AMENDED FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
DAVID RICHARDSON	:	
Requester	:	
	:	
v.	:	**Docket No.: AP 2016-1345**
	:	
CHESTER COUNTY	:	
MAGISTERIAL DISTRICT	:	
COURT 15-1-04,	:	
Respondent	:	
	:	

On or about August 3, 2016, David Richardson ("Requester"), an inmate at Chester County Prison, submitted a request ("Request") to the Chester County Magisterial District Court 15-1-04 ("Court") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq*., seeking a "copy of a search warrant and probable cause affidavit ….which formed the basis for my arrest". The Requester states he did not receive a response from the Court and alleges that his Request was deemed denied. *See* 65 P.S. § 67.901. On August 15, 2016, Requester appealed to the Office of Open Records ("OOR").

The Court is a judicial agency that is not subject to the jurisdiction of the OOR. *See* 65 P.S. § 67.102; 65 P.S. § 67.503(b). The OOR does not have jurisdiction to hear appeals related to requests for records of judicial agencies. *See* 65 P.S. § 67.503(b). Instead, appeals involving a judicial agency are to be heard by an appeals officer designated by the judicial agency. *Id*. ("A

judicial agency shall designate an appeals officer to hear appeals under Chapter 11"). This Amended Final Determination hereby vacates the Final Determination issued on August 17, 2016.

For the foregoing reasons, Requester's appeal is **transferred** to Appeals Officer for the Court. This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, either party may appeal to the Commonwealth Court. 65 P.S. § 67.1302(a). All parties must be served with notice of the appeal. The OOR also shall be served notice and have an opportunity to respond as per Section 1303 of the RTKL. However, as the quasi-judicial tribunal adjudicating this matter, the OOR is not a proper party to any appeal and should not be named as a party.[1] This Final Determination shall be placed on the OOR website at: http://openrecords.pa.gov.

FINAL DETERMINATION ISSUED AND MAILED: August 18, 2016

/s/ Charles Rees Brown

CHIEF COUNSEL
CHARLES REES BROWN

Sent to: Requester, Appeals Officer, Chester County Magisterial District Court 15-1-04

[1] *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).