

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
v.	:	
	:	
	:	
MICHAEL DEAN OSMAN	:	
	:	
Appellant	:	No. 380 MDA 2023

Appeal from the Judgment of Sentence Entered November 30, 2022
In the Court of Common Pleas of Dauphin County Criminal Division at
No(s): CP-22-CR-0001818-2020

BEFORE: BOWES, J., LAZARUS, J., and STEVENS, P.J.E.*

JUDGMENT ORDER BY LAZARUS, J.:

FILED: AUGUST 20, 2026

This case is on remand following our Supreme Court's July 21, 2026 decision concluding that Osman was illegally sentenced to a mandatory probationary sentence under 42 Pa.C.S. § 9718.5(a), where he had no record of prior sexual offenses and, thus, 42 Pa.C.S. § 9799.14(d)(16) was not triggered. ***See Commonwealth v. Osman***, --- A.3d ---, 81 MAP 2024, *2 (Pa. filed July 21, 2026) (Table). Accordingly, the Supreme Court vacated the illegal portion of Osman's sentence¹ and, finding that its disposition disrupted

* Former Justice specially assigned to the Superior Court.

¹ On direct appeal, Osman asserted, *inter alia*, that as a Tier II registrant under the Sexual Offender Registration and Notification Act (SORNA), a consecutive period of probation was not required as a matter of law under subsection 9718.5(a), where he was not a recidivist. The Commonwealth, on the other hand, argued that subsections 9799.14(d) and 9718.5 of the
(Footnote Continued Next Page)

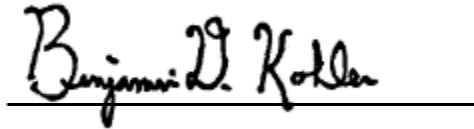
the sentencing scheme, remanded the matter to this Court with instructions to remand to the trial court for resentencing. ***Id.*** at 24. Thus, we remand for resentencing in accordance with the dictates of the Supreme Court's decision in ***Osman, supra.***

Judiciary and Judicial Procedure Code required the trial court to impose a mandatory term of three years of probation consecutive to any other sentence Osman was serving. We found that because Osman had been convicted of a Tier 1 sexual offense (corruption of minors—course of conduct) and a Tier II sexual offense (indecent assault—complainant less than 16 years of age and person four or more years old), he was subject to the mandatory probationary sentence. **See** 42 Pa.C.S. § 9799.14(d)(16) (two or more convictions or offenses listed as Tier I or Tier II sexual offenses shall be classified as Tier III sexual offenses). On January 8, 2024, our Court affirmed Osman's judgment of sentence with respect to the three-year consecutive probationary term on indecent assault and remanded the matter, on a separate issue, in accordance with ***Commonwealth v. Torsilieri***, 232 A.3d 567 (Pa. 2020), so that Osman could develop his SORNA challenge. **See *Commonwealth v. Osman***, 313 A.3d 163 (Pa. Super. 2024) (Table).

On April 16, 2024, Osman filed a petition for allowance of appeal from this Court's decision. The Supreme Court granted the petition on October 9, 2024, limiting its review to the following issue: "Whether an offender convicted of Tier I and Tier II sexual offenses from a single charged information and who has no prior adjudications or convictions for sexual offenses is subject to the mandatory probation provision of 42 Pa.C.S. § 9718.5." **See *Commonwealth v. Osman***, 327 A.3d 616 (Pa. 2024) (per curiam).

Case remanded for resentencing. Jurisdiction relinquished.

Judgment Entered.

A handwritten signature in black ink, reading "Benjamin D. Kohler", is written over a solid horizontal line.

Benjamin D. Kohler, Esq.
Prothonotary

Date: 8/20/2026