NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
v.	:	
LOUIS ROBERT FLICK	:	
Appellant	:	No. 1650 WDA 2025

Appeal from the Order Entered October 30, 2025
In the Court of Common Pleas of Warren County Criminal Division at No(s): CP-62-CR-0000426-2021

BEFORE: STABILE, J., LANE, J., and BENDER, P.J.E.

MEMORANDUM BY LANE, J.: **FILED: November 10, 2026**

Louis Robert Flick ("Flick") appeals *pro se* from the order dismissing his "Petition to Enforce Plea Agreement [and] Writ of *Habeas Corpus*," on the ground that it was a serial untimely Post Conviction Relief Act[1] ("PCRA") petition. We affirm.

By way of background, we first summarize the following procedural history provided by the trial court, requested by this panel during review. In 1992, Flick was convicted of aggravated indecent assault.[2] In 1999, Flick was convicted of indecent assault.[3] According to the trial court, after consultation

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[1] ***See*** 42 Pa.C.S.A. §§ 9541-9546.

[2] ***See*** 18 Pa.C.S.A. § 3125.

[3] ***See*** 18 Pa.C.S.A. § 3126.

with "the Pennsylvania State Police Megan's Law Division," Flick is subject to lifetime registration under Subchapter I[4] of the Pennsylvania Sexual Offender Registration and Notification Act[5] ("SORNA II"). Letter from Trial Court, *dated* 10/8/26 (*citing* 42 Pa.C.S.A. § 9799.55(b)(i)(2)(B)).

In 2021, the Pennsylvania State Police filed a criminal complaint, alleging that Flick was "subject to registration under" Subchapter H[6] of SORNA,[7] but he provided a false address to authorities from June through September 2021. Police Criminal Complaint, 11/18/21, at 2. The Commonwealth thus charged Flick at the instant trial docket under section

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[4] Subchapter I spans sections 9799.51 through 9799.75 of the Sentencing Code. ***See*** 42 Pa.C.S.A. §§ 9701-9799.75 (Sentencing Code). Subchapter I generally applies to individuals: (1) convicted of a sexually violent offense, committed between April 22, 1996 and December 20, 2012, whose period of sexual offender registration has not expired; or (2) required to register "under a former sexual offender registration law of this Commonwealth on or after April 22, 1996, but before December 20, 2012, whose period of registration has not expired." 42 Pa.C.S.A. § 9799.52(1)-(2).

[5] ***See*** 42 Pa.C.S.A. §§ 9799.10-9799.75.

[6] Subchapter H spans sections 9799.10 through 9799.42 of the Sentencing Code. It applies to individuals convicted of a sexually violent offense committed on or after December 20, 2012. ***See*** 42 Pa.C.S.A. § 9799.11(c).

[7] Specifically, the complaint in this matter averred that Flick was "subject to registration under 42 Pa.C.S.[A. §] 9799.13," and cited additional statutes, sections 9799.15, 9799.19, and 9799.25. Police Criminal Complaint, 11/18/21, at 2. All of these statutes fall within Subchapter H.

4915.1(a)(2) of the Crimes Code[8] — failure to comply with Subchapter H registration requirements, specifically the failure to verify his address.[9]

In November 2022, Flick appeared with counsel, assistant public defender Kord Kinney, Esquire, and pleaded guilty to this charge. On March 28, 2023, the trial court imposed a sentence of fifty to 100 months' imprisonment, to be followed by twelve months' reentry supervision.

Flick did not file a direct appeal, but in June 2024, filed a *pro se* PCRA petition. The trial court appointed counsel, who subsequently filed a petition to withdraw from representation. Ultimately, in September 2025, the trial court denied the PCRA petition and granted counsel's request to withdraw.

Approximately seven weeks thereafter, on October 27, 2025, Flick filed the underlying "Petition to Enforce Plea Agreement [and] Writ of *Habeas Corpus*."[10] While the *pro se* petition was not entirely clear, we glean the

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[8] ***See*** 18 Pa.C.S.A. §§ 101-9546.

[9] Section 4915.***1***(a)(2) provides that "An individual who is subject to registration under 42 Pa.C.S. § 9799.13 (relating to applicability) commits an offense if he knowingly fails to . . . verify his address or be photographed as required under 42 Pa.C.S. § 9799.15, 9799.19 or 9799.25." 18 Pa.C.S.A. § 4915.1(a)(2). Again, all of these latter statues fall within Subchapter H of SORNA II.

We note that section 4915.***2***, on the other hand, sets forth the offense of failing to comply with Subchapter I. ***See*** 18 Pa.C.S.A. § 4915.2 ("Failure to comply with 42 Pa.C.S. Ch. 97 Subch. I registration requirements").

[10] Flick had previously filed an identical copy of this petition, in December 2024. However, the trial court "took no action on this filing as [Flick] was
(Footnote Continued Next Page)

following arguments: (1) the trial court should "enforce the original plea agreement . . . made with the Commonwealth and thereby vacate the current sentence;" (2) Flick's current imprisonment for pleading guilty to section 4915.1(a)(2) "violated the terms of [his] plea agreement;" (3) the entry of a guilty plea does not bar a challenge to "the constitutionality of a statute of conviction [*sic*]," here, "the law alleged to be in force had already been repealed and there can be no plea to a law that is not in effect or enforceable;" and (4) he could not have entered a knowing and intelligent plea because there was "no law for which [Flick] could be prosecuted under." Petition to Enforce Plea Agreement [and] Writ of *Habeas Corpus*, 10/27/25, at unnumbered 1-2 (unnecessary capitalization omitted). Flick also cited several decisions for the principles that: (1) in ***Commonwealth v. Muniz***, 164 A.3d 1189 (Pa. 2017) (plurality), "our Supreme Court declared SORNA unconstitutional [because] it violate[d] the ex post facto clauses of both the United States and Pennsylvania Constitutions;" (2) a defendant "was serving an illegal sentence due to the unconstitutional *ex post facto* application of SORNA to" him; and (3) "a plea to a failure to register under SORNA is unconstitutional and must be vacated[] where the defendant committed the

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represented at the time of the filing." Trial Court Opinion, 12/29/25, at 2. ***See also Commonwealth v. Williams***, 151 A.3d 621, 623 (Pa. Super. 2016) (summarizing that "hybrid representation is not permitted," a court shall not accept a *pro se* motion while a defendant is represented by counsel, and such a *pro se* motion has no legal effect and is a legal nullity).

underlying offense prior to the effective date of SORNA." ***Id***. at unnumbered 2 (*citing* ***Commonwealth v. Wood***, 208 A.3d 131 (Pa. Super. 2019) (*en banc*); ***Commonwealth v. Lippincott***, 208 A.3d 143 (Pa. Super. 2019) (*en banc*)).

The trial court entered the underlying order denying the petition on October 30, 2025. It assessed the petition under the PCRA, and determined the petition was untimely, as Flick filed it beyond the one-year filing deadline without invoking any timeliness exceptions. ***See*** Trial Court Opinion, 12/29/25, at 3-4. The court did not address Flick's *ex post facto* claims.

Flick filed a timely *pro se* notice of appeal. He and the trial court have complied with Pa.R.A.P. 1925.

On appeal, Flick presents the following issues for our review:

1. Did the [trial] court err in dismissing the Petition to Enforce Plea Agreement-Writ of Habeas Corpus?

2. Did the court err in refusing to address the issues contained in the Petition?

3. Did the court err in not holding a hearing on the Petition as presented to the court, when the Petition falls outside the gambits of the P.C.R.A.?

4. Did the court err when it failed to apply settled case law in regards to applying an ex post facto law to [Flick's] case?

5. Did the court err when it failed to vacate the sentence of [Flick] based on an unconstitutional law as applied in this case?

6. Did the court err when it allowed an invalid plea to remain in light of settled case law?

7. Did the court err in not addressing the merits of the Petition?

> 8. Did the [trial] court violate [Flick's] plea agreement when it allowed [Flick's] plea to stand in light of the issues presented to the court?
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> 9. [Flick] hereby incorporates all parts of the original Petition for the Superior Court[`]s review as part of this 1925(b) statement [*sic*].

Flick's Brief at 4 (unnecessary capitalization omitted).

Preliminarily, we observe that Flick's *pro se* brief, like the underlying petition, is not entirely clear. Flick's arguments are disjointed, the presence of many run-on sentences inhibits our understanding of his discussion, and, despite numerous citations to decisional authority, he does not fully explain how that authority applies to this matter. Additionally, while Flick raises nine issues in his statement of questions involved, his discussions overlap, and are both repetitive and incomplete.[11]

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[11] By way of example, Flick argues, verbatim:

> Of note here is the ***if applicable*** section which clearly applies to 42 Pa.C.S. § 9799.14, as it was enacted by the General Assembly, which caused the IMMEDIATE EXPIRATION of ALL previous versions of the Registration laws and only left the SORNA laws intact, which are now the only applicable laws and therefore cannot be applied to [Flick] as they cannot be applied to [Flick] without violating the Ex Post Facto Clauses.

Flick's Brief at 7 (emphases in original). While we discern a general inference that a repealed law cannot be retroactively applied, the remainder of above argument is not clear. We remind Flick that while this Court "may liberally construe materials filed by a *pro se* litigant," "*pro se* status confers no special benefit upon a litigant." ***Commonwealth v. Balestier-Marrero***, 314 A.3d 549, 555 n.7 (Pa. Super. 2024).

Additionally, we note that our review was initially hindered by the lack of clarity as to whether Flick was subject to Subchapter H or I or SORNA II. While the police criminal complaint briefly alleged that Flick was subject to Subchapter H, it offered no further explanation, for example by providing the date and nature of the prior sexual offense which triggered the registration. At the plea hearing, the Commonwealth did not aver which chapter applied, and in the recitation of the factual allegations, the court merely alleged that Flick failed to verify his address or be photographed. ***See*** N.T., 11/30/22, at 12. Flick pleaded guilty to the section 4915.1-Subchapter H charge. Meanwhile, the *ex post facto* arguments in both his "Petition to Enforce Plea Agreement [and] Writ of Habeas Corpus" and appellate brief suggested that he is instead subject to Subchapter I. This panel thus entered an order directing the trial court to provide confirmation of the applicable SORNA II subsection. In response, the trial court provided the criminal history information set forth at this outset of this memorandum — and explained that Flick is in fact subject to Subchapter I. With this background in mind, we consider Flick's claims.

First, Flick avers that: his underlying petition was "clearly labeled" as a motion to enforce a plea agreement; such petitions fall outside the scope of the PCRA; and the trial court "had no discretion to treat the petition as anything other than what it was submitted as." Flick's Brief at 5 (unnecessary capitalization omitted). Flick thus reasons that the trial court had jurisdiction

to review his petition, and erred or abused its discretion in refusing to review it.

On the merits, Flick largely reiterates the arguments from his "Petition to Enforce Plea Agreement [and] Writ of *Habeas Corpus*." He avers that: (1) his "crime predates SORNA;" (2) pursuant to ***Muniz***, "all prior versions [of SORNA] were repealed and thus no law stand[s] under which to convict [him] absent applying an *ex post facto* law;" (3) he is "serving an illegal sentence due to the unconstitutional *ex post facto* application of SORNA;" (4) the entry of a guilty plea "does not waive a claim that . . . the charge is one which the State may not constitutionally prosecute;" (5) "a plea to fail to register under SORNA is unconstitutional and must be vacated, where the defendant committed his underlying sex offense prior to the effect[ive] date of SORNA;" (6) a court cannot "increase [a] defendant's registration requirements under [SORNA,] the more onerous registration requirements under the reclassification [are] barred, and defendants [are to be] subject to the original periods of sexual offender registration . . . imposed at the time of their plea bargains, if applicable;" (7) "SORNA reclassified [him] as a Tier III offender and subjected [him] to laws[] not in place at the time of [his] crimes; and (8) in ***Commonwealth v. Lacombe***, 234 A.3d 602 (Pa. 2020), the Pennsylvania Supreme Court held that petitioners could raise challenges to sexual offender registration requirements outside the PCRA." Flick's Brief at 6-10 (unnecessary capitalization and emphasis omitted).

We first consider whether the trial court properly assessed Flick's "Petition to Enforce Plea Agreement [and] Writ of Habeas Corpus" under the PCRA. "Whether a . . . court has jurisdiction to correct allegedly illegal sentencing orders absent statutory jurisdiction under the PCRA is a question of law. 'Accordingly, our scope of review is plenary and our standard of review is *de novo*.'" ***Commonwealth v. Jackson***, 30 A.3d 516, 518 (Pa. Super. 2011) (citations omitted). This Court has explained:

> It is well-established that "the PCRA subsumes the remedy of habeas corpus with respect to remedies offered under the PCRA[.]" [***See***] 42 Pa.C.S.A. § 9542 (stating, a PCRA petition "shall be the sole means of obtaining collateral relief and encompasses all other common law and statutory remedies for the same purpose that exist when this subchapter takes effect, including *habeas corpus* and *coram nobis*")[.] "Issues that are cognizable under the PCRA must be raised in a timely PCRA petition and cannot be raised in a *habeas corpus* petition." Regardless of how a petition is titled, courts are to treat a petition filed after a judgment of sentence becomes final as a PCRA petition if it requests relief contemplated by the PCRA.

Commonwealth v. Hagan, 306 A.3d 414, 421-22 (Pa. Super. 2023) (some citations omitted).

> A petition for a writ of habeas corpus "lies to correct void or illegal sentences or an illegal detention, or where the record shows a trial or sentence or plea so fundamentally unfair as to amount to a denial of due process or other constitutional rights, or where for other reasons the interests of justice imperatively required it." . . .

Chadwick v. Caulfield, 834 A.2d 562, 566 (Pa. Super. 2003) (citation omitted).

"On the other hand, a collateral petition to enforce a plea agreement is regularly treated as outside the ambit of the PCRA and under the contractual

enforcement theory of specific performance. The designation of the petition does not preclude a court from deducing the proper nature of a pleading." ***Commonwealth v. Snook***, 230 A.3d 438, 444 (Pa. Super. 2020) (citation omitted).

Additionally, in ***Lacombe***, our Supreme Court "decline[d] to find the PCRA, or any other procedural mechanism, is the exclusive method for challenging sexual offender registration statutes." ***Lacombe***, 234 A.3d at 618. The ***Lacombe*** Court held that "Subchapter I is nonpunitive and does not violate the constitutional prohibition against *ex post facto* laws." ***Id***. at 605-06.

Returning to the threshold question of whether Flick's underlying petition fell within the scope of the PCRA, we first reject his claim that because he styled the underlying petition as one to enforce a plea agreement, the trial court was obligated to assess it as so. ***See Snook***, 230 A.3d at 444 (stating that "a collateral petition to enforce a plea agreement is regularly treated as outside the ambit of the PCRA"). The plea hearing notes of testimony includes no indication that the parties reached a plea agreement, nor even that negotiated terms. Importantly, neither Flick's petition nor appellate brief identify any plea term allegedly breached. Instead, Flick's petition merely averred that his current imprisonment, "due to pleading guilty [under section 4915.1(a)(2),] violated the terms of [his] plea agreement." Petition to Enforce Plea Agreement [and] Writ of Habeas Corpus, 10/27/25, at unnumbered 1

(unnecessary capitalization omitted). We reiterate that "the designation of the petition does not preclude a court from deducing the proper nature of a pleading." ***Snook***, 230 A.3d at 444 (unnecessary capitalization omitted). Accordingly, Flick could not avoid the requirements of the PCRA simply by entitling his filing a petition to enforce a plea agreement.

However, we determine that Flick's claim — that SORNA II registration requirements were imposed on him retroactively in violation of the *ex post facto* clauses of the United States and Pennsylvania Constitutions — falls within the types of SORNA issues that may be raised outside the PCRA. ***See Lacombe***, 234 A.3d at 618 (declining "to find the PCRA, or any other procedural mechanism, is the exclusive method for challenging sexual offender registration statutes"). Accordingly, we hold the trial court erred in assessing the petition under the timeliness requirements of the PCRA. Nevertheless, on the merits of the particular claims raised by Flick, we conclude that no relief is due.

As stated above, ***Lacombe*** "decline[d] to find the PCRA, or any other procedural mechanism, is the exclusive method for challenging ***sexual offender registration statutes***." ***Id***. The sole charge at the instant trial docket was Flick's failure to comply with SORNA II registration requirements ***previously*** imposed and thus already in effect against him. No SORNA II registration was imposed at the instant trial docket. Thus, Flick could not challenge his underlying Subchapter I registration requirements at this docket.

Moreover, even if we were to reach the merits of this claim, we could conclude no relief was due, as ***Lacombe*** also held that "Subchapter I is nonpunitive and does not violate the constitutional prohibition against *ex post facto* laws."[12] ***Lacombe***, 234 A.3d at 605-06.

Finally, we acknowledge an incongruity presented in the case *sub judice*: the criminal charge of failing to comply with Subchapter H, where Flick was subject to Subchapter I. To the extent Flick could have challenged the factual basis for the charge, such a claim would fall under the scope of *habeas corpus* relief, and thus ***would*** be subject to the PCRA, including its timeliness rules. ***See*** 42 Pa.C.S.A. § 9542 (providing that a PCRA petition "shall be the sole means of obtaining collateral relief and encompasses all other common law and statutory remedies for the same purpose[,] including *habeas corpus*"); ***see also Hagan***, 306 A.3d at 421-22; ***Caulfield***, 834 A.2d at 566 (explaining that "[a] petition for a writ of *habeas corpus* 'lies to correct void or illegal sentences or an illegal detention").

We consider an analogous factual history in ***Commonwealth v. Beauchamps***, 320 A.3d 717 (Pa. Super. 2024). In that case, the Commonwealth charged the defendant, and the jury found him guilty of, two counts under section 4915.1 — failure to comply with Subchapter H. ***See id***.

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[12] Any challenge to the calculation of the length of Flick's Subchapter I registration should be raised, *via* a proper filing, at the trial docket where registration was first imposed — possibly his 1999 conviction. We offer no opinion as to whether such a challenge would have merit.

at 720. At trial, defense counsel had stipulated that the defendant was "required to register under [section] 9799.56, otherwise known as [SORNA.]" ***Id***. at 722. On direct appeal, the defendant challenged the sufficiency of the evidence. ***See id***. at 721-22. On review, this Court noted that the defense's "concession that [the defendant] had to register pursuant to [section] 9799.56 [was] confusing, as that statute is not referenced within [section] 4915.***1***(a)(1)." ***Id***. at 722 (emphasis added). Instead, it was section 4915.***2***, relating to Subchapter I registration, that criminalized the failure to "register . . . as required under [section] § 9799.56[.]" ***Id***. Nevertheless, this Court concluded that the defendant was not entitled to relief on this point because, *inter alia*, the defendant failed to develop any particular argument on it. ***See id***. It was this Court that "uncovered the discrepancy only by examining the statutory text and the stipulation," and we declined to *sua sponte* grant relief on any misapplication of Subchapter H over Subchapter I. ***Id***.

Additionally, in an appeal from a PCRA order in ***Commonwealth v. Zack***, 262 A.3d 497 (Pa. Super. 2021), this Court *sua sponte* observed "that the Commonwealth charged [the defendant] under the wrong offense," section 4915.1(a.2)(1), where the defendant was subject to Subchapter I. ***Id***. at 504 n.16. We reasoned, however: "[T]he Commonwealth's incorrect citation to Section 4915.1 constitutes a mere technical error that does not invalidate the conviction. Besides [the defendant] never raising any complaint

to this error, Section 4915.1 was not decriminalized after ***Muniz***; instead, the General Assembly added Section 4915.2 to similarly cover those offenders who violated their registration requirements under Subchapter I." ***Id***. This Court thus did not disturb the conviction under section 4915.1. ***See id***. at 506-07.

Here, Flick presents no challenge to the section 4915.1-Subchapter H charge against him, and pursuant to ***Beauchamps*** and ***Zack***, we do not *sua sponte* address it. ***See Commonwealth v. Flowers***, 113 A.3d 1246, 1252 (Pa. Super. 2015) (stating that "[t]his Court is an error-correcting court[, and s]ave for a very limited number of exceptions, the Court cannot raise issues *sua sponte*, and it does not act as an appellant's counsel").

For the foregoing reasons, we affirm the trial court's denial of relief, albeit on different grounds. ***See Commonwealth v. McFalls***, 251 A.3d 1286, 1292 n.6 (Pa. Super. 2021) (stating that we may affirm the trial court's determination on any grounds).

Order affirmed.

Judgment Entered.

Benjamin D. Kohler

Benjamin D. Kohler, Esq.
Prothonotary

11/10/2026