

COMMONWEALTH OF PENNSYLVANIA : IN THE SUPERIOR COURT OF  
: PENNSYLVANIA

v.

EDWARD GOMERY

Appellant

: No. 2562 EDA 2025

Appeal from the Judgment of Sentence Entered September 5, 2025  
In the Court of Common Pleas of Montgomery County Criminal Division  
at No(s): CP-46-CR-0005522-2023

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v.

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Appellant

: No. 2563 EDA 2025

Appeal from the Judgment of Sentence Entered September 5, 2025  
In the Court of Common Pleas of Montgomery County Criminal Division  
at No(s): CP-46-CR-0005288-2024

BEFORE: BOWES, J., OLSON, J., and McLAUGHLIN, J.

OPINION BY BOWES, J.:

**FILED AUGUST 27, 2026**

Edward Gomery appeals from the judgment of sentence of eight and one-half to twenty years of incarceration, followed by ten years of probation, imposed after a jury convicted him of two counts of aggravated assault and one count each of possession of an instrument of crime, simple assault, and recklessly endangering another person. We affirm.

We glean the following facts from the certified record.

Appellant and Diana Knoebel had been involved in a romantic relationship and resided together in their one-bedroom apartment. Jeremy Skowronski and Appellant were friends, and Skowronski and Knoebel met through Appellant. Knoebel testified that she had learned that Skowronski harbored romantic feelings for her, and that Appellant was aware of Skowronski's interest.

On the night of August 26, 2024, Knoebel overheard Appellant engaged in what sounded like a heated telephone argument. Knoebel thereafter spoke by telephone with Skowronski, who expressed his desire to come to the residence. Mindful of Appellant's bad mood, Knoebel advised Skowronski not to visit. Skowronski nonetheless came to the residence.

Knoebel met Skowronski on the porch when he arrived. Skowronski followed her inside through the communal hallway toward Appellant's apartment, walking behind her. Knoebel entered the apartment first. As Skowronski stepped through the apartment doorway, Appellant struck him repeatedly with a machete and kicked him. Skowronski was unarmed and did not otherwise provoke Appellant. Appellant yelled at Skowronski to leave, and Skowronski fled the apartment. Bleeding from his wounds, Skowronski walked several hundred yards to the home he shared with his mother and two of her friends.

Knoebel placed a 911 call from her bedroom, reporting that Appellant was attacking Skowronski with a machete. When officers arrived at the apartment, neither Appellant nor Skowronski remained at the scene. Police observed blood spattered both inside and outside the residence and recovered the machete's sheath from a piece of furniture just inside the apartment door.

Shortly after officers arrived, EMS was dispatched to Skowronski's residence. Officers found him bleeding, with lacerations to his head, elbow, shoulder blades, and neck. Skowronski identified Appellant as his assailant. He was transported to the hospital, where he remained for three days to receive treatment for his wounds. The Commonwealth filed bills of information charging Appellant with attempted murder, two counts of aggravated assault, possession of an instrument of crime, simple assault, recklessly endangering another person, and summary harassment.

Before trial, the court denied Appellant's motion *in limine* to cross-examine Skowronski with a prior conviction for failing to comply with sex-offender registration requirements, ruling that the conviction was not *crimen falsi* and therefore not a proper basis for impeachment. Following a three-day jury trial, the jury acquitted Appellant of attempted murder and convicted him of the remaining charges. The court remanded Appellant without bail and deferred sentencing pending a drug and alcohol evaluation and the preparation of a presentence investigation report.

On September 5, 2025, the trial court imposed a sentence of eight and one-half to twenty years of imprisonment, followed by ten years of probation. The guilty verdict also constituted a violation of Appellant's probation in a prior matter. Following a **Gagnon II** hearing held the same day, the court imposed a concurrent sentence of one to two years of imprisonment on that case.<sup>1</sup>

Appellant filed a timely post-sentence motion. While that motion remained pending, Appellant filed a *pro se* notice of appeal in both the aggravated assault and probation violation cases.<sup>2</sup> The court denied the post-sentence motion and directed Appellant to file a concise statement of errors complained of on appeal pursuant to Pa.R.A.P. 1925(b). Appellant timely complied. This Court consolidated the appeals *sua sponte*.

Appellant challenges the trial court's ruling barring him from cross-examining Skowronski about his prior conviction. The issue presented is as follows:

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<sup>1</sup> **See Gagnon v. Scarpelli**, 411 U.S. 778 (1973). "A **Gagnon I** hearing is a pre-revocation hearing to determine if probable cause exists that a violation was committed. After this determination is made, a **Gagnon II** hearing is conducted where the Commonwealth is required to establish that the defendant did violate his parole/probation." **Commonwealth v. Stafford**, 29 A.3d 800, 802 n.1 (Pa.Super. 2011) (citation omitted)."

<sup>2</sup> Appellant was represented by counsel and remains represented on appeal; only the notice of appeal was filed *pro se*. Although hybrid representation is not permitted, this Court will docket and address a counseled Appellant's *pro se* notice of appeal, which protects a constitutional right and is treated differently from other hybrid filings. **See Commonwealth v. Williams**, 151 A.3d 621, 623-23 (Pa.Super. 2016).

Did the lower court err in precluding the impeachment of Commonwealth witness Jeremy Skowronski with his conviction for failure to comply with registration requirements, 18 Pa.C.S. § 4915.1(a)(3)?

Appellant's brief at 4 (cleaned up).

We begin with a review of the applicable legal principles. "It is well settled that evidentiary rulings are within the sound discretion of trial courts." **Commonwealth v. DiStefano**, 265 A.3d 290, 297 (Pa. 2021) (citations omitted). "Accordingly, when a party adverse to a trial court's evidentiary ruling seeks appellate review of that determination, that party carries a heavy burden to demonstrate that the trial court abused its discretion." **Id.** Our Supreme Court has described the contours of that discretion as follows:

An appellate court will not find an abuse of discretion based on a mere error of judgment, but rather . . . where the [trial] court has reached a conclusion which overrides or misapplies the law, or where the judgment exercised is manifestly unreasonable, or the result of partiality, prejudice, bias or ill-will.

**Id.** at 298 (citation omitted)

Appellant contends that Skowronski's conviction constitutes *crimen falsi* and was therefore admissible for impeachment purposes under Pa.R.E. 609. As stated above, prior to the commencement of trial, Appellant litigated a motion *in limine* to permit the cross-examination of Skowronski regarding his prior conviction for failure to comply with registration requirements. **See** N.T. Hearing, 5/12/25, 13-20. After examining both the statutory elements of § 4915.1(a)(3) and the conduct underlying the conviction, the trial court

concluded that the offense was not *crimen falsi* and precluded Appellant from questioning the victim about the conviction.

Pursuant to Pennsylvania's framework, a conviction qualifies as *crimen falsi* only if dishonesty or false statement is either: (1) an essential element of the offense, or (2) facilitated its commission. **See Commonwealth v. Kearney**, 341 A.3d 774 (Pa.Super. 2025); **Commonwealth v. Davis**, 17 A.3d 390 (Pa.Super. 2011); **Commonwealth v. Cascardo**, 981 A.2d 245 (Pa.Super. 2009). In applying this analysis, trial courts must address both the elemental aspects of the offense and the conduct of the individual who committed the crime that is potentially *crimen falsi* which forms the basis of the anticipated impeachment. **See Commonwealth v. Coleman**, 664 A.2d 1381, 1384 (1995). *Crimen falsi* requires an element of deceitfulness, untruthfulness, or falsification bearing on the witness's propensity to testify truthfully. **See Commonwealth v. Mehalic**, 555 A.2d 173 (1989). The burden rests on the proponent of the impeachment evidence to demonstrate that the conviction involved dishonesty or false statement. **See Commonwealth v. Washington**, 269 A.3d 1255, 1265 (Pa.Super. 2022).

Appellant argues that § 4915.1(a)(3) is inherently *crimen falsi* because it requires that an individual "knowingly fails to . . . provide accurate information when registering under [SORNA]," and that, under **Davis** and **Cascardo**, "such an examination of the facts underlying the offense is

impermissible if dishonesty or false statement are a necessary prerequisite to commission of the crime.” Appellant’s brief at 16.

Appellant’s position fails because § 4915.1(a)(3) can be violated through omission alone, without any affirmative misrepresentation. The statute reaches two distinct forms of conduct: affirmatively providing inaccurate information and passively failing to update information that was accurate when supplied. By treating the two as equivalent, Appellant improperly conflates a knowing failure to update with an affirmative act of deception. A passive failure to act, even when knowing, does not constitute the type of dishonest conduct that *crimen falsi* encompasses. **See Commonwealth v. Harris**, 658 A.2d 811, 813-14 (Pa. 1995) (holding that a conviction was not *crimen falsi* because the defendant made no false statement, and a failure to volunteer information is inaction rather than the affirmative deception the rule requires).

Appellant’s contention that examining the underlying facts is “impermissible” misreads **Davis** and **Cascardo**. Appellant’s brief at 16. Those cases require analyzing both elements and conduct “in concert.” **Coleman**, 664 A.2d at 1384. Pennsylvania courts have recognized that even if a crime’s definition does not include a *crimen falsi* element, it might still qualify if the facts of its commission render it *crimen falsi* in a particular case. **See Cascardo**, 981 A.2d at 256. The converse is equally true: when statutory language is broad enough to encompass both dishonest and non-

dishonest conduct, courts must examine the actual facts to determine whether the specific conviction involved dishonesty. The framework does not permit courts to stop at statutory language alone when that language is susceptible to both *crimen falsi* and non-*crimen falsi* applications.

This conclusion finds direct support in ***Commonwealth v. Blackston***, 333 A.3d 9, 2024 WL 4973030 (Pa.Super. 2024) (non-precedential decision), where this Court confronted nearly identical facts and held that a conviction for failing to register as a sex offender was not *crimen falsi*. The ***Blackston*** Court embraced the trial court's reasoning that the defendant "did not lie about where he was living or anything of that sort. Rather, [he] simply failed to register his new address when he moved. These underlying facts show that [he] was not dishonest nor made a false statement when failing to register." ***Blackston***, 2024 WL 4973030, at \*3. We explicitly rejected the argument that our courts have adopted an expansive definition of *crimen falsi* encompassing offenses that do not necessarily involve any deception. ***Id.*** at \*2.

Appellant attempts to undermine ***Blackston*** on two grounds. First, as a non-precedential decision, he contends that it is merely persuasive rather than mandatory authority. Appellant's brief at 15. Second, he avers that the decision did not identify under which subsection of § 4915.1(a) the witness therein was convicted, whereas Skowronski here was clearly convicted under subsection (a)(3). We nonetheless choose to follow the reasoning of

**Blackston** as it is both on point and persuasive. **Blackston's** reasoning directly addresses the core issue: a conviction under § 4915.1 for simply failing to update registration information, even when that failure is knowing, does not involve dishonesty or false statement. The same analysis applies here. The trial court's examination of the affidavit of probable cause and plea proceedings established that Skowronski never provided false information to authorities, but simply failed to update his address after discharge from treatment.

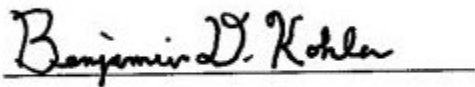
Appellant has provided no Pennsylvania authority to support his contention that failing to register as a sex offender constitutes a *crimen falsi* offense *per se*. Although Appellant cites numerous decisions of other states and federal courts, including those outside of the Third Circuit, to support his contention that the definition of *crimen falsi* should be expanded to include the failure to register as a sex offender, these decisions are not binding and we do not find them persuasive. **See Commonwealth v. Lang**, 275 A.3d 1072, 1083 (Pa.Super. 2022) (explaining that decisions of federal courts, as well as those from sister states, are not binding on this Court but may be used as persuasive authority). Thus, we decline to adopt the expansive definition Appellant urges, as this Court likewise declined to do in **Blackston**.

The trial court properly conducted the relevant analysis. Section 4915.1(a)(3) is not inherently *crimen falsi* because its elements can be satisfied through pure omission without any false statement. Further, the

underlying facts established that Skowronski engaged in omissive conduct, failing to update his address, rather than making any false statement to authorities. Appellant bore the burden of demonstrating that the conviction involved dishonesty or false statement, and the record affirmatively establishes the opposite. The trial court thus properly precluded the impeachment evidence, and we discern no abuse of discretion. Accordingly, we affirm Appellant's judgment of sentence.

Judgment of sentence affirmed.

Judgment Entered.

A handwritten signature in black ink, reading "Benjamin D. Kohler", is written over a horizontal line.

Benjamin D. Kohler, Esq.  
Prothonotary

Date: 8/27/2026