

**IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT**

COMMONWEALTH OF PENNSYLVANIA,	:	No. 157 WAL 2021
	:	
Respondent	:	
	:	
v.	:	Petition for Allowance of Appeal
	:	from the Unpublished
	:	Memorandum and Order of the
	:	Superior Court at No. 135 WDA
	:	2018 entered on April 13, 2021,
JERRY CHAI,	:	affirming the Judgment of Sentence
	:	of the Westmoreland County Court
Petitioner	:	of Common Pleas at No. CP-65-CR-
	:	0005246-2014 entered on
	:	September 25, 2017

ORDER

PER CURIAM

AND NOW, this 5th day of October, 2022, the Petition for Allowance of Appeal is **GRANTED**, limited to the following issues:

I. Where a constitutional claim for relief implicates the legality of a sentence, is it subject to traditional waiver doctrine as codified in Pa.R.A.P. 302(a)?

A. Does Petitioner's claim that the provisions of Subchapter H resulted in an excessive sentence in violation of the federal and state constitutional provisions related to cruel and unusual punishment raise a legality of sentencing issue insofar as he is challenging the trial court's authority in imposing the sentence?

B. Does the panel's holding in *Commonwealth v. Reslink*, [257] A.3d [21] (Pa. Super. 2020), that constitutional claims for relief directed at Pennsylvania's sexual offender regime that concern the presumption of recidivism are subject to waiver under Rule 302(a), regardless

of whether that claim sounds in legality of sentence, conflict with well-settled aspects of Pennsylvania jurisprudence?

The decision of the Superior Court is **VACATED IN PART**, limited to its finding that Petitioner's constitutional challenge to SORNA was waived pursuant to *Commonwealth v. Reslink*, 257 A.3d 21 (Pa. Super. 2020). We **REMAND** for the Superior Court to apply *Commonwealth v. Thorne*, __ A.3d __, 2022 WL 2231821 (Pa. 2022). Allocatur is **DENIED** as to the remaining issues.