



FINAL DETERMINATION

IN THE MATTER OF	:
	:
GREGORY ROUZER,	:
Requester	:
	:
v.	: Docket No: AP 2022-0979
	:
PENNSYLVANIA DEPARTMENT OF	:
CORRECTIONS,	:
Respondent	:

On April 25, 2022, 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.* Upon review of the file, the appeal is **denied** for the reasons explained below.

On April 1, 2022, Gregory Rouzer (“Requester”), an inmate at SCI-Forest, submitted a RTKL request (“Request”) to the Pennsylvania Department of Corrections (“DOC”), seeking sentencing orders in four separate cases against him. *See Request.* On April 4, 2022, the DOC issued a response that denied the Request, stating sentencing orders are records created by the judicial system that are exempt from disclosure.

On April 25, 2022, the Requester filed an appeal with the OOR, challenging the denial and stating grounds for disclosure. The OOR invited both parties to supplement the record and directing the DOC to notify any third parties of their ability to participate in this appeal. 65 P.S. § 67.1101(c).

On May 3, 2022, the DOC submitted a position statement reiterating its argument that sentencing orders are judicial records that are not disclosable under the RTKL pursuant to 65 P.S. § 67.304. On May 3, 2022, Requester submitted a statement indicating he is in custody of the DOC, and the DOC should release the requested records to demonstrate the custody is lawful.

A record created by the judicial system is a “judicial record” and, therefore, is not a record of the DOC. *See* 65 P.S. § 67.102 (defining “record”). In *Philadelphia Dist. Attorney’s Office v. Stover*, the Commonwealth Court held “a sentencing order is a record ‘of’ the judiciary and, as such, ...is not disclosable under the RTKL.” 176 A.3d 1024, 1028 (Pa. Commw. Ct. 2017). Further, the Court found that “[t]he fact that [another agency] may possess[] – or readily obtain – a copy of the sentencing order in no way transforms the record of a judicial agency into a record of [that other agency].” *Id.* at 1029.

Here, the Request seeks sentencing orders. Because these records were created by the judiciary, they are records of the judiciary; therefore, the OOR cannot order their disclosure under the RTKL. *See, e.g., Stamps v. Pa. Dep’t of Corr.*, OOR Dkt. AP 2022-0053, 2022 PA O.O.R.D. LEXIS 227 (denying a request for a sentencing order because it is a judicial record). However, the Requester is not prohibited from obtaining any case records from the issuing court pursuant to the Unified Judicial System’s Public Access Policy.

For the foregoing reasons, the appeal is **denied**, and the DOC is not required to take any further action. This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, any party may appeal or petition for review to the Commonwealth Court of Pennsylvania. 65 P.S. § 67.1301(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. 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.¹ This Final Determination shall be placed on the website at: <https://openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: May 16, 2022

/s/ Lois P. Lara

APPEALS OFFICER
LOIS P. LARA, ESQ.

Sent to: Gregory Rouzer, HT6305 (via US Mail only)
Tara Wikhian, Esq., Counsel for the DOC (via email only)

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