

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

JAMES D. BELL,
Petitioner,

v.

PENNSYLVANIA STATE POLICE,
Respondent.

PETITION FOR REVIEW AND REQUEST FOR DECLARATORY AND INJUNCTIVE RELIEF

Petitioner, James D. Bell, respectfully submits this Petition for Review and for Declaratory and Injunctive Relief, and in support states:

I. INTRODUCTION

1. This Petition challenges the Pennsylvania State Police's ("PSP") unlawful administrative classification of Petitioner as a sexual offender, and the continued enforcement of registration requirements, despite the absence of any judicial order imposing such obligations.
 2. Petitioner was convicted and sentenced in 2002 under Megan's Law II, a statutory framework in which registration was **not automatic** and required explicit judicial imposition.
 3. No judge ever ordered Petitioner to register. He was not designated a Sexually Violent Predator (SVP), nor was Megan's Law referenced in his sentencing order.
 4. Despite that, in December 2004, PSP unilaterally and without lawful authority placed Petitioner on the registry, contradicting both the sentencing court's judgment and the statutory requirements in effect at the time.
 5. This administrative misclassification has resulted in decades of trauma, stigma, unlawful arrests, forced entry into Petitioner's home, physical injury, financial loss, and severe ongoing harm.
 6. Petitioner seeks declaratory and injunctive relief to correct PSP's unlawful classification, remove him from all registries, halt all enforcement actions, and restore the legal accuracy of his official records.
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II. JURISDICTION AND VENUE

7. This Court has jurisdiction pursuant to 42 Pa.C.S. §§ 761–764 and Pa.R.A.P. 1501–1512, as Petitioner seeks review of Commonwealth agency action.
 8. Venue is proper because PSP is headquartered in Pennsylvania, its challenged actions occurred statewide, and Petitioner resides in Allegheny County.
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III. PARTIES

9. Petitioner, **James D. Bell**, resides at
[REDACTED STREET ADDRESS]
[REDACTED CITY/STATE/ZIP]
Allegheny County.
 10. Respondent, the **Pennsylvania State Police**, is the state agency responsible for maintaining and enforcing sexual offender registration systems.
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IV. FACTUAL BACKGROUND

A. 2002 SENTENCING – NO MEGAN’S LAW IMPOSED

11. Petitioner’s case was adjudicated under docket CP-02-CR-0009208-1999.
12. On October 18, 2002, Petitioner was sentenced by **Judge Jeffrey Zottola**.
13. Before sentencing, Petitioner asked his attorney, Patrick Thomassey,
“What about Megan’s Law?”
Counsel replied:
“You are not being convicted under Megan’s Law. You do not have to register.”
14. The Presentence Investigation report stated Petitioner was “only a threat to himself,” not a danger to the public.
15. Under Megan’s Law II, registration was imposed **only if a judge explicitly ordered it** at sentencing.
16. No registration order appears on the sentencing order, transcripts, docket, or PSI.
17. Petitioner was **never** designated a Sexually Violent Predator.

B. 2004 – PROBATION ACTION AND PSP MISCLASSIFICATION

18. While under supervision, Probation Officer **Michelle Gressem** told Petitioner that her supervisors asked why he was not on the registry.
19. Gressem submitted registration paperwork to PSP **without a court order**.
20. PSP returned the paperwork, stating Petitioner did **not** have to register.

21. Gresseem later resubmitted the paperwork, claiming she had “filled it out wrong.”
22. On **December 1, 2004**, PSP **administratively** placed Petitioner on the registry.
23. This was done without:

- statutory authority,
- judicial order,
- SVP hearing,
- due process,
- or lawful basis.

24. Petitioner was never notified of any hearing or given any challenge mechanism.
25. This error is the root cause of two decades of unlawful enforcement.

C. 2017–2023 – ATTORNEY REPRESENTATION AND ABANDONED PETITION

26. On September 18, 2017, Petitioner hired attorney **Lea Terlong Bickerton** to challenge the misclassification.
27. Bickerton refused to provide written communication, insisted on phone-only updates, and estimated a six-month resolution.
28. She later claimed they were waiting on:
 - a court date,
 - outcomes of *Commonwealth v. Muniz*,
 - and a 2023 case (Torselli).
29. Commonwealth Court Docket **96 MD 2018** shows Bickerton filed a sealed Petition for Review for “J.B.”
30. On March 29, 2018, she filed a **Praecipe for Discontinuance** without Petitioner’s consent.
31. Petitioner paid Bickerton **\$2,500**. No relief was obtained.
32. In late 2023, Petitioner emailed Bickerton requesting documentation; within roughly 24 hours, he was arrested for “non-compliance.”

D. PRE-ARREST SHERIFF CONDUCT

33. Sheriffs conducted multiple home visits unrelated to Petitioner.
34. During a 45–60 minute visit seeking “Witt Yost,” a deputy mocked Petitioner:
“At least I’m not on Megan’s Law.”
35. During a separate visit for “Frankie Sabotka,” sheriffs refused to show a warrant, broke a padlock off a bedroom door, and mishandled Petitioner’s phone.

36. After that visit, **all camera footage** from Ring and Wyze devices was deleted across two platforms.
37. These events preceded a series of arrests that escalated in violence and misconduct.

E. FOUR ARRESTS ARISING FROM UNLAWFUL REGISTRATION

Arrest #1 — December 14, 2023 (Failure to Register)

38. Sheriffs arrived around 10:15 PM.
Petitioner asked: “What about my dog?”
Deputy replied: “You’ll be home in 3–4 hours.”
39. Petitioner was gone **exactly 24 hours**, leaving his dog without food or water.
40. Sheriffs refused to let Petitioner log out of work and handled his unlocked phone during arrest.
41. Two hearings were postponed due to sheriff no-shows.

Arrest #2 — April 16, 2024 (Arraignment No-Show)

42. Sheriffs forcibly entered Petitioner’s home and deployed a taser.
43. Petitioner required emergency hospital treatment to remove taser probes.
44. Inside the transport van, a deputy screamed:
“What the f*** is wrong with you?”
“You child molester!”
45. At least one neighbor overheard.

Arrest #3 — May 2, 2024 (Failure to Register)

46. Charges were dismissed on June 6, 2024.
47. Petitioner was nevertheless detained until June 12, 2024 — **six days of unlawful detention.**

Arrest #4 — July 17, 2024 (Trial No-Show)

48. Petitioner told sheriffs through the window he was naked and dressing.
Female sheriff said: “OK.”
49. Sheriffs forced entry anyway.
50. Deputies handcuffed Petitioner and forcibly pushed him down stairs, through the home, and into the van.
51. A deputy told him: “You ain’t seen aggression yet.”
52. Petitioner was held on suicide watch for days, with lights on 24/7, and denied phone access for approximately a week.
53. Upon release, Petitioner found his home unsecured and discovered missing/stolen items valued at **\$9,098.29+**.

F. ONGOING ENFORCEMENT

54. In 2025, PSP sent Petitioner a notice requiring him to report between **November 21 and November 30, 2025**, continuing to treat him as a registrant despite the absence of any lawful order.

V. LEGAL BACKGROUND

55. Under Megan's Law II (in effect at the time of Petitioner's offense and sentencing):

- a. Registration was **not automatic**.
- b. A judge had to **explicitly impose** registration.
- c. Only SVPs were subject to lifetime registration.

56. Petitioner was not ordered to register and was not found to be an SVP.

57. PSP has no authority to impose registration sua sponte.

58. In *Commonwealth v. Muniz* (2017), the Pennsylvania Supreme Court held SORNA punitive and unconstitutional as applied retroactively.

59. Acts 10 and 29 of 2018 created Subchapter I, applying **only** to individuals who already had lawful pre-SORNA registration duties.

60. Because Petitioner never had a lawful duty, Subchapter I cannot lawfully apply to him.

VI. CLAIMS FOR RELIEF

COUNT I – PSP Exceeded Its Authority (Ultra Vires)

61. PSP imposed registration without a court order, exceeding statutory power.
The 2004 classification is void.

COUNT II – Ex Post Facto Violations

62. Retroactive application of SORNA/Subchapter I to Petitioner violates the Ex Post Facto Clause.

COUNT III – Due Process Violations

63. PSP deprived Petitioner of liberty and reputation without notice, hearing, or judicial order.

COUNT IV – Equal Protection Violation

64. Individuals similarly situated to Petitioner (no registration ordered) are **not** treated as registrants.

COUNT V – Stigma-Plus Violation

65. PSP's actions changed Petitioner's legal status and imposed criminal penalties, satisfying stigma-plus without due process.

COUNT VI – Declaratory and Injunctive Relief

66. Petitioner seeks declaratory and injunctive orders correcting PSP's records and halting enforcement.

COUNT VII – Expungement / Record Correction

67. Petitioner seeks expungement of PSP records reflecting an unlawful duty to register.

VII. HARMS AND DAMAGES

68. Petitioner has suffered:

- loss of liberty,
 - unlawful detentions,
 - physical injury,
 - emotional trauma,
 - reputational harm,
 - \$10,141.54+ in financial losses,
 - fear in his own home,
 - and ongoing legal consequences.
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VIII. REQUESTED RELIEF

Petitioner respectfully requests this Court:

- A. Declare he has no duty to register.
 - B. Declare PSP's 2004 classification unlawful and void.
 - C. Enjoin PSP from enforcing registration obligations.
 - D. Order removal from all registries.
 - E. Order correction/expungement of all records.
 - F. Grant any further appropriate relief.
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IX. VERIFICATION

A separate Verification is attached.

X. CERTIFICATE OF SERVICE

A separate Certificate of Service is attached.