

**IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA**

**COMMONWEALTH OF PENNSYLVANIA** :  
 :  
 v. : **No. 99-11,953 and 00-10,077**  
 : **CRIMINAL DIVISION**  
 **CHESTER E. BOWERS,** :  
 **Defendant** : **APPEAL**

**OPINION IN SUPPORT OF ORDER IN COMPLIANCE WITH RULE 1925(a)**  
**OF THE RULES OF APPELLATE PROCEDURE**

The Defendant<sup>1</sup> appeals this Court's August 1, 2006 Order dismissing his Petition for Post Conviction Relief. The Defendant's unsolicited<sup>2</sup> Statement of Matters Complained of on Appeal alleges five distinct areas of error by this Court. First, he contends that the Court failed to provide him with an on-the-record guilty plea colloquy; second, he contends that he did not knowingly waive his right to a jury trial; third, he contends that the Court sentenced him to a crime for which he was not charged; fourth, he contends that his guilty plea is fatally flawed because he is now being required to comply with the registration requirements under Megan's Law, a condition not applicable at the time of his guilty plea; and last, he contends that his appointed counsel was ineffective.

The facts relevant to the Defendant's instant appeal are as follows: the Defendant filed a Petition under the Post Conviction Relief Act, *pro se*, on March 27, 2006, alleging that being required to comply with the registration requirements under Megan's Law II, 42 Pa.C.S. § 9791, *et seq.*, is a violation of the Constitutions and/or laws of the United States and the Commonwealth of Pennsylvania, a result of ineffective assistance of counsel, a condition that

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<sup>1</sup> Although this Court assigned Attorney James R. Protasio, Esq. to represent the Defendant with respect to his March 27, 2006 *pro se* PCRA Petition, after an initial conference on said petition, all communications with the Court have been directly from the Defendant.

<sup>2</sup> The Defendant filed a Statement of Matters Complained of on Appeal along with his Notice of Appeal in August 2006.

was not required when he pleaded guilty thereby making said plea unlawfully induced, and an imposition of sentence greater than the lawful maximum; all of which so undermined the truth determining process, that no reliable adjudication of guilt or innocence could have taken place. The Court announced its intent to dismiss the Defendant's petition on June 8, 2006 and, after receiving a response from the Defendant to said proposed dismissal which failed to set forth sufficient grounds to delay the disposition of the matter, the Court, on August 1, 2006, dismissed the Defendant's petition for post Conviction Relief. The instant appeal stems from this dismissal.

The applicability of the registration requirements under Megan's Law to the Defendant is the only issue raised in the instant appeal that the Court has had an opportunity to address previously. Accordingly, the Court will not address the other issues raised by the Defendant as the Court believes said issues to be waived, and, by way of Opinion, the Court will rely on this Court's Opinion and Order dated August 1, 2006 in regards to the Megan's Law applicability issue.

Dated: \_\_\_\_\_

By The Court,

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Nancy L. Butts, Judge

xc: DA (KO)  
James R. Protasio, Esq.  
Chester E. Bowers, EE7517, SCI Huntingdon, 1100 Pike Street, Huntingdon, PA 16654  
Hon. Nancy L. Butts  
Judges  
Gary L. Weber, Esq. (Lycoming Reporter)  
Laura R. Burd, Esq. (Law Clerk)