

**NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37**

COMMONWEALTH OF PENNSYLVANIA : IN THE SUPERIOR COURT OF  
: PENNSYLVANIA

v.

MICHAEL CHITTESTER

Appellant

No. 256 WDA 2020

Appeal from the Judgment of Sentence Entered December 12, 2019  
In the Court of Common Pleas of Elk County Criminal Division at No(s):  
CP-24-CR-0000053-2019

COMMONWEALTH OF PENNSYLVANIA : IN THE SUPERIOR COURT OF  
: PENNSYLVANIA

v.

MICHAEL ALLEN CHITTESTER

Appellant

No. 257 WDA 2020

Appeal from the Judgment of Sentence Entered December 12, 2019  
In the Court of Common Pleas of Elk County Criminal Division at No(s):  
CP-24-CR-0000449-2018

BEFORE: BENDER, P.J.E., LAZARUS, J., and McCAFFERY, J.

CONCURRING STATEMENT BY McCAFFERY, J.: **FILED: MAY 20, 2021**

Although I agree we are bound by the decisions in *Reslink* and *Snyder* to conclude Appellant has waived his constitutional claims, I would urge the Pennsylvania Supreme Court to consider whether constitutional challenges to a sentence are subject to waiver.

President Judge Emeritus Bender joins this concurring statement.

Judge Lazarus joins this concurring statement.