

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
v.	:	
	:	
	:	
YURI ALEXAND ROMATOWSKI	:	
	:	
Appellant	:	No. 1681 MDA 2025

Appeal from the Judgment of Sentence Entered February 27, 2025
In the Court of Common Pleas of Schuylkill County Criminal Division at
No(s): CP-54-CR-0001382-2024

BEFORE: PANELLA, P.J.E., DUBOW, J., and SULLIVAN, J.

MEMORANDUM BY DUBOW, J.:

FILED: OCTOBER 28, 2026

Appellant, Yuri Alexand Romatowski, appeals from the February 27, 2025 judgment of sentence entered in the Schuylkill County Court of Common Pleas, following his plea of *nolo contendere* to Failure to Comply with Registration Requirements and Indecent Assault.¹ Appellant challenges the court's designation of him as a Sexually Violent Predator ("SVP"). After careful review, we affirm.

In October 2022, Appellant "met" a 13-year-old girl ("Victim") via a social media platform—Snapchat—on the internet. Appellant subsequently broke into Victim's home late at night, entered her bedroom while she was asleep, and fondled her breast without her consent. The Commonwealth charged Appellant with numerous offenses ranging from Burglary to Indecent

¹ 18 Pa.C.S. §§ 4915.1(a)(3), 3126(a)(1).

Assault. On October 17, 2024, Victim testified at a preliminary hearing. On February 27, 2025, Appellant entered a negotiated plea of *nolo contendere* to two charges: Failure to Comply with Registration Requirements and Indecent Assault. The same day, the court sentenced Appellant to 18 to 36 months' incarceration for Failure to Comply with Registration Requirements, 6 to 24 months' incarceration to be served consecutively for Indecent Assault, and three years of mandatory consecutive probation as required under 42 Pa.C.S. § 9718.5. Additionally, the court ordered Appellant to undergo a Sexual Offender Assessment Board ("SOAB") evaluation to evaluate whether he met the criteria for an SVP and ordered a three-year mandatory consecutive probation as required under 42 Pa.C.S. § 9718.5. The Commonwealth nolle prossed the remaining charges.

On July 14, 2025, the trial court held an SVP assessment hearing. The Commonwealth presented testimony from Joseph Sheris, Ph.D., NCC, CCMHC, a member of the SOAB who testified as an expert in forensic psychology. Appellant testified on his own behalf and presented testimony from Katherine Jarmin, Appellant's sister, and Josephine Romatowski, Appellant's mother.

During the hearing, Dr. Sheris testified and provided his report, concluding that Appellant met the criteria for classification as an SVP to a reasonable degree of psychological certainty. N.T. SVP Hr'g, 7/14/25, at 36.

The court found Dr. Sheris's testimony to be "credible and opinions rendered within a reasonable degree of psychological certainty." Tr. Ct. Op., 2/2/26, at 9. The court emphasized that Dr. Sheris reviewed various records

relating to Appellant, “including the police criminal complaint, affidavit of probable cause and State Police reports.” ***Id.*** at 6. The court identified the key factors supporting the SVP designation including: Dr. Sheris diagnosed Appellant with hebephilia – sexual interest in teenagers; Appellant had a prior history of child pornography possession spanning two to three years; Appellant started a Snapchat account less than a year after being sentenced on a prior sexually based offense; Victim is 13 years old and vulnerable; Appellant contacted other teenaged girls through social media; Appellant used alcohol in violation of his probation; Appellant is 31 years old and his age indicates that this sexual interest could persist for several years; and Appellant’s behaviors were inhibiting his daily functioning because he was losing sleep and was fired from his job after staying up late on the internet. ***Id.*** at 6-7.

On November 6, 2026, the court issued an order that found Appellant to be an SVP and Appellant’s February 27, 2025 judgment of sentence became final.²

Appellant timely appealed. Both Appellant and the trial court complied with Pa.R.A.P. 1925.

Appellant raises the following issue for our review:

Whether the trial court erred and abused its discretion in designating defendant a[n] [SVP] where the Commonwealth failed

² ***See Commonwealth v. Schrader***, 141 A.3d 558, 561 (Pa. Super. 2016) (explaining that judgment of sentence is not final until SVP determination is rendered).

to present clear and convincing evidence that Appellant suffers from a mental abnormality or personality disorder rendering him likely to engage in predatory sexually violent offenses, particularly where the undisputed evidence demonstrated that: (1) [Appellant] was deceived as to complainant's age and identity while communicating with her through Snapchat, (2) the complainant's boyfriend actively engaged [Appellant] in discussions regarding sexual experiences while masquerading as an adult female, and (3) the complainant admitted under oath that she did not disclose that she was 13 years old to [Appellant] until after he came into her home and had contact with her?

Appellant's Br. at 5.

"A challenge to a trial court's SVP designation presents a challenge to the sufficiency of the evidence for which our standard of review is *de novo* and our scope of review is plenary." **Commonwealth v. Aumick**, 297 A.3d 770, 776 (Pa. Super. 2023) (*en banc*). We review the record in a "light most favorable to the Commonwealth" as verdict winner. **Id.** This Court will reverse an SVP determination "only if the Commonwealth has not presented clear and convincing evidence that each element of the statute has been satisfied." **Id.** at 776-77 (citation omitted).

An SVP is an "individual who has committed a sexually violent offense[,]" including Indecent Assault, and "who is determined to be a[n] [SVP] under section 9799.24 (relating to assessments) due to a mental abnormality or personality disorder that makes the individual likely to engage in predatory sexually violent offenses." 42 Pa.C.S. § 9799.12.

The Sex Offender Registration and Notification Act mandates that trial courts order an SVP assessment by a SOAB member for any defendant convicted of a "sexually violent offense[.]" **Id.** at § 9799.24(a). A SOAB

member must then assess the individual and prepare a report considering 15 enumerated factors relating to the facts of the current offense, the offender's prior offense history, characteristics of the individual, and "factors that are supported in a sexual offender assessment field as criteria reasonably related to the risk of reoffense." **Id.** at § 9799.24(b), (d). It is well-established that "[t]he factors are not a checklist with each one weighing in some necessary fashion for or against SVP designation." **Commonwealth v. Feucht**, 955 A.2d 377, 381 (Pa. Super. 2008). "Rather, the presence or absence of one or more factors might simply suggest the presence or absence of one or more particular types of mental abnormalities." **Id.**

Consistent with Pennsylvania's evidentiary rules governing expert witnesses, this Court has repeatedly held that a SOAB member may "consider more than the limited facts included in a plea colloquy," and may review "information contained in records provided by state, county and local agencies, offices and entities in this Commonwealth when making an SVP assessment[,]" regardless of their admissibility. **Aumick**, 297 A.3d at 782. This Court has opined that "it would be the rare occasion on which the SOAB member would be able to fulfill its statutory obligations if its SVP assessments and written reports were limited to facts contained in a plea colloquy, admitted into evidence, or determined by the trier of fact." **Id.**

Finally, in considering an SVP designation, the court must determine "whether the Commonwealth has proven by clear and convincing evidence that the defendant is an individual who has 'a mental abnormality or

personality disorder that makes the individual likely to engage in predatory sexually violent offenses.” **Id.** at 778-79 (quoting 42 Pa.C.S. § 9799.12). The trial court “is not tasked with evaluating the veracity of the facts underlying the expert's testimony[,]” as those facts are merely information “presented to the trial court solely to supply the basis for the expert’s opinion” and do not constitute substantive evidence. **Id.** at 782. In contrast, the trial court may rely upon the SOAB expert’s opinion as substantive evidence, if “rendered to a reasonable degree of professional certainty.” **Id.**

Notably, as our Supreme Court has made clear, this Court is limited to “simply assessing the legal sufficiency of the proof respecting SVP status accepted by the trial court[.]” **Commonwealth v. Meals**, 912 A.2d 213, 214 (Pa. 2006). Our role as an appellate court does not permit us to re-evaluate, on appeal, the merits of that diagnosis. **Id.** at 223-24. The diagnosis itself is evidence, and any attack on the underlying merits of the opinion goes to “the weight, and not the sufficiency, of the expert’s evidence.” **Id.** at 224. It is well-settled that we may neither reweigh the evidence nor require “greater proof than is required by the statute.” **Id.** at 214.

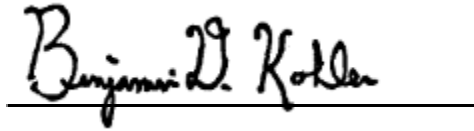
Appellant avers that the trial court erred in designating him as an SVP. Appellant’s Br. at 15. The crux of Appellant’s argument is that Dr. Sheris’s hebephilia diagnosis rests on a factually false premise—that Appellant knowingly targeted a minor. **Id.** at 16. Appellant argues that he did not know Victim was 13 years old, which is supported by the fact that Victim’s Snapchat

profile did not have a profile picture and Victim testified during the preliminary hearing that the first time she revealed her age to Appellant was after Appellant sexually assaulted her in her bedroom. ***Id.*** at 17.

Our careful review of the record demonstrates that, viewed in the light most favorable to the Commonwealth, there is sufficient evidence to support Appellant's SVP designation. Appellant's challenges to the underlying merits of the expert's opinion go to the weight, and not the sufficiency, of the expert's evidence and we decline to re-evaluate the merits of Dr. Sheris's diagnosis. Moreover, Appellant's arguments fail to acknowledge that Dr. Sheris's expert opinion permissibly "relied on more than the limited facts included in [Appellant's] plea colloquy" regarding Appellant's offense against Victim. ***See Aumick***, 297 A.3d at 782. Even if Appellant did not know Victim's age prior to sexually assaulting her, Dr. Sheris had access to a wealth of additional information to support his hebephilia diagnosis—including information that Appellant had a history of possessing child pornography and contacting teenagers through social media, even while on probation for sexually based offenses. Accordingly, Appellant's arguments lack merit.

Judgment of sentence affirmed.

Judgment Entered.

A handwritten signature in black ink, reading "Benjamin D. Kohler", is positioned above a solid horizontal line.

Benjamin D. Kohler, Esq.
Prothonotary

Date: 10/28/2026