).

In 2012, SORNA I⁷ became effective and, initially, was applied retroactively to sexual offenders. *See, e.g., Coppolino v. Noonan*, 102 A.3d 1254 (Pa. Cmwlth. 2014) (finding one registration requirement punitive but otherwise concluding that the registration and reporting requirements of SORNA I applied retroactively to an individual convicted of IDSI in 2001), *affirmed*, 125 A.3d 1196 (Pa. 2015). However, our Supreme Court later determined that the retroactive application of SORNA I violated the federal *ex post facto* clause. *Muniz*, 164 A.3d at 1218.

In response, the General Assembly enacted Subchapter I of SORNA II.⁸ Upon review, our Supreme Court observed that “Subchapter I effected significant changes from the original version of SORNA.” *Commonwealth v. Lacombe*, 234 A.3d 602, 626 (Pa. 2020). Absent “clearest proof” that Subchapter I is punitive, the Court declined to “transform what has been denominated a civil remedy into a criminal penalty.” *Id.* (citation omitted). The Court therefore concluded that Subchapter I was not punitive and rejected the appellees’ *ex post facto* claims. *Id.* at 626-27. Accordingly, Subchapter I has become the operative version of SORNA retroactively applicable to those individuals who committed a sexually violent offense prior to December 12, 2012. *See, e.g., T.S. v. Pa. State Police*, 241 A.3d 1091 (Pa. 2020) (per curiam order) (reversing this Court’s conclusion that Subchapter I was not applicable to an individual who had committed aggravated

⁷ Act of Dec. 20, 2011, P.L. 446, No. 111, *as amended*, 42 Pa.C.S. §§ 9799.10 to 9799.41 (effective Dec. 20, 2012).

⁸ SORNA II is divided into distinct subchapters. Subchapter H applies to “individuals who committed a sexually violent offense on or after December 20, 2012, for which the individual was convicted.” 42 Pa.C.S. § 9799.11(c). Subchapter I applies to individuals who were (1) convicted of a sexually violent offense after April 22, 1996, but before December 20, 2012, whose period of registration has not expired; or (2) required to register on or after April 22, 1996, but before December 20, 2012, whose period of registration has not expired. *Id.* § 9799.52.

indecent assault and attempted rape in 1990); *Cao v. Pa. State Police*, 280 A.3d 1107, 1112-13 (Pa. Cmwlth. 2022) (concluding that an individual who had committed aggravated indecent assault in May 1995 was subject to Subchapter I).

In June 1995, the Court of Common Pleas of Cumberland County sentenced Petitioner on one count of IDSI to incarceration for six and one half to twenty years. *See* PSP’s Appl. for Summ. R., Ex. 1 (Sentencing Order). Upon Petitioner’s parole in 2007, he became subject to lifetime registration per Megan’s Law. *See former* 42 Pa.C.S. §§ 9795.1(b)(2) (providing that individuals convicted of IDSI “shall be subject to lifetime registration”), 9795.2(a)(1) (providing that offenders “shall be required to register with [PSP] . . . upon parole . . .”). This lifetime obligation did not cease with the adoption of SORNA. *See former* 42 Pa.C.S. § 9799.13(3)(i) (requiring registration by those previously required to register and who had not completed their period of registration). Petitioner remains subject to lifetime registration per Subchapter I of SORNA II. 42 Pa.C.S. §§

9799.52(2),⁹ 9799.54(a)(1),¹⁰ 9799.55(b)(2).¹¹ Thus, notwithstanding the fact that Petitioner's crimes and convictions predate Megan's Law, Subchapter I of SORNA II is retroactively applicable to Petitioner.¹² *Lacombe; Gaffney; Cao.*

⁹ Section 9799.52 provides in relevant part:

This subchapter shall apply to individuals who were:

...

(2) required to register with the Pennsylvania State Police under a former sexual offender registration law of this Commonwealth on or after April 22, 1996, but before December 20, 2012, whose period of registration has not expired.

42 Pa.C.S. § 9799.52(2).

¹⁰ Section 9799.54 provides in relevant part:

(a) Registration.--The following individuals shall register with the Pennsylvania State Police as provided in this subchapter:

(1) An individual who committed a sexually violent offense within this Commonwealth and whose period of registration with the Pennsylvania State Police, as specified in section 9799.55 (relating to registration), as of February 21, 2018, has not expired. The individual shall register for the period of time under section 9799.55 less any credit for time spent registered with the Pennsylvania State Police prior to February 21, 2018.

....

42 Pa.C.S. § 9799.54(a)(1).

¹¹ Section 9799.55(b)(2) provides in relevant part:

(b) Lifetime registration.--The following individuals shall be subject to lifetime registration:

...

(2) Individuals convicted:

(i)(A) in this Commonwealth of the following offenses, if committed on or after April 22, 1996, but before December 20, 2012:

18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse);

... or

(B) in this Commonwealth of offenses set forth in clause (A) who were required to register with the Pennsylvania State Police under a former sexual offender registration law of this Commonwealth on or after April 22, 1996, but before December 20, 2012, whose period of registration has not expired

....

42 Pa.C.S. §9799.55(b)(2) (emphasis omitted).

¹² To the extent a sexual offender subject to Subchapter I of SORNA II remains compliant with his registration requirements for 25 years and no longer poses a threat to the safety of any other persons, that offender may petition the sentencing court for relief. *See* 42 Pa.C.S. § 9799.59.

III. CONCLUSION

For the reasons set forth above, Petitioner's application for summary relief is denied; PSP's application for summary relief is granted; and Petitioner's petition for review is dismissed. *Gregory*, 185 A.3d at 1205 n.5; *Naylor*, 54 A.3d at 431 n.4; Pa.R.A.P. 1532(b).

LORI A. DUMAS, Judge

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Pennsylvania State Police,	:	
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ORDER

AND NOW, this 3rd day of September, 2026, Petitioner's application for summary relief is DENIED. Respondent's application for summary relief is GRANTED. Petitioner's petition for review is DISMISSED.

LORI A. DUMAS, Judge