

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PA : No. CR-895-2018
:
vs. :
:
JONATHAN KESIG, :
Defendant : Defendant's Motion to Vacate Order for
: SVP Hearing

OPINION AND ORDER

Before the court is Defendant's Motion to Vacate Order for a Sexually Violent Predator (SVP) hearing. The defendant pled guilty on July 24, 2018 to two counts of involuntary deviate sexual intercourse and one count of endangering the welfare of children.

Pursuant to Defendant's guilty plea, the court ordered an assessment by the Sexual Offender Assessment Board (SOAB). The assessment was completed and Defendant was found to be a sexually violent predator.

Defendant's sentencing is scheduled for December 20, 2018 at 9:00 a.m. before this court.

As this court has previously recognized, the law governing registration of sexual offenders has significantly changed in the past few years. On June 12, 2018, Act 29 of 2018 was enacted, effective immediately. It replaced Act 10 of 2018, which was effective February 21, 2018 and which was meant to "address" previous court decisions regarding the unconstitutional applicability of the prior registration acts under specific circumstances.

Defendant's convictions would require him to register as a sexual offender. If, however, he was designated as a SVP, he would be required to register for life and have additional registration requirements.

Given this court's prior Opinions in *Commonwealth v. Conard Carpenter*, CR-

192-2017 (Lycoming County); *Commonwealth v. Swank, III*, CR-798-2017, CR-851-2016, CR-853-2016, CR-1416-2016 (Lycoming County); and *Commonwealth v. Vassallo*, CR-115-2017 (Lycoming County) (vacated for other reasons), the court grants Defendant's Motion to Vacate Order for an SVP hearing.

ORDER

AND NOW, this 18th day of December 2018, following a hearing and argument, this Court **GRANTS** Defendant's oral Motion to Vacate Order for an SVP hearing.

By The Court,

Marc F. Lovecchio, Judge

cc: Martin Wade, Esquire (ADA)
William Miele, Esquire (PD)
Gary Weber, Esquire (Lycoming Reporter)
Work File