NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
v.	:	
DANTE SHURONE NEWMAN	:	
Appellant	:	No. 673 EDA 2026

Appeal from the Judgment of Sentence Entered January 29, 2026
In the Court of Common Pleas of Montgomery County Criminal Division
at No(s): CP-46-CR-0001717-2025

BEFORE: BOWES, J., OLSON, J., and STEVENS, P.J.E.*

MEMORANDUM BY OLSON, J.: **FILED NOVEMBER 16, 2026**

Appellant, Dante Shurone Newman, appeals from the judgment of sentence entered on January 29, 2026, following his open guilty plea to attempted sexual abuse of children and two counts of corruption of minors.[1] On appeal, Appellant challenges his designation as a sexually violent predator ("SVP"). We affirm.

We briefly summarize the facts and procedural history of this case as follows. The Commonwealth charged Appellant with the aforementioned crimes following his unlawful sexual contact with two, minor females[2] in

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* Former Justice specially assigned to the Superior Court.

[1] 18 Pa.C.S.A. §§ 901 (attempt)/6312 (sexual abuse of children) and 6301(a)(1)(i) (corruption of minors), respectively.

[2] At the relevant times, J.H. was 15 years old, M.G. was 16 years old, and Appellant was 26 years old.

Montgomery County between August 2023 and November 2024. On September 10, 2025, Appellant entered an open guilty plea to all three offenses, and the trial court ordered an assessment by the Sexual Offenders Assessment Board (SOAB) to determine if Appellant should be designated an SVP. On January 29, 2026, the trial court held a sentencing and SVP hearing. On the same day, the trial court sentenced Appellant to 11½ to 23 months of incarceration for attempted sexual abuse of children, followed by 36 months of probation (two consecutive terms of 18 months' probation for each count of corruption of minors). Appellant was also deemed an SVP and classified as a Tier III lifetime registrant in accordance with the Sexual Offender Registration and Notification Act (SORNA). ***See*** 42 Pa.C.S.A. § 9799.15(d) (offenders who are classified under SVP status are subject to lifetime registration). This timely appeal resulted.[3]

On appeal, Appellant presents a single issue for our review:

> Whether the evidence was sufficient to support a[n] SVP classification?

Appellant's Brief at 4.

This Court has previously determined:

> 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

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[3] On February 4, 2026, the trial court filed an opinion pursuant to Pa.R.A.P. 1925(a). Appellant filed a timely notice of appeal on March 2, 2026 and a concise statement of errors complained of on appeal pursuant to Pa.R.A.P. 1925(b) on March 25, 2026. On April 2, 2026, the trial court issued another opinion pursuant to Pa.R.A.P. 1925(a).

> plenary. A challenge to the sufficiency of the evidence to support an SVP designation requires the reviewing court to accept the undiminished record of the case in the light most favorable to the Commonwealth. The reviewing court must examine all of the Commonwealth's evidence without consideration of its admissibility. A successful sufficiency challenge can lead to an outright grant of relief such as a reversal of the SVP designation[.] ... We will reverse a trial court's determination of SVP status only if the Commonwealth has not presented clear and convincing evidence that each element of the statute has been satisfied.

Commonwealth v. Aumick, 297 A.3d 770, 776-777 (Pa. Super. 2023) (*en banc*) (internal citations, quotation marks and footnote omitted).

We have explained the SVP determination process as follows:

> After a person has been convicted of an offense listed in 42 Pa.C.S.A. § 9799.14, the trial court then orders an assessment to be done by the SOAB to help determine if that person should be classified as an SVP. An SVP is defined as a person who has been convicted of a sexually violent offense ... and who has a mental abnormality or personality disorder that makes the person likely to engage in predatory sexually violent offenses. In order to show that the offender suffers from a mental abnormality or personality disorder, the evidence must show that the defendant suffers from a congenital or acquired condition that affects the emotional or volitional capacity of the person in a manner that predisposes that person to the commission of criminal sexual acts to a degree that makes the person a menace to the health and safety of other persons. Moreover, there must be a showing that the defendant's conduct was predatory[.[4]] Furthermore, in reaching a determination, we must examine the driving force behind the commission of these acts, as well as [assess] the offender's propensity to reoffend, [a topic] about which the Commonwealth's expert is required to opine. However, the risk of re-offending is

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[4] "Predatory" conduct is defined as an "act directed at a stranger or at a person with whom a relationship has been initiated, established, maintained or promoted, in whole or in part, in order to facilitate or support victimization." 42 Pa.C.S.A. § 9799.12.

> but one factor to be considered when making an assessment; it is not an independent element.
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> When performing an SVP assessment, a mental health professional must consider the following 15 factors: whether the instant offense involved multiple victims; whether the defendant exceeded the means necessary to achieve the offense; the nature of the sexual contact with the victim(s); the defendant's relationship with the victim(s); the victim(s)' age(s); whether the instant offense included a display of unusual cruelty by the defendant during the commission of the offense; the victim(s)' mental capacity(ies); the defendant's prior criminal record; whether the defendant completed any prior sentence(s); whether the defendant participated in available programs for sexual offenders; the defendant's age; the defendant's use of illegal drugs; whether the defendant suffers from a mental illness, mental disability, or mental abnormality; behavioral characteristics that contribute to the defendant's conduct; and any other factor reasonably related to the defendant's risk of reoffending. ***See*** 42 Pa.C.S.A. § 9799.24(b).

Commonwealth v. Hollingshead, 111 A.3d 186, 189–190 (Pa. Super. 2015) (case citations and brackets omitted).

Furthermore,

> [t]here is no requirement that all [of the foregoing] statutory factors or any number of them be present or absent to support an SVP designation; the factors are not a check list with each one weighing in some necessary fashion for or against SVP designation. Nor does the Commonwealth have to show that any certain factor is present or absent to support an SVP determination. 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. Ultimately, it is the trial court's task to determine whether the Commonwealth has demonstrated by clear and convincing evidence that a defendant is to be classified as an SVP due to a mental abnormality or personality disorder that makes the individual likely to engage in predatory sexually violent offenses.
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> This Court's task in an appeal from the determination of SVP status is one of review, and not of weighing and assessing evidence in the first instance.

Commonwealth v. Person, 325 A.3d 823, 842 (Pa. Super. 2024) (citations omitted), *appeal denied*, 334 A.3d 1283 (Pa. 2025); ***see also Reyes***, 350 A.3d at 1017 ("[O]nce the court makes its SVP determination, the appellate task requires construing the evidence in the light most favorable to the party which prevailed [and not] reweigh the evidence … which we cannot do.").

In this case, Appellant maintains that the Commonwealth failed to prove by clear and convincing evidence that he met the criteria to be designated an SVP. Appellant's Brief at 15-20. Appellant suggests that the testimony of Dr. John Siegler, Psy.D., a clinical psychologist and a member of the Sexual Offender Assessment Board (SOAB), "was not so clear, direct, weighty and convincing that the trial court could come to a clear conviction without hesitation that [] Appellant met the criteria as an SVP under 42 Pa.C.S.A. § 9799.24(b)." Appellant's Brief at 8 and 19. More specifically, in sum, Appellant argues:

> Here, the facts of the current offense failed to [demonstrate] that [] Appellant met the established standards to be classified as an SVP. Specifically, Dr. Siegler concluded that [] Appellant's conduct did not exceed the means necessary to achieve his offenses, the victims had an established relationship with [] Appellant, [] Appellant did not display any unusual cruelty or sadistic interest during the offenses, the victims did not possess a vulnerable mental state, and [] Appellant had no prior convictions. Because [] Appellant did not meet many of the factors or criteria for a[n] SVP determination, the Commonwealth did not prove by clear and convincing evidence that [] Appellant had a mental abnormality or personality disorder that made him more likely to engage in predatory sexually violent offenses.
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> [] Appellant engaged in consensual, albeit illegal, sexual conduct with the victims. He did not use violence or threat of violence during the offense. [] Appellant did not stalk or rape minors off

> the street without any prior relationship. Thus, [] Appellant's offense was neither violent nor predatory in this case. Nor did he possess a mental abnormality or personality disorder that would lead one to conclude that he had a propensity to reoffend based on these missing factors. As a result, the SVP classification should be vacated.

Id. at 19-20.

Initially, we note that there is no dispute that, as the trial court recounted, Appellant pled guilty "to attempted sexual abuse of children and two counts of corruption of minors, which are sexually violent offenses as set forth in Section 9799.14." Trial Court Opinion, 2/4/2026, at 13. While the trial court recognized that some of the 15 factors under Section 9799.24 were not met or missing, it assessed each factor individually and concluded that the Commonwealth provided clear and convincing evidence supporting the remaining factors and, therefore, Appellant met the criteria for an SVP. ***Id.*** at 7-13. Most notably, the trial court stated that this case involved two minor victims. Appellant engaged in multiple acts of vaginal intercourse with each minor victim and the relationships overlapped. Appellant impregnated one of the minor victims and procured medication to induce an abortion without parental consent. The minor victims were 10 years younger than Appellant, who was 26 years old at the time of the first offense. Appellant compromised the minor victims' ability to comprehend by providing them with alcohol and marijuana. Appellant engaged in a pattern of conduct consistent with ephebophilia, sexual attraction to individuals between 15 and 18 years of age who may appear to have reached the age of majority, but who have not yet done so. ***See id.*** at 7-11. Moreover, the trial court found that the

Commonwealth's evidence demonstrated that Appellant "was aware that his conduct was illegal or was wrong, but yet he continued to engage in the behavior after he knew … the individuals were underage and that he was providing them with illicit substances." ***Id.*** at 10. Lastly, Appellant cultivated and maintained these relationships with non-familial acquaintances in order to facilitate victimization. ***Id.*** Under Section 9799.12, conduct may be shown to be predatory where the defendant initiates, establishes, maintains, or promotes a relationship, either in whole or in part, to facilitate or support victimization; nonconsensual sexual conduct is not required, as Appellant seems to suggest.

Upon review, viewing the evidence in the light most favorable to the Commonwealth as required, we discern no abuse of discretion or error of law when the trial court determined that Appellant was an SVP. We begin by noting that Appellant essentially asks us to reweigh the evidence presented at the SVP hearing, which we cannot do. Furthermore, while Appellant argues that certain statutory factors were not met here, there is no requirement that all of the factors must be met or that Section 9799.24 constitutes a checklist. Here, there was more than enough evidence to clearly and convincingly establish multiple, statutory SVP factors. The Commonwealth simply was not required to show that any certain factor was present or absent to support Appellant's SVP determination. Moreover, the record was sufficient to prove predatory conduct and that Appellant had a congenital or acquired condition (ephebophilia) which predisposed him to commit criminal sexual acts to a

degree that made him a menace to the health and safety of others. Accordingly, Appellant is not entitled to relief.

Judgment of sentence and SVP determination affirmed.

Judgment Entered.

Benjamin D. Kohler

Benjamin D. Kohler, Esq.
Prothonotary

Date: 11/16/2026