

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

C.D.,	:	
	:	
Petitioner	:	
	:	
v.	:	
	:	
	:	
Pennsylvania State Police,	:	No. 358 M.D. 2025
Respondent	:	Submitted: July 24, 2026

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

OPINION NOT REPORTED

MEMORANDUM OPINION BY
JUDGE COVEY

FILED: September 25, 2026

Before this Court are: (1) the Pennsylvania State Police's (PSP) preliminary objections (Preliminary Objections) to C.D.'s (Petitioner) Petition for Administrative Review in the Nature of Declaratory and Permanent Injunctive Relief (Petition); and (2) Petitioner's Application for Summary Relief (Application). After review, this Court overrules PSP's first Preliminary Objection, sustains PSP's second Preliminary Objection, dismisses the Petition, and dismisses the Application as moot.

Philadelphia County authorities arrested Petitioner on March 20, 1988, and charged him with an attempted rape that occurred on March 19, 1988. *See* Petition ¶ 2. On December 1, 1988,¹ Delaware County authorities arrested Petitioner and charged him with aggravated assault and arson, which occurred that same day. *See* Petition ¶ 3. Petitioner is currently serving an aggregate 25- to 50-year sentence

¹ In the Petition, Petitioner states he was arrested in 1998; however, this clearly was a typo given the entirety of the averment. *See* Petition ¶ 3.

in the Pennsylvania Department of Corrections (DOC) at the State Correctional Institution at Mahanoy (SCI-Mahanoy),² comprised of 10 to 20 years of incarceration for aggravated assault and arson to be served consecutively to 5 to 10 years of incarceration for the attempted rape. *See* Petition ¶ 4; *see also* *Commonwealth v. Diehl* (CP-23-CR-8757-1988); *Commonwealth v. Diehl* (CP-51-CR-422441-1988). Petitioner was first eligible for parole at the expiration of his minimum sentence on December 2, 2013. *See* Petition ¶ 5. His maximum sentence release date is December 2, 2038. *See id.* Neither sentencing court informed Petitioner that he was required to report to PSP before, during, or after his release from incarceration for the purpose of registering as a convicted sexual offender. *See* Petition ¶ 6. The Pennsylvania Parole Board denied Petitioner parole in 2013, 2015, 2016, 2018, 2019, 2020, 2024, and 2025. *See* Petition ¶ 7.

On April 22, 2025, Petitioner sent an Inmate Request Form to the Inmate Records Office at SCI-Mahanoy inquiring whether his file contained an order requiring him to register as a convicted sexual offender. *See* Petition ¶ 8. The SCI-Mahanoy Records Officer contacted PSP, which explained that Petitioner must register before DOC releases him, and PSP will determine whether he is required to register once he reports to PSP after his release. *See* Petition ¶ 9; *see also* Petition Ex. 1.

Petitioner, pro se, filed the Petition in this Court's original jurisdiction on September 22, 2025, seeking: (1) a declaration that PSP's acts or omissions violated his rights under the United States and Pennsylvania Constitutions; (2) a permanent injunction in the form of a binding order directing PSP to cease and desist from requiring him to register as a convicted sexual offender prior to and after his release from incarceration; and (3) a permanent injunction in the form of a binding

² *See* <https://inmatelocator.cor.pa.gov/#/Result> (last visited Sept. 24, 2026).

order directing PSP to expunge any reference to his conviction for sexual offenses from the Sexual Offender Registration and Notification Act (SORNA), Act of February 21, 2018, P.L. 27, No. 10, *as amended* by the Act of June 12, 2018, P.L. 140, No. 29 (SORNA II),³ database. *See* Petition ¶¶ 11-13.

On December 22, 2025, PSP filed its Preliminary Objections, alleging therein: (1) it is premature for Petitioner to ask this Court to enjoin PSP from requiring his registration, because when this will occur is at a nebulous and speculative future time; and (2) Petitioner does not make out a cognitive claim for relief because the Pennsylvania Supreme Court has already found similar arguments unpersuasive, and applying Subchapter I of SORNA II (Subchapter I) to him is proper.⁴ On March 13, 2026, Petitioner filed his Application. By March 27, 2026 Order, this Court directed that Petitioner’s Application shall be decided with PSP’s Preliminary Objections.

Initially,

[i]n ruling on [preliminary objections], this Court must “accept as true all well-pleaded material allegations in the petition for review and any reasonable inferences that [it] may draw from the averments.” *Highley v. Dep[’t] of Transp[.]*, 195 A.3d 1078, 1082 (Pa. Cmwlth. 2018). However, [this Court] [is] “not bound by legal conclusions, unwarranted inferences from facts, argumentative allegations, or expressions of opinion encompassed in the [p]etition for review.” *Id.* This Court should sustain [preliminary objections] only where “the law makes clear that the [p]etitioner cannot succeed on his claim.” *Id.* at 1083. “[W]here any doubt exists as to whether the [preliminary objections] should be sustained, the doubt must be resolved in favor of overruling the [preliminary objections].” [*Pa.*] *State Lodge, Fraternal*

³ 42 Pa.C.S. §§ 9799.10-9799.75.

⁴ “Subchapter I . . . governs those offenders whose sexual offenses were committed prior to [December 20, 2012].” *Commonwealth v. Roberts*, 329 A.3d 1129, 1132-33 (Pa. 2025).

Ord[.] of Police v. Dep['t] of Conservation & Nat[.] Res[.],
909 A.2d 413, 416 (Pa. Cmwlth. 2019).

Donahue v. Pa. Dep't of Hum. Servs., 347 A.3d 96, 101 (Pa. Cmwlth. 2025).

PSP argues in its first Preliminary Objection that Petitioner's claim is not ripe for adjudication because Petitioner is not currently registered with PSP as a sex offender. Petitioner rejoins that PSP's argument is belied by PSP's own statement that Petitioner must register prior to his release. *See* Petition Ex. 1. Petitioner further retorts that this statement must be construed as an admission that Subchapter I applies to those who are inmates in state or county prisons on or after December 20, 2012, as a result of a conviction for a sexually violent offense. *See* 42 Pa.C.S. § 9799.13.

This Court has explained:

With regard to ripeness, **the issues here are fully developed for th[is] Court's review. Waiting for SORNA to be imposed upon [the p]etitioner would add little to this Court's review of the legal issues raised. . . .** Pursuant to Section 9799.19(b.1)(2)(iv) of SORNA, [the p]etitioner may not be released from incarceration on parole "until the correctional facility receives verification from [PSP] that [PSP] has received the information" required for the registry. 42 Pa.C.S. § 9799.19(b.1)(2)(iv). Such information includes: the offender's name, including any aliases or the like used for self-identification purposes on the internet for communications and posting; telephone numbers; social security number; address of each residence or intended residence whether or not located in the Commonwealth [of Pennsylvania (Commonwealth)]; passport or immigration documents; the name and address of any employers; any occupational or professional licensing numbers; date of birth; driver's license number; and information on any vehicles owned or operated. Section 9799.16(b) of SORNA, 42 Pa.C.S. § 9799.16(b), (c). Much of this information is subsequently placed on [PSP's] public internet website. Section 9799.28(b) of SORNA, 42 Pa.C.S. § 9799.28(b). Upon release, [the p]etitioner would be required to remain on the registry and [PSP's] public website, or be subject to the penalties

associated with failing to comply with the registration requirements. Section 9799.21(a) of SORNA, 42 Pa.C.S. § 9799.21(a). Because [the p]etitioner must supply the registration information *prior to release*, and will be included on the registry and [PSP's] public internet website upon his release, [the p]etitioner would face significant hardship should this matter not be resolved prior to his release from incarceration. Because [the p]etitioner will face hardships by delaying review and waiting for [PSP] to place [the p]etitioner on the registry would not assist this Court's resolution of the matters asserted in the [p]etition for [r]eview, th[is] Court concludes that the matter is ripe for disposition.

Gregory v. Pa. State Police, 160 A.3d 274, 277-78 (Pa. Cmwlth. 2017) (bold emphasis added); *see also Corliss v. Pa. State Police* (Pa. Cmwlth. No. 460 M.D. 2018, filed July 9, 2019),⁵ *aff'd*, (Pa. 61 MAP 2019, filed Oct. 1, 2020). Because Petitioner must supply his registration information *prior to release*, and it will be included on the registry and PSP's public internet website upon his release, Petitioner's Petition is ripe for consideration. Accordingly, PSP's first Preliminary Objection is overruled.

In its second Preliminary Objection in the nature of a demurrer, PSP contends that Petitioner's argument that his *ex post facto* registration requirement is illegal fails on its merits. Specifically, PSP asserts that Subchapter I has been found to be neither punitive nor in violation of *ex post facto* provisions. Petitioner rejoins that because his crime was committed on March 20, 1988, he is beyond the limits of Subchapter I. Petitioner further retorts that since Subchapter I does not apply to Petitioner, and Subchapter H of SORNA II as applied retroactively to Petitioner has been held to be an unconstitutional violation of the *ex post facto* clause, this Preliminary Objection must be overruled and/or rejected as having no merit.

⁵ Per Section 414(a) of the Internal Operating Procedures of the Commonwealth Court of Pennsylvania, 210 Pa. Code § 69.414(a), unreported Commonwealth Court opinions issued after January 15, 2008, may be cited for their persuasive value. *Corliss* is cited for its persuasive value.

Subchapter I provides, in relevant part:

(a) Registration.--The following individuals shall register with [PSP] as provided in this subchapter:

. . . .

(3) An individual who committed a sexually violent offense within th[e] Commonwealth and is an inmate in a [s]tate or county correctional facility of this Commonwealth, including a community corrections center or a community contract facility, is being supervised by [DOC] or county probation or parole, is subject to a sentence of intermediate punishment or has supervision transferred under the Interstate Compact for Adult Supervision in accordance with [S]ection 9799.62(e) [of SORNA II, 42 Pa.C.S. § 9799.62(e)] (relating to other notification). The individual shall register for the period of time under [S]ection 9799.55 [of SORNA II, 42 Pa.C.S. § 9799.55,] except that the period required in [S]ection 9799.55 [of SORNA II] shall be tolled for any period of time the individual is recommitted for a parole violation or sentenced to a term of imprisonment.

42 Pa.C.S. § 9799.54(a)(3) (text emphasis added).

In *Commonwealth v. LaCombe*, 234 A.3d 602 (Pa. 2020) (plurality), the Pennsylvania Supreme Court (Supreme Court) expressly held:

Subchapter I does not constitute criminal punishment, [thus,] the *ex post facto* claims forwarded by appellees necessarily fail. See [*Commonwealth v.*] *Muniz*, 164 A.3d [1189,] 1208 [(Pa. 2017) (plurality)] (“[The Supreme Court’s] decision regarding violation of [the *ex post facto*] clause depends on a determination of whether SORNA’s retroactive application . . . constitutes punishment.”).

LaCombe, 234 A.3d at 626-27 (emphasis added). Because pursuant to Subchapter I, the registration requirements apply to Petitioner, and Subchapter I does not constitute punishment, Petitioner’s claim that Subchapter I is an unconstitutional

violation of the *ex post facto* clause fails. Accordingly, PSP's second Preliminary Objection is sustained, and the Petition is dismissed.⁶

For all of the above reasons, PSP's first Preliminary Objection is overruled, PSP's second Preliminary Objection is sustained, and the Petition is dismissed. Petitioner's Application is dismissed as moot.

ANNE E. COVEY, Judge

⁶ Because the Petition is dismissed, Petitioner's Application is dismissed as moot.

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O R D E R

AND NOW, this 25th day of September, 2026, the Pennsylvania State Police's (PSP) first preliminary objection (Preliminary Objection) to C.D.'s (Petitioner) Petition for Administrative Review in the Nature of Declaratory and Permanent Injunctive Relief (Petition) is OVERRULED, PSP's second Preliminary Objection is SUSTAINED, and the Petition is DISMISSED. Petitioner's Application for Summary Relief is DISMISSED as moot.

ANNE E. COVEY, Judge