

G. Weber

2026 AUG 31 PM 4:08
LYCOMING COUNTY
FED
HOLLY THOMAS
PROthonotary &
CLERK of COURTS

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA
COMMONWEALTH OF PENNSYLVANIA : NO. CR 1367-2025
vs. : CRIMINAL DIVISION
BAUTISTA BONETT,
Defendant

OPINION and ORDER

Bautista Bonett (Defendant) was charged with one count of failure to Register with PSP on October 3rd, 2025 after an investigation was completed by the Pennsylvania State Police (PSP). Defendant, following his preliminary hearing, held October 24, 2025, filed an Omnibus Pretrial Motion that included a Motion for Formal Discovery, Motion to Reserve Right, and a Motion for Habeas Corpus. The Motion for Formal Discovery and Motion to Reserve Right were deemed moot at the time of the Omnibus Pretrial hearing. Defendant argues that because he committed the act of rape in 1991 prior to enactment of Megan's Law he should not be held to the reporting requirements under 42 Pa. C.S. § 9799.55.

Background

At the time of the hearing on Defendant's Omnibus Pre-Trial motion the Commonwealth provided the court with a copy of the Preliminary Hearing Transcript, a copy of Defendant's sentencing order from 1991 in Union County Pennsylvania, and a copy of the Defendant's Meghan's Law Information Report, that included a signed acknowledgment by the Defendant. Additionally, the Commonwealth called Trooper Julio Sura as to the investigation of the Defendant. The Defense provided argument, as well as, two cases for the Court to take under advisement when making its decision.

The relevant facts are as follows: Defendant was convicted and sentenced to six to fifteen years imprisonment for the crime of rape on November 12th, 1991. Defendant was released from prison on January 2nd, 2001. Once released and subject to the requirements of Megan's Law Defendant was considered a lifetime registrant and would have been required to register his address with PSP.

On August 20th, 2025 Trooper Sura initiated an investigation of Defendant after receiving a tip. Defendant was ultimately discovered to be residing at 6967 US 15, Room 16 in Clinton Township at the White Deer Motel. The primary address listed under Defendant's Sexual Offender Registration Tool (SORT) was 10 Creekside Lane, Shickshinny, PA 18555. After speaking with the receptionist, it was discovered that Defendant and his girlfriend had been residing at the hotel since February of 2025.

Discussion

Defendant's sole argument for the Court is that he is not required to report pursuant to the Sexual Offender Registration and Notification ACT (SORNA II) subchapter 1 requirements under 42 Pa. C.S. § 9799.55(b) because at the time of his conviction and sentencing in 1991 Pennsylvania did not require sex offender registration.

Defendant is charged under 18 Pa. C. S. 4915.2(a)(1) which requires individuals to register with PSP if they are subject to the reporting requirements under 42 Pa. C.S. § 9799.55.

The constitutionality of SORNA II subchapter 1 was previously upheld by the Supreme Court of Pennsylvania in *Commonwealth v. Lacombe* 660 234 A.3d 602 (2020) on July 21st, 2020. In *Lacombe* the Supreme Court considered the constitutionality of SORNA II as applied to Defendants Lacombe and Witmayer. Unlike the present case Lacombe and Witmayer were

convicted and sentenced to crimes that occurred after April 22nd, 1996 and the enactment of Meghan's Law.

To support his argument, counsel for the Defendant presented the Court with two cases that he believed were dispositive in this matter. The first, *Commonwealth v. Moore*, 222 A.3d 16 (Pa. Super. 2019), and the second, a Lycoming County Opinion and Order in *Commonwealth v. James Irvin, Sr.* Both cases are unpersuasive. First, both cases were decided prior to the decision of the Supreme Court in *Lacombe*. Second, both Defendants in each case committed acts after April 22nd, 1996. Third, the decision of the Superior Court in *Moore* was VACATED by order on October 6th, 2020 after the Supreme Court made its decision in *Lacombe*.

The Court in its research for this matter found two cases that shared similar facts it is now faced with analyzing. The first is *T. S. v PSP*, 231 A.3d 119 (Pa. Cmwlth.) and the second is, *M.G. v PSP* 240 A.3d 673 (Pa. Cmwlth.). In each of these cases the Defendants committed crimes prior to the enactment of Meghan's Law and then challenged the constitutionality of the registration requirements under SORNA II as it applied to them. The Commonwealth Court in *M.G.* cited to *T.S.* and *Lacombe* in its opinion stating that, "The holding in *Lacombe* is limited to its facts. It does not undertake an ex post facto analysis of subchapter 1 as applied to individuals, such as T.S., who committed their offense before Pennsylvania's first sexual offender registration scheme became effective on April 22nd, 1996." The Supreme Court did not find this reasoning convincing as *T.S.* was REVERSED by order on December 22nd, 2020 and *M.G.* was REVERSED on September 22nd, 2021 pursuant to the ruling in *Lacombe*.

Presently, pursuant to 42 Pa. C.S. § 9799.55(b)(B) individuals convicted of 18 Pa. C.S. § 3121 (rape) who were required to register with PSP under former sexual offender registration

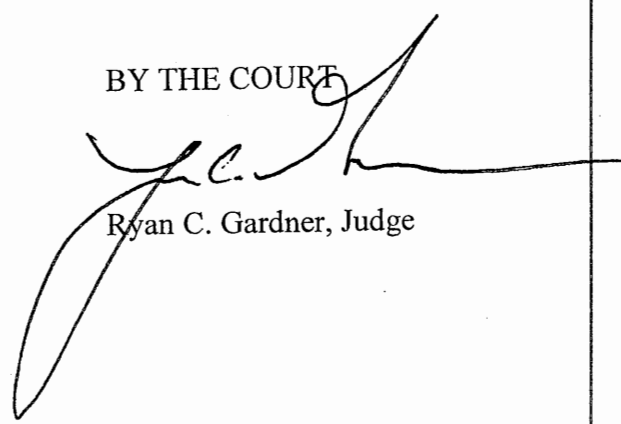
laws on or after April 22nd, 1996, but before December 20th, 2012, whose period of registration has not expired shall be subject to lifetime registration.

Defendant was incarcerated until January of 2001 and thus his reporting requirements, which he acknowledged by signature evidenced in Commonwealth's exhibit 3, began in 2001 pursuant to Meghan's Law. Clearly, Defendant's reporting requirements fall under 42 Pa. C.S. § 9799.55(b)(B), making him a lifetime registrant for the purposes of 18 Pa. C.S. 4915.2.

ORDER

AND NOW, this 3rd day of August, 2026, based upon the above, Defendant's Petition for Habeas Corpus is hereby DENIED.

BY THE COURT


Ryan C. Gardner, Judge

RCG/kbc

cc: DA (LS)
PD (RD)
Gary Weber, Esq.