



FINAL DETERMINATION

DATE ISSUED AND MAILED: September 28, 2026

IN RE: *Jose Antonio Cruz v. Lehigh County District Attorney's Office*; OOR Dkt. AP 2026-4105

Upon review of the appeal filed with the Office of Open Records ("OOR") to the above-referenced docket number, it is determined that the appeal is **DENIED** for the following reason:

The Request seeks records pertaining to a criminal docket number from the Lehigh County District Attorney's Office ("District Attorney's Office"), including eyewitness statements and investigative statements from several identified individuals. The OOR is not permitted to order the disclosure of the records of judicial agencies, even if they are possessed by a local agency. 65 P.S. 67.503(a)-(b); *see also Court of Common Pleas of Lackawanna Co. v. Office of Open Records*, 2 A.3d 810, 813 (Pa. Commw. Ct. 2010) (concluding that "any record produced by a judicial employee is a record of a judicial agency," and may not be disclosed by the county); *Grine v. Centre Co.*, 138 A.3d 88 (Pa. Commw. Ct. 2016). Because the Request expressly seeks records "access to public judicial records," the OOR is unable to grant access to these records. *See generally Pa. Game Comm'n v. Fennell*, 149 A.3d 101 (Pa. Commw. Ct. 2015) (holding that the OOR must consider uncontradicted statements when construing exemptions). More information about the judiciary's public access policies can be found at <https://www.pacourts.us/public-records/public-records-policies>.¹

For this reason, the District Attorney's Office is not required to take any further action. Within thirty days of the mailing date of this Final Determination, you may appeal or petition for review with the Lehigh 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 65 P.S. § 67.1303. 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.² All documents or communications following the issuance of this Final Determination shall be sent to oor-postfd@pa.gov. This Final Determination shall be placed on the website at: <http://openrecords.pa.gov>.

Issued by:

/s/ Joshua T. Young

Senior Deputy Chief Counsel
Joshua T. Young, Esq.

Sent to: Requester; Agency Open Records Officer, Lehigh County District Attorney's Office

¹ Additionally, the OOR does not have jurisdiction to hear appeals related to criminal investigative records held by local law enforcement agencies. *See* 65 P.S. § 67.503(d)(2). Instead, appeals involving records alleged to be criminal investigative records held by a local law enforcement agency are to be heard by an appeals officer designated by the local district attorney. Here, the Requester acknowledges that he filed an appeal with the Appeals Officer for the District Attorney's Office, and that the appeal was filed with the OOR "out of an abundance of caution." Regardless, the OOR lacks jurisdiction over this matter.

² *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).