

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH	: No. CP-41-CR-1537-2015
	:
vs.	: CRIMINAL DIVISION
	:
	:
WILLIAM WINTERS, IV,	:
Appellant	: 1925(a) Opinion

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

This opinion is written in support of this court's judgment of sentence dated April 20, 2016, which became a final order when the court denied Appellant William Winters' post sentence motion on May 27, 2016. The relevant facts follow.

Appellant is a sexual offender who is required to register under the Sexual Offender Registration and Notification Act (SORNA) for a period of 15 years due to a conviction for sexual abuse of children based on the possession of child pornography.

Appellant was charged with failing to comply with his registration requirements¹ by failing to notify the Pennsylvania State Police (PSP) within three business days of his change of address from 712 Grace Street to 321 Locust Street.

Appellant waived his right to a jury trial. A bench trial was held on January 15, 2016. The court found Appellant guilty. On April 20, 2016, the court sentenced Appellant to undergo incarceration in a state correctional institution for a minimum of 2 years

¹ 18 Pa.C.S. §4915.1.

and a maximum of 5 years.

Appellant filed a timely post sentence motion, which included a claim that the evidence was insufficient to prove his guilt beyond a reasonable doubt. The court denied Appellant's post sentence motion on May 27, 2015.

Appellant filed a timely appeal. The sole issue asserted by Appellant is that the Commonwealth failed to present sufficient evidence that Appellant failed to register a change of address within the three requisite business days when Appellant registered on August 13, 2015 and was still in the process of moving into the new address of 321 Locust Street.

In reviewing the sufficiency of the evidence, [the court] must determine whether the evidence admitted at trial, and all reasonable inferences drawn from that evidence, when viewed in the light most favorable to the Commonwealth as the verdict winner, was sufficient to enable the fact finder to conclude that the Commonwealth established all of the elements of the offense beyond a reasonable doubt. The Commonwealth may sustain its burden by means of wholly circumstantial evidence. Further, the trier of fact is free to believe all, part, or none of the evidence.

Commonwealth v. Woodward, 129 A.3d 480, 489-90 (Pa. 2015). Viewed in the light most favorable to the Commonwealth, ample evidence was presented to establish beyond a reasonable doubt that Appellant failed to register his change of address within the requisite three days.

Pennsylvania's Sexual Offender Registration and Notification Act (SORNA) requires a sexual offender to appear in person at an approved registration site within three business day to provide current information relating to a commencement of or change in residence. 42 Pa.C.S. §9799.15(g)(2). The evidence presented at trial clearly established that Appellant moved to 321 Locust Street on August 3, 2015, but he did not register until

August 13, 2015.

The Commonwealth presented testimony from Rhonda Jennings, Frances Stiber, Karen Schooley, Crystal Minnier, Jack Winters, Officer Jason Bolt, Officer Debra Wasilauski and Detective William Weber. The Commonwealth also presented several exhibits, including Commonwealth Exhibit 6, which showed that Appellant did not register his address as 321 Locust Street until August 13, 2015.

Ms. Jennings was the landlord for the residence at 321 Locust Street. She testified that Appellant and his girlfriend signed the lease for 321 Locust Street on August 3, 2015. On that same date, he paid his rent and security deposit and was given the keys. As far as Ms. Jennings was concerned, Appellant took possession on August 3, 2015.

Frances Stiber, an employee of Lycoming County Children and Youth Services (CYS) testified that on July 30, 2015, Appellant and his girlfriend came to the Sharwell Building for a visit with their daughter and they were talking about all the work they had to do to move. On July 31, 2015, Appellant told Ms. Stiber that he would not be able to attend his visitation on August 3, 2015 due to moving to Locust Street. On August 5, 2015, she also received a telephone call from Appellant cancelling the visit for that day because the basement and some other items still had to be moved and the landlord at 716 Grace Street had given them a couple of days extension to get the rest of those things.

Karen Schooley, another CYS employee, testified that Appellant called her on August 4, 2015 to cancel his visit. He told her that they were still moving and they needed to be moved out of the Grace Street residence that day. On August 6, 2015, Ms. Schooley spoke with both Appellant and his girlfriend. Appellant told her that they were still moving, and the landlord had given them extra time because he had hurt his back. He also told her

that they would be attending their visit on Friday, August 7. Later in the day on August 6, Ms. Schooley and Crystal went to their new residence on Locust Street. There were a lot of items in the living room and on the front porch. Appellant also said that they only had cold water and they weren't going to get their gas turned on until the 11th. He also said that his Grace Street landlord had hired people to move the rest of their belongings and he was complaining that they had broken some things.

Crystal Minnier testified that she was at the residence on Locust Street on August 6. She saw fans running so the electricity was on. There was clutter in the residence and on the porch but it was no different from the Grace Street residence; that was just the way Appellant and his girlfriend lived. On August 13, Appellant called and indicated he would not make his visit that day because he was registering. Ms. Minnier chastised Appellant. She told him that he knew he was moving on August 3, but he wasn't registering until August 13, which was way past the deadline. She told him that "it was really a dangerous game he was playing." He had a daughter now and needed to be in the community and able to do the things he needed to do to be reunified with his daughter.

Appellant's brother, Jack Winters, testified that he resided with Appellant at Grace Street and at Locust Street. He stated that they started moving from Grace Street on August 3. They began staying overnight at the Locust Street residence on August 5. The water and electricity were on, but the gas was not. After August 5, Appellant never returned to Grace Street to sleep. Furthermore, he had a conversation with Appellant about registering the new address. Appellant said he was watching a movie and that was more important; he would just tell them he moved on a later date and they would believe him.

Officer Jason Bolt of the Williamsport Police testified that he was called to

321 Locust Street on August 9 for a disturbance between Appellant and his girlfriend; they were having an argument about the girlfriend not helping with the move. He asked Appellant when he moved because he knew he was registered sex offender. Appellant told Officer Bolt that he moved on August 3.

Officer Debra Wasilauski of the Williamsport Police testified that on August 11, 2015, she was dispatched to 321 Locust Street for a disturbance between Appellant and his girlfriend.

William Weber, the Chief County Detective, testified that he responded to 321 Locust Street on August 5, 2015 and there were lights on in the residence.

It is patently obvious from the record that Appellant failed to register within three days of moving to 321 Locust Street. On August 3, 2015, Appellant signed the lease, paid the rent and security deposit, received the keys, and took possession of the residence at 321 Locust Street. He told Officer Bolt that he moved to that address on August 3. He began exclusively sleeping at that address as of August 5, 2013. Both Ms. Minnier and Appellant's brother had conversations with him about his registration requirements. Despite being aware of the requirement to register any change of address within three business days, Appellant did not register his change of address until August 13. Therefore, Appellant's assertion that the evidence was insufficient to prove his guilt beyond a reasonable doubt simply lacks merit.

DATE: 12-15-16

By The Court,

Marc F. Lovecchio, Judge

cc: Nicole Ippolito, Esquire (ADA)
Joshua Bower, Esquire (APD)
Work file
Gary Weber, Esquire (Lycoming Reporter)
Superior Court (original & 1)