



FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
JUSTIN SECRETI,	:	
Requester	:	
	:	
v.	:	Docket No.: AP 2023-0691
	:	
WASHINGTON COUNTY CORONER'S	:	
OFFICE,	:	
Respondent	:	

The Office of Open Records ("OOR") received the above-captioned appeal under the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq.* For the following reasons, the appeal is dismissed.

On February 6, 2023, Justin Secreti ("Requester"), an inmate at SCI-Greene, filed a request ("Request") with the Washington County Coroner's Office ("Office") pursuant to the RTKL, seeking "the autopsy report for Charles Lee Richert, specifically the cause of death." The Requester further explained that he is a defendant in a related criminal case, and the information is critical to his appeal. On March 7, 2023, after invoking a thirty-day extension of time to respond, *see* 65 P.S. § 67.902(b), the Office denied the Request, arguing that the autopsy is exempt under the RTKL, 65 P.S. § 67.708(b)(20), and records are related to a criminal investigation, 65 P.S. § 67.708(b)(16).¹

¹ The Office informed the Requester that he could file an appeal with the Washington County District Attorney if he wished to challenge the Office's argument that the records are related to a criminal investigation. *See* 65 P.S. § 67.503(d)(2).

On March 23, 2023, the Requester mailed an appeal to the OOR, challenging the Office's denial and stating grounds for disclosure.² Specifically, the Requester argues that he is only seeking the official cause of death. The OOR invited both parties to supplement the record and directed the Office to notify any third parties of their ability to participate in this appeal. 65 P.S. § 67.1101(c).

On April 14, 2023, the Office submitted a position statement, arguing that the original Request sought the autopsy report, which is expressly exempt, whereas “at best, the Request[er] is only entitled to production of the View of Body form, citing cause and manner” On April 27, 2023, the Requester mailed a submission to the OOR, noting that he would like to amend his Request to only seek the View of Body and not the entire autopsy report. On May 12, 2023, the Office provided a certified copy of the form detailing the cause of death.

While a requester may not modify or expand upon a request on appeal, it is permissible to narrow a request. *Compare McKelvey v. Off. of the Att’y Gen.*, 172 A.2d 122, 127 (Pa. Commw. Ct. 2016); *Smith Butz, LLC v. Pa. Dep’t of Env’tl. Prot.*, 142 A.3d 941, 945 (Pa. Commw. Ct. 2016); *with, e.g., Abrams v. Morrisville Borough Sch. Dist.*, OOR Dkt. AP 2023-0165, 2023 PA O.O.R.D. LEXIS 779. Here, the Request sought an autopsy report, but it also specified that the cause of death was the area of primary interest. On appeal, the Requester has expressly stated that he does not want the autopsy report and only seeks the official cause of death. This was not a modification of the Request, but simply a permissible narrowing. Therefore, because the Office has satisfied the only remaining portion of the properly narrowed appeal, it is **dismissed as moot**. *See Kutztown Univ. of Pa. v. Bollinger*, 2019 Pa. Commw. Unpub. LEXIS 521 (holding that an appeal is properly dismissed as moot where no controversy remains).

² The Requester provided the OOR with additional time to issue a final determination in this matter. *See* 65 P.S. § 67.1101(b)(1).

The file is now closed and no further action will be taken. This Final Determination is binding on the parties. Within thirty days of the mailing date of this Final Determination, either party may appeal to the Washington County Court of Common Pleas. 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 according to court rules 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.³ This Final Determination shall be placed on the OOR website at: <http://openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: May 26, 2023

/s/ Blake Eilers

Blake Eilers, Esq.
Appeals Officer

Sent to: Justin Secreti CX6506 (via regular mail); Cynthia B. Griffin (via email only) and Matthew Yancosik (via email only)

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