NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
v.	:	
STEVEN GORMAN	:	
Appellant	:	No. 1289 EDA 2026

Appeal from the Judgment of Sentence Entered September 16, 2024
In the Court of Common Pleas of Bucks County Criminal Division at
No(s): CP-09-CR-0000620-2024

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
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Appeal from the Judgment of Sentence Entered September 16, 2024
In the Court of Common Pleas of Bucks County Criminal Division at
No(s): CP-09-CR-0001952-2024

BEFORE: LAZARUS, P.J., DUBOW, J., and KUNSELMAN, J.

MEMORANDUM BY LAZARUS, P.J.: **FILED NOVEMBER 25, 2026**

Steven Gorman appeals from the judgments of sentence,[1] entered in the Court of Common Pleas of Bucks County, after he entered open guilty pleas at two separate dockets to numerous sexual offenses against minor

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[1] By order dated May 19, 2026, this Court granted Gorman's application for consolidation, designating the appeal docketed at 1289 EDA 2026 as the lead appeal. ***See*** Pa.R.A.P. 513.

boys.[2] On appeal, Gorman challenges the discretionary aspects of his sentence. We affirm the judgment of sentence and remand for the reimposition of a three-year probationary tail pursuant to 42 Pa.C.S.A. § 9718.5.

At Gorman's sentencing hearing, the Commonwealth placed the factual basis for Gorman's plea on the record as follows:

> On October 23[,] 2023[,] at approximately 2 p.m., [Officer Arnold Milton[3]] received a Children & Youth referral. Nicole Bloome, mother to the 12-year-old victim, identified hereinafter as [Victim] 1, stated that [Victim] 1 was staying with [Gorman.[4]]
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> Bloome stated that[,] while driving[,] she received a text message from [Victim] 1 requesting help. Bloome arrived at Steven Gorman's place of residence, 2271 Charlie Bridge Road, Springfield Township, [] Bucks County, and [Victim] 1 ran out of the house and jumped into [Bloome's] vehicle. [Victim] 1 advised [Bloome] that [] Gorman touched him in his, quote, no-no spot, unquote. Bloome stated that [Victim] 1 refers to his "no-no spot" as his genitals.

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[2] At docket no. CP-09-CR-0000620-2024, Gorman pled guilty to indecent assault of a person less than 13 years of age (F3), ***see*** 18 Pa.C.S.A. § 3126(a)(7); corruption of minors (F3), ***see id.*** at 6301(a)(1)(ii), and endangering the welfare of children (M1). ***See id.*** at 4304(a)(1). At docket no. CP-09-CR-0001952-2024, Gorman pled guilty to two counts each of involuntary deviate sexual intercourse ("IDSI") with a person less than 16 years of age (F1), ***see id.*** at 3123(a)(7); and indecent assault (M2), ***see id.*** at 3126(a)(8); and one count each of unlawful contact with a minor (F1), ***see id.*** at 6318(a)(1); sexual assault (F2), ***see id.*** at 3124.1; corruption of minors (F3), ***see id.*** at 6301(a)(1)(ii); indecent exposure (M1), ***see id.*** at 3127(a); and corruption of minors (M1). ***See id.*** at 6301(a)(1)(i).

[3] The record does not indicate the law enforcement agency with which Officer Milton was employed.

[4] Gorman was a friend of Victim 1's mother with whom Victim 1 was staying while his mother was moving. ***See*** Trial Court Opinion, at 3 n.3.

On November 2[,] 2023[,] at approximately 10 a.m., a recorded interview was conducted with [Victim] 1. [Victim] 1 stated that [] Gorman touched his, quote, privates, unquote. [Victim] 1 stated that while visiting, he was lying on the couch. [Victim] 1 stated that [] Gorman was on the other end of the couch lying across [] Gorman with his legs lying across [] Gorman's lap. [Victim] 1 stated that [] Gorman reached over, unzipped the zipper of his jeans, then proceeded to grab his underwear from the top and pull them down. [Victim] 1 stated that [] Gorman pulled his underwear down through his fly and [Gorman's] hand touched [Victim 1's] privates. [Victim] 1 stated that once he felt [] Gorman's hand touch his privates, he ran to the bathroom. Once in the bathroom[,] he texted his mother the word, ["]Help.["]

On November 3[,] 2023 at 9:30 a.m., [Officer Milton] met with Bloome. During the nights of October 20th and October 21st, [] Gorman had primary custody of her son[, Victim] 1. Gorman also had primary custody of [Victim] 1 the morning and early afternoon on October 22[,] 2023, the day of the incident.

On November 10[,] 2023, [Officer Milton] made contact with [] Gorman and a recorded voluntary interview was conducted. At that time[,] Gorman stated that while [caring for Victim] 1[,] he engaged in some inappropriate touching. [] Gorman stated he touched [Victim] 1's privates. [Officer Milton] asked if [] Gorman touched [Victim] 1's penis and [] Gorman confirmed that he did.

. . .

On case No. 1952 of 2024, the facts are as follows: [O]n January 4[,] 2024, [Pennsylvania State Trooper Christopher Cleveland] interviewed the victim of this incident[,] referred to as Commonwealth [V]ictim [] 2. The perpetrator was identified as [Victim] 2's maternal uncle, [] Gorman. These acts started when [Victim] 2 was 13 years old and continued past [Victim] 2's 18th birthday. When [Victim] 2 was approximately 11[ ]years[ ]old, [] Gorman would visit him at their residence, 3900 block of Dillingersville Road, [] in Lehigh County[.] These visits occurred every Monday night, with a few exceptions. [Victim] 2 would see [] Gorman at that residence every other week due to a custody agreement.

During those visits, specifically at bedtime, but also occurring elsewhere, [] Gorman would visit [Victim] 2 in his room and talk to [Victim] 2 about sexually[ ]related topics, such as puberty, masturbation[,] and sexual acts.

> When [Victim] 2 was 13[ ]years[ ]old, [] Gorman grabbed [Victim] 2's penis and began to perform the act of masturbation. [] Gorman performed these same acts on [Victim] 2 during his subsequent three to four visits. While [Victim] 2 was still 13 years of age, [] Gorman then performed oral sex on [Victim] 2. While performing oral sex on [Victim] 2, [] Gorman told [Victim] 2 that he wanted [Victim 2] to masturbate him. [Victim] 2 then masturbated [] Gorman. [] Gorman told [Victim] 2 that he wanted him to perform oral sex on him. Gorman encouraged [Victim] 2 to perform said act by telling him, quote, come on. I'm doing it to you. It's not that terrible, unquote. [Victim] 2 then performed oral sex on [] Gorman.
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> These sexual acts continued for over five years on an approximate once[-]every[-]two-week basis. When [Victim] 2 was approximately 15 years old, his stepbrother and himself, herein referred to as Commonwealth [Victim] 3, was approximately 15 years old, [] Gorman began purchasing alcohol for the both of them to consume. This statement was confirmed by [Victim] 3 during a subsequent interview.
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> On nights when [Victim] 2 was impaired by alcohol, while still being a juvenile, Gorman would perform sex acts on [Victim] 2 and receive reciprocal acts in return.
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> When [Victim] 2 was approximately 17[-]to[-]18 years old, while at [] Gorman's residence, 669 Trumbauersville Road, Richland Township, Bucks County, Gorman performed the act of masturbation and oral sex on [Victim] 2 and received said acts in return.
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> The Lehigh County District Attorney's Office transferred jurisdiction of crimes dealing with the sexual abuse of [Victim] 2 to the Bucks County District Attorney's Office.

N.T. Sentencing Hearing, 9/16/24, at 7-11.[5]

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[5] On July 20, 2024, an additional victim, "Victim 4," came forward after seeing a news article about the offenses committed by Gorman, who is his maternal cousin. The Commonwealth and defense counsel agreed that the offenses related to Victim 4 would not be charged; however, the Commonwealth recited the factual basis of those offenses at sentencing as follows:

(Footnote Continued Next Page)

On June 6, 2024, Gorman pled guilty to all of the above-named charges. ***See supra***, at n.1. The court deferred sentencing for the completion of a Sex Offender Assessment Board ("SOAB") evaluation to determine whether

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> It was reported that [] Gorman touched [Victim] 4's penis with his hands both directly, skin on skin, and over his clothing, and that these incidents occurred on four separate occasions. . . . [Victim] 4 related that when Gorman would visit, his family would have a movie night in which the adults would consume alcohol and watch a movie with the kids. [Victim] 4 reported that this event is what transpired which led to Gorman touching him.
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> [Victim] 4 related that he had a blanket over his body and Gorman had pillows positioned around him so that [Victim] 4 was partially covered by them. [Victim] 4 related that his family and Gorman gave him jests about dating. Part of these jests were directly between Gorman and [Victim] 4 while they sat together on the couch. One particular comment by Gorman was he was asked if [Victim] 4 knew what a, quote, reach around, unquote, was, and proceeded to demonstrate by bringing his arm around [Victim] 4's backside and placing it in the area of his lap. From there Gorman began touching the area of [Victim] 4's penis over his clothing, and then proceeded to bring his hand under [Victim] 4's clothes[,] touching his penis via skin-on-skin contact.
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> The second occurrence of this touching occurred in February or March of 2008 at [Victim] 4's residence. During this incident, [Victim] 4 was already in his bedroom, which consisted of a mattress and bedding at the end of the hallway with a curtain draped across the walls to offer privacy. As [Victim] 4 was about to fall asleep, Gorman approached his sleeping area and asked if he was awake before walking in. [Victim] 4 related that Gorman bent down next to him and began touching his penis over his clothing.

Id. at 12-13. ***See Commonwealth v. P.L.S.***, 894 A.2d 120, 130 (Pa. Super. 2006) (fact that defendant is guilty of prior criminal conduct for which he escaped prosecution has long been acceptable sentencing consideration but can be used as a sentencing factor only when there is evidentiary proof linking defendant to conduct). Here, Gorman did not object to the court's consideration of the uncharged offenses for purposes of sentencing.

Gorman qualified as a sexually violent predator ("SVP"). On September 16, 2024, the trial court sentenced Gorman as follows: At docket no. 1952-2024, Gorman was sentenced to 10 to 20 years' incarceration for IDSI—person less than 16 years of age (F1), followed by a consecutive term of three years of probation. No further penalty was imposed on the remaining counts. At docket no. 620-2024, Gorman was sentenced to a term of 18 to 36 months' incarceration for indecent assault of a person less than 13 years of age, to be served consecutively to the sentence at docket no. 1952-2024. No further penalty was imposed on the remaining counts. Additionally, the court found Gorman to be an SVP, a finding which Gorman did not contest. ***See*** N.T. Sentencing Hearing, 9/16/24, at 5 (defense counsel indicating Gorman not contesting SVP designation). Gorman did not file a motion to reconsider sentence[6] or a direct appeal.

On September 8, 2025, Gorman filed a pro se petition pursuant to the Post Conviction Relief Act ("PCRA").[7] On September 12, 2025, the court appointed the Bucks County Public Defender's Office to represent Gorman in

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[6] On October 10, 2024, Gorman, while still represented by counsel, filed a pro se motion to reconsider his sentence. Pursuant to Pa.R.C.P. 576(a)(4), the clerk of courts accepted the document for filing, placed it in the criminal case file, and forwarded it to Gorman's counsel and the attorney for the Commonwealth. ***See*** Clerk of Courts Letter, 10/10/24. As hybrid representation is not permitted in the Commonwealth, our courts "will not accept a pro se motion while an appellant is represented by counsel; indeed, [such] pro se motions have no legal effect and, therefore, are legal nullities." ***Commonwealth v. Williams***, 241 A.3d 353, 354 (Pa. Super. 2020) (citation omitted).

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

his PCRA proceedings. Following the grant of an extension of time, Gorman filed a counseled amended PCRA petition asserting that trial counsel was ineffective for failing to file either a motion to reconsider sentence or a direct appeal on Gorman's behalf and requesting that Gorman's post-sentence and direct appellate rights be reinstated. On January 20, 2026, the PCRA court entered a stipulated order granting Gorman the relief requested and directing him to file a post-sentence motion, nunc pro tunc, within ten days. Gorman filed a timely nunc pro tunc post-sentence motion for reconsideration of sentence. The trial court held a hearing on the motion, at which time the court declined to impose a shorter term of incarceration but vacated the three-year probationary tail on the IDSI conviction because, in combination with the 10-to-20-year custodial sentence, the court believed its sentence exceeded the statutory maximum for IDSI. ***See*** N.T. Reconsideration Hearing, 4/1/26, at 20. Gorman filed a timely notice of appeal. Both Gorman and the trial court have complied with Pa.R.A.P. 1925. Gorman now raises the following claim for our review:

> Did the sentencing court abuse its discretion in imposing manifestly excessive individual and aggregate sentences, where it failed to consider mitigating factors including [] Gorman's traumatic background, rehabilitative efforts while incarcerated, and rehabilitative needs, instead focusing solely on the nature of the offenses?

Brief of Appellant, at 4.

Gorman's claim raises a challenge to the discretionary aspects of his sentence. Such a claim does not entitle an appellant to review as a matter of

right. ***Commonwealth v. Swope***, 123 A.3d 333, 337 (Pa. Super. 2015). Rather, before this Court can address such a discretionary challenge, an appellant must invoke this Court's jurisdiction by: (1) filing a timely notice of appeal, ***see*** Pa.R.A.P. 902 and 903; (2) properly preserving the issue at sentencing or in a motion to reconsider and modify sentence, ***see*** Pa.R.Crim.P. 720; (3) including in his brief a concise statement of reasons relied upon for allowance of appeal pursuant to Pa.R.A.P. 2119(f); and (4) raising a substantial question that the sentence appealed from is not appropriate under the Sentencing Code. ***Swope***, 123 A.3d at 337.

Here, Gorman filed a timely notice of appeal, nunc pro tunc, and included in his brief a concise statement of reasons relied upon for allowance of appeal pursuant to Rule 2119(f). He also filed a timely motion for reconsideration of sentence, nunc pro tunc. Accordingly, we must determine whether Gorman raises a substantial question that his sentence is not appropriate under the Sentencing Code.

In his Rule 2119(f) statement, Gorman claims that "the individual and aggregate sentences, which exceeded the aggravated range of the sentencing guidelines on bill 1952-2024 and fell at the top of the aggravated range on bill 620-2024, are manifestly excessive under the circumstances." Brief of Appellant, at 11-12. Gorman further claims that the trial court failed to consider mitigating factors—specifically, "the connection between [] Gorman's history of childhood trauma, PTSD, anxiety, and depression, and the offenses he committed." ***Id.*** at 12. This Court has held that "an excessive sentence

claim—in conjunction with an assertion that the court failed to consider mitigating factors—raises a substantial question." ***Commonwealth v. Caldwell***, 117 A.3d 763, 770 (Pa. Super. 2015) (en banc) (citation omitted).

Gorman also asserts that the trial court gave "short shrift" to the "substantial rehabilitative efforts" he engaged in while incarcerated, failed to consider his rehabilitative needs, and focused solely on the seriousness of the offenses. ***Id.*** at 12-13. We have previously held that such a claim raises a substantial question. ***See Commonwealth v. Macias***, 968 A.2d 773, 776 (Pa. Super. 2009) (claim court focused solely on seriousness of offense without considering all relevant factors, including rehabilitative needs, raised substantial question). Accordingly, we proceed to review the merits of Gorman's claim.

Sentencing is a matter vested in the sound discretion of the trial court and will not be disturbed absent a manifest abuse of discretion. ***Commonwealth v. Akhmedov***, 216 A.3d 307, 328 (Pa. Super. 2019) (en banc). An abuse of discretion is not merely an error in judgment; rather a defendant must establish that the sentencing court misapplied the law or exercised its judgment for reasons of partiality, prejudice, bias, or ill will, or arrived at a manifestly unreasonable decision. ***Commonwealth v. Nevels***, 203 A.3d 229, 247 (Pa. Super. 2019).

> In reviewing a record to determine if the sentencing court abused its discretion, the Sentencing Code instructs this Court to consider the nature and circumstances of the crime; the history and characteristics of the defendant; the sentencing court's findings as well as the court's opportunity to observe the defendant,

> including through presentence investigation; and the sentencing guidelines. ***See*** 42 Pa.C.S.A. § 9781(d).
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> The Sentencing Code additionally instructs sentencing courts to consider "the protection of the public, the gravity of the offense as it relates to the impact on the life of the victim and on the community, and the rehabilitative needs of the defendant." [***Id.*** at] § 9721(b). The balancing of these [s]ection 9721(b) sentencing factors is within the sole province of the sentencing court. ***See*** [***Commonwealth v.***] ***Lekka***, 210 A.3d [343,] 353 [(Pa. Super. 2019)].
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> The sentencing court must also consider the sentencing guidelines when sentencing a defendant. ***See*** 42 Pa.C.S.A. § 9721(b). However, the sentencing guidelines are purely advisory in nature—they are not mandatory. ***See Commonwealth v. Yuhasz***, [] 923 A.2d 1111, 1118 ([Pa.] 2007). A court may therefore use its discretion and sentence defendants outside the guidelines, as long as the sentence does not exceed the maximum sentence allowed by statute. ***See id.*** at 1118-19. When a court deviates from the sentencing guidelines, it must state the reasons for doing so on the record. ***See Commonwealth v. McLaine***, 150 A.3d 70, 76 (Pa. Super. 2016). This Court may vacate a sentence if it finds the "sentencing court sentenced outside the sentencing guidelines and the sentence is unreasonable." 42 Pa.C.S.A. § 9781(c)(3).
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> Further, the weight accorded to the mitigating factors or aggravating factors presented to the sentencing court is within the court's exclusive domain. ***See Commonwealth v. Chilquist***, [] 548 A.2d 272, 274 ([Pa. Super.] 1988). This Court has stated that when a court possesses a pre-sentence report, it is presumed the court "was aware of and weighed all relevant information contained [in the report] along with any mitigating sentencing factors." ***Commonwealth v. Marts***, 889 A.2d 608, 615 (Pa. Super. 2005) (citation omitted).

Commonwealth v. Velez, 273 A.3d 6, 9–10 (Pa. Super. 2022).

Gorman argues that the trial court "disregard[ed] mitigating factors in favor of a sole focus on the nature of the offenses." Brief of Appellant, at 18. He asserts that the court "disregarded uncontradicted evidence of [] Gorman's

rehabilitative efforts,[8] and in turn failed to consider [] Gorman's rehabilitative needs in imposing sentence." ***Id.*** at 18-19. Gorman posits that the trial court did not give "due consideration" to his mitigating evidence, as shown by the court's "repeated focus on the lack of testimony concerning participation in sex offender treatment while incarcerated," even though no evidence was presented that such counseling was available to Gorman. ***Id.*** at 19. Moreover, Gorman does not dispute that he is in need of sexual offender treatment but argues that "any sentence imposed within the guidelines [for IDSI] would have afforded [him] the same opportunity for treatment while incarcerated[.]" ***Id.*** at 21. Finally, Gorman avers that the trial court "effectively disregarded uncontradicted testimony regarding . . . his history of abuse[,]" specifically, that he had been "victimized as a child by three separate individuals between the ages of eight and 15." ***Id.*** Gorman cites to the expert report prepared by Dean Dickson, M.S., which states that "[i]t is not unusual for a victim of sexual assault to replicate his own victimization in a misguided attempt to purge himself of his own trauma[,] considered a 'repetition

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[8] At his sentencing hearing, Gorman testified at length with regard to his rehabilitative efforts while in prison. He stated, inter alia, that he has worked over 1,000 hours as a monitor for inmates on suicide watch, has attended a multitude of in-person or online classes, was selected by the case manager as the assistant joint participation counsel, had no misconducts and positive mental health reviews, assists other inmates in need, has read 28 books, and has been asked by at least eight inmates to assist in writing letters to their judge or in taking notes for their public defenders to write motions for them to file. ***See*** N.T. Sentencing, 9/16/24, at 43-46.

compulsion.' This only continues the cycle instead of eliminating it." ***Id.*** at 22, quoting Dickson Expert Report, at 8.

In support of his argument, Gorman relies on this Court's decisions in ***Commonwealth v. Schroat***, 272 A.3d 523 (Pa. Super. 2022), and ***Commonwealth v. Simpson***, 510 A.2d 760 (Pa. Super. 1986). In ***Schroat***, the defendant strangled and stabbed a five-year-old girl and disposed of her body in 1992 when he was 17. The defendant appealed from his resentencing to life imprisonment without parole ("LWOP"),[9] challenging, inter alia, the discretionary aspects of his sentence. Specifically, Schroat argued that the sentencing court placed "inordinate focus" on the facts underlying the offense, while failing to consider mitigating factors and evidence of his rehabilitation while in prison. ***Schroat***, 272 A.3d at 527. At his resentencing hearing, Schroat presented the testimony of a psychiatric expert, who testified that Schroat had been "very immature" when he committed his crime in 1992, largely due to his "'dysfunctional [and] unhealthy' home life[,] which delayed or slowed his brain development." ***Id.*** at 582. The expert testified to Schroat's neglect and abuse, placement in multiple foster homes, and adoption into a family that was also abusive. ***Id.*** The expert noted that Schroat had been sexually abused by his adoptive father from the age of 9 or

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[9] Schroat had sought and been granted resentencing via PCRA proceedings pursuant to ***Miller v. Alabama***, 567 U.S. 460 (2012) and ***Montgomery v. Louisiana***, 577 U.S. 190 (2016). The court reimposed a LWOP sentence.

10 years old and "struggled with emotional regulation and exhibited acting[-]out behaviors and self-mutilation" as a means of coping. ***Id.***

The expert testified that, in the more than 25 years Schroat had spent in prison, he had matured, was not currently suffering from any mental health disorders, and posed a low risk to reoffend if paroled. ***Id.*** Citing Schroat's "above-average work performance and average housing performance ratings," the expert opined that Schroat was "functioning adequately with peers, correctional officers[,] and work supervisors." ***Id.*** The expert concluded that Schroat was "very likely to transition successfully to the community without reoffending or exhibiting aggressive or violent behavior[.]" ***Id.***

The Commonwealth presented no expert testimony to contradict Schroat's expert. Nevertheless, the trial court "[did] not agree with [the expert's] conclusion that [Schroat] is no longer mentally ill because he has matured and 'flourished' in the structured environment of prison" and found that Schroat's "deep[-]seated and dangerous mental health problems . . . did not disappear just because he 'matured' in prison[.]" ***Id.*** at 529. The court further disagreed with the expert's opinion that Schroat was at low risk to reoffend, reasoning that "[t]he internal demons that caused [Schroat] to stab and strangle [the victim] did not permanently disappear because of 'maturity,' brain development, and prison." ***Id.***

On appeal, this Court concluded that the sentencing court abused its discretion by consistently referring to the nature of Schroat's crimes to

discredit the evidence regarding Schroat's growth and maturity. The Court found that the sentencing court "gave short shrift to factors indicative of [Schroat's] history, character, condition, and rehabilitative needs." ***Id.*** at 530. For example, the court summarily found that Schroat had "no diminished culpability" despite being a minor when he committed the crimes and dismissed Schroat's childhood trauma by stating he "did not have an ideal home environment." ***Id.*** In sum, the Court concluded that Schroat's sentence "reflect[ed] a lack of consideration for [his] youth, history, and rehabilitative needs in favor of an inordinate focus on the heinous act he committed as a minor," particularly in light of the uncontroverted evidence of his maturation and rehabilitation while in prison. ***Id.*** Accordingly, we vacated the sentence and remanded for resentencing.

In ***Simpson***, the appellant was convicted of six counts of robbery, four counts of conspiracy, and six counts of possessing an instrument of crime ("PIC") in connection with a series of six robberies committed against two appliance stores between December 1981 and April 1982. The court sentenced him to an aggregate of 30 to 60 years' imprisonment, including consecutive five-to-ten-year terms for each of the six robberies. On appeal, Simpson challenged, inter alia, the discretionary aspects of his sentence, alleging the consecutive nature of the six robbery sentences rendered his overall sentence excessive. In vacating Simpson's sentence, this Court concluded that the sentencing court had focused on the nature of the crimes rather than the totality of the requirements mandated by the Sentencing

Code—in particular, the history, character, and condition of the defendant. The Court noted that Simpson had, up until the point he committed the robberies, a "virtually nonviolent, unremarkable background[,]" was a high school graduate, had no juvenile record, had a six-year service record and received an honorable discharge, "always held a job," and came from an interested and concerned family. ***Id.*** at 762. While the sentencing court made reference to various sentencing alternatives, "[s]imply reciting that the alternatives were considered and rejected ignores the task of weighing those factors when it is apparent that they must be considered." ***Id.*** at 763-64. The Court concluded:

> This case is one where the benefits of a good prior history and the effects of aging on criminal involvement make the appellant a reasonable candidate for a sentence which will punish him, serve the needs of society for protection[,] and make note of the serious nature of the acts, but also permit the appellant, in a reasonable period of time, to return to society and, if need be, under long-term parole supervision, pick up a meaningful and productive life.
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> To impose a minimum sentence of thirty years discounts the possibility of rehabilitation and effectively removes appellant from society for his potential working life, precluding the possibility of his ever becoming a contributing member of society.

Id. at 764.

Here, we do not agree with Gorman that the trial court abused its discretion in sentencing him above the aggravated range of the guidelines for one count of IDSI against Victim 2 and on the high end of the aggravated range for indecent assault against Victim 1. The nine offenses to which Gorman pled guilty with respect to Victim 2 represented a pervasive pattern

of abuse inflicted over a period of approximately seven years. The court chose to sentence Gorman at just one of those counts, imposing no further penalty for the rest. This Court has previously affirmed an above-the-guidelines sentence in a notably similar situation. In ***Commonwealth v. Feucht***, 955 A.2d 377 (Pa. Super. 2008), the appellant pled guilty to indecent assault and endangering the welfare of children ("EWOC") after abusing his 13-year-old stepdaughter over a period of approximately two years. At sentencing, defense counsel presented substantial mitigating evidence, including "[a]ppellant's acceptance of responsibility, letters of support submitted on his behalf, his age, work history[,] and lack of criminal record, his struggles with depression and alcoholism, and his willingness to engage in sex offender treatment." ***Id.*** at 379. Feucht also apologized for his actions.

The trial court sentenced Feucht to a standard-range sentence of 12 to 60 months' incarceration for EWOC and a consecutive term of 24 to 60 months' incarceration for indecent assault, a sentence which represented an upward departure from the aggravated range of the guidelines. Feucht was also determined to be an SVP. On appeal, Feucht challenged the discretionary aspects of his sentence, claiming the upward departure was unreasonable in light of his lack of criminal record, his assumption of responsibility, and his previous rehabilitative success. After noting that the trial court specifically stated it took into consideration Feucht's mitigating evidence and rehabilitative potential, the Court observed the following:

> [T]he [sentencing] court set forth a specific explanation for its upward departure from the guidelines. In particular, although Appellant was convicted of one count of indecent assault, that one count encompassed **repeated incidents in an ongoing course of conduct over an extended period of time**. In this same vein, the court made mention of testimony from the [v]ictim's mother indicating the continuing course of conduct resulted in great suffering for [the v]ictim. The court then determined the continuing nature of the repeated incidents was a basis for an upward departure from the guidelines.

Id. at 385-86 (emphasis added).

Similarly, here, the trial court clearly considered all the evidence presented at Gorman's first sentencing hearing as well as the hearing on the motion to reconsider, including Gorman's mitigating evidence regarding his past abuse and his efforts at rehabilitation while in prison, and set forth its rationale for departing from the guidelines. At Gorman's first sentencing hearing, the court stated the following on the record:

> THE COURT: All right. Any time I impose a sentence in a criminal case, I have to consider sentencing factors that are set forth in the law, and the first one I have to consider are the sentencing guidelines[. (Sets forth guidelines).]
>
> I have to also consider the protection of the public, and when people are assaulting young male children in our community, the public does not feel protected. I have to also consider the gravity of the offense as it relates to the impact on the life of the victim and the community. And I heard from [Victim 2] in this matter, and I listened very intently to what he said. He said that he feels like he never mattered. He said he cannot now think positive thoughts. He said that he's extremely paranoid about people, that during this period of assaultive conduct he was praying to die in the process, and he said ["]I don't know what safe is.["]
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> That's the impact on the life of [Victim 2] in his own words in a very, very well-written statement. But it strikes right to the heart of what this crime is. People don't feel safe. They wish they had died rather than being alive today. I just can't imagine that

> feeling. I can't imagine the feelings that you caused in young men who were innocent, good people. I think you've impacted them for life.
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> I listened carefully to the victims' statements here. They were emotional. They were angry. They were outraged at your conduct. Many of them said that I should impose a sentence that would keep you incarcerated for the remainder of your life, I would give you a life in prison with no parole sentence. That's not available. That's not an option to me. But I certainly understand how they feel, and I certainly understood the emotion that they spoke with.
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> There's just nothing that justifies your conduct. Nothing. The fact that you were abused to me means only that you knew what it did to people that were abused, and you did it anyway. The fact that you've done this, that you've been caught, and you continue to try to abuse other people, to groom other people is offensive.
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> People calling you a monster? I understand why they do that. There's a lot of things I don't have to say [to] you because they were already said to you in a lot better way than I could, with more emotion than I could summon, and they meant it, and I agree with them. They were appropriate, their comments.
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> All right. I consider the nature and circumstances of the crime and the history, character and condition of the defendant, and I believe that there is an undue risk that the defendant will commit another crime. I believe that any lesser sentence would depreciate the seriousness of this crime.

N.T. Sentencing Hearing, 9/16/24, at 57-60.

At the hearing on Gorman's motion for reconsideration of sentence, the court stated the following:

> THE COURT: All right. When I imposed the sentence in this case, I certainly considered the guidelines, but I also, when I looked at the guidelines, recognized that those guidelines are for an offense if it occurred one time. That's what the guidelines are for. **This didn't occur one time, this continued repeatedly over a course of a number of years**. So[,] the guidelines talk about one offense, this is multiple offenses. That alone to me justifies a deviation above the standard range or the aggravated range.

N.T. Reconsideration Hearing, 4/1/26, at 18-19 (emphasis added).

Moreover, ***Schroat*** and ***Simpson*** are inapposite here. ***Schroat*** involved a defendant who committed his crime before attaining the age of majority and had spent more than 25 years in prison establishing a positive record of rehabilitation and behavioral changes. At resentencing, he presented uncontradicted evidence that, as a result of his brain development and maturation, he suffered from no mental health disorders and posed a low risk to reoffend. In contrast, Gorman—57 years old at the time of sentencing—was not a youthful offender whose brain had yet to fully develop. Moreover, Gorman was deemed to be an SVP[10] and his own expert opined that he was at average risk to reoffend and that "[l]ifetime treatment is a necessary adjunct to enable him to come to terms with his own trauma and not act out again against any vulnerable males." Dickson Expert Report, 9/6/24, at 8.

Similarly, unlike the defendant in ***Simpson***, Gorman was not a young male between the ages of 18 and 30 and his crimes were not committed over a relatively short 5-month period of time. Rather, Gorman was a mature adult who committed his crimes over a period of approximately 15 years[11] against

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[10] We note that the SOAB report is not contained in the certified record on appeal.

[11] The Commonwealth stated at sentencing that the second of two uncharged incidents of touching against Victim 4 occurred in February or March of 2008. ***See*** N.T. Sentencing, 9/16/24, at 13. The criminal informations state that
(Footnote Continued Next Page)

multiple victims. As the Commonwealth aptly notes, "***Simpson***'s analysis of a young man who committed multiple robberies in a short period of time is wholly inapplicable to [a] fully grown adult male who commit[ted] repeated acts of sexual violence against several young children over the cour[se] of many years." Brief of Appellee, at 21.

In sum, it is clear that the court considered the sentencing factors under section 9721(b) and the guidelines. Additionally, having reviewed the sentencing court's actions and explanation in light of the offenses at issue, Gorman's history and characteristics, and the court's opportunity to observe Gorman during his plea, sentencing, and reconsideration hearing, we find nothing unreasonable in the court's departure from the guidelines. There is no evidence of bias, prejudice, partiality, ill will, manifest unreasonableness, or legal error. ***See Nevels***, ***supra***. As such, we find no abuse of discretion.

Finally, we must address an issue pertaining to the legality of Gorman's sentence raised by both the Commonwealth and the trial court. As noted above, at the hearing on Gorman's motion to reconsider his sentence, the trial court sua sponte vacated the three-year probationary tail imposed for IDSI on the basis that it "would probably be beyond the maximum penalty permitted for the count." N.T. Reconsideration Hearing, 4/1/26, at 20. In its subsequent opinion, the trial court acknowledged that it had erred, as the three-year

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Gorman's offenses against Victim 2 occurred from on or about January 1, 2011 to October 9, 2018, and his offenses against Victim 1 occurred in November 2023.

probationary tail was mandatory pursuant to 42 Pa.C.S.A. § 9781.5,[12] which specifies that the three-year term of probation may be imposed "in addition to the maximum sentence permitted for the offense for which the defendant was convicted." ***Id.*** at 9718.5(b).

Issues pertaining to the legality of a sentence may be raised by this Court, sua sponte, even if the issue was not preserved in the trial court. ***Commonwealth v. Armolt***, 294 A.3d 364, 376 (Pa. Super. 2023). Gorman's conviction for IDSI is a Tier III offense pursuant to 42 Pa.C.S.A. § 9799.14(d)(4) and is, thus, subject to a three-year consecutive term of probation under section 9718.5(a). "When a trial court imposes a sentence

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[12] Section 9718.5 provides, in relevant part, as follows:

> **(a) Mandatory probation supervision after release from confinement.**--A person who is convicted in a court of this Commonwealth of an offense under section 9799.14(d) (relating to sexual offenses and tier system) shall be sentenced to a mandatory period of probation of three years consecutive to and in addition to any other lawful sentence issued by the court.
>
> **(b) Imposition.**--The court may impose the term of probation required under subsection (a) in addition to the maximum sentence permitted for the offense for which the defendant was convicted.
>
> **(c) Authority of court in sentencing.**--There shall be no authority in a court to impose on an offender to which this section is applicable a lesser period of probation than provided for under subsection (a). Sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede the mandatory period of probation provided under this section.

42 Pa.C.S.A. § 9718.5(a)-(c).

outside of the legal parameters prescribed by the applicable statute, the sentence is illegal and should be remanded for correction." ***Commonwealth v. Vasquez***, 744 A.2d 1280, 1284 (Pa. 2000). Because section 9718.5 is mandatory, the trial court was required to impose the three-year consecutive probationary term, rendering Gorman's current sentence for IDSI illegal. ***See Commonwealth v. Keppard***, 1183 MDA 2025, at *6 (Pa. Super. filed July 29, 2026) (unpublished memorandum decision).[13]

Accordingly, we affirm the incarceration portion of Gorman's sentence in its entirety and reinstate the mandatory three-year consecutive probationary portion of Gorman's sentence pursuant to section 9718.5. ***See Commonwealth v. Melvin***, 103 A.3d 1, 56 (Pa. Super. 2014) (this Court has authority to correct illegal sentence directly rather than remand case for resentencing so long as we do not disrupt trial court's sentencing scheme in doing so).[14]

Judgment of sentence affirmed after reinstatement of probationary term as set forth above. Jurisdiction relinquished.

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[13] ***See*** Pa.R.A.P. 126 (b) (unpublished non-precedential memorandum decisions of this Court filed after May 1, 2019 may be cited for persuasive value).

[14] Here, we conclude that the trial court's sentencing scheme is not disrupted where the probationary term is mandatory and was vacated by the trial court based on its mistaken belief that it was illegal.

Judgment Entered.

Benjamin D. Kohler

Benjamin D. Kohler, Esq.
Prothonotary

Date: 11/25/2026