

**[J-66-2021] [MO: Wecht, J.]  
IN THE SUPREME COURT OF PENNSYLVANIA  
MIDDLE DISTRICT**

COMMONWEALTH OF PENNSYLVANIA,	:	No. 23 MAP 2021
	:	
Appellant	:	Appeal from the Order of the
	:	Superior Court at No. 3488 EDA
	:	2017 dated October 20, 2020
v.	:	Vacating the Judgment of Sentence
	:	and Reversing the conviction in the
	:	Monroe County Court of Common
DAVID SANTANA,	:	Pleas, Criminal Division, at No. CP-
	:	45-CR-0000031-2017 dated July 18,
Appellee	:	2017.
	:	
	:	ARGUED: October 26, 2021

**DISSENTING OPINION**

**JUSTICE MUNDY**

**DECIDED: December 22, 2021**

I join Chief Justice Baer’s dissenting opinion in full, as I agree that the circumstances of this case are distinct from those in *Commonwealth v. Muniz*, 164 A.3d 1189 (Pa. 2017) (plurality), and therefore do not warrant the same *ex post facto* protections. I write separately to underscore an overall policy concern with the Majority’s holding in this case as it relates to the purpose of our sexual offender registration laws, namely protection of the public. In exacting the Sexual Offender Registration and Notification Act (SORNA), the General Assembly made clear that its purpose, in part, is to gather information about known sex offenders to better protect the public. See 42 Pa.C.S. § 9799.11(b)(1)-(2). The state of New York has already deemed Santana to be a person about whom the public should be concerned as evidenced by its imposition of lifetime registration requirements. Under the Majority’s holding, Santana, and others similarly situated, may circumvent the obligation to register in another state by seeking

refuge in Pennsylvania. I do not believe our laws countenance such a result. Therefore, I dissent.