



IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

MAR 04 2020
1:09 PM
JUDICIAL SERVICES
COURTROOM-2

YORK COUNTY :
Petitioner : NO. 2019-SU-003343
v. :
JOHN COYLE :
Respondent :

RULE OF APPELLANT PROCEDURE 1925(b)
CONCISE STATEMENT OF MATTERS COMPLAINED OF ON APPEAL

AND NOW, to wit, this 2nd day of March, 2020, counsel for Petitioner, in accordance with Pa.R.A.P. 1925(b) and the Court's Order of February 13, 2020, provides the following Concise Statement of Matters Complained of On Appeal.

1.

The Court erred in limiting its review to whether the additional evidence produced by York County was adequate to reverse the Opinion of the Right-To-Know Officer.

2.

Under the law, the Court was required to perform a de novo review and to provide a written decision that contained findings of facts and

conclusions of law based upon the evidence as a whole. Under the law, the Court was required to clearly and concisely explain the rational for its decision on each separate document request. The failure to do so requires the matter to be remanded for an appropriate de novo review.

3.

Simply adopting the decision of the Right-To-Know Officer does not comply with the requirements of an appropriate de novo judicial review. The County's appeal questioned the legality of the Right-To-Know Officer's opinions, not only on the facts before the officer but also on the new facts that were brought to the Court's attention in the appeal.

4.

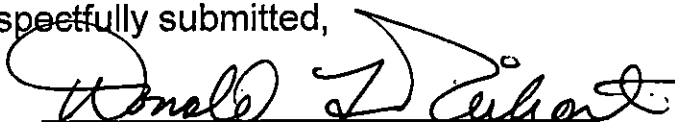
Both the record before the Right-To-Know Officer and the record that was supplemented by the second Affidavit of Warden Clair Doll established legal justification for denying the release of the information requested. The Court should have found the request involved prison operational policies and procedures included in the operation manual of the York County Prison and were for the reasons alleged in the appeal, not public documents.

5.

An appropriate legal determination based upon appropriate findings of fact and conclusions of law would have determined that the prison's operation manual and other operational policies and procedures, which had been legally designated by the Prison Board as confidential, were protected by the exemptions set forth in the Right-To-Know Law and should not be released.

Respectfully submitted,

By:



Donald L. Reihart, Esquire

Sup. Ct. I.D. #PA 07421

28 E. Market Street, 2nd Floor

York, PA 17401

Phone: (717)755-2799, (717)771-9745

Email: email@reihartlaw.com

dlreihart@yorkcountypa.gov

Assistant Solicitor for County of York,

Attorney for Petitioner York County

Date: 3/2/20

**IN THE COURT OF COMMON PLEAS OF
YORK COUNTY, PENNSYLVANIA**

YORK COUNTY	:	
Petitioner	:	NO. 2019-SU-003343
v.	:	
JOHN COYLE	:	
Respondent	:	

CERTIFICATE OF SERVICE

I, Donald L. Reihart, Esquire, hereby certify that a true and correct copy of the foregoing Concise Statement of Matters Complained of On Appeal was caused to be served on the date and in the manner shown below.

Via Hand Delivery
Honorable Richard K. Renn
York County Judicial Center
45 North George Street
York, PA 17401

Via Hand Delivery
District Court Administrator
York County Judicial Center
45 North George Street
York, PA 17401

Via First Class Mail
John J. Coyle
123 South Broad Street
Suite 2250
Philadelphia, PA 19109

Via First Class Mail

Kelly Isenberg, Esquire
Appeals Officer
Commonwealth of Pennsylvania
Office of Open Records
333 Market Street, 16th Floor
Harrisburg, PA 17101-2234

Respectfully submitted,

By: 

Donald L. Reihart, Esquire
Sup. Ct. I.D. #PA 07421
28 E. Market Street, 2nd Floor
York, PA 17401
Phone: (717)755-2799, (717)771-9745
Email: email@reihartlaw.com
dlreihart@yorkcountypa.gov
Assistant Solicitor for County of York,
Attorney for Petitioner York County

Date: 3/2/20

**IN THE COURT OF COMMON PLEAS OF
YORK COUNTY, PENNSYLVANIA**

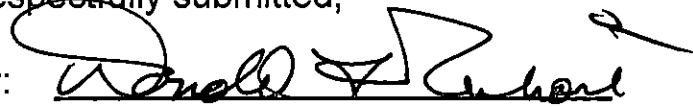
YORK COUNTY	:	
Petitioner	:	NO. 2019-SU-003343
v.	:	
JOHN COYLE	:	
Respondent	:	

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Respectfully submitted,

By:



Donald L. Reihart, Esquire
Sup. Ct. I.D. #PA 07421
28 E. Market Street, 2nd Floor
York, PA 17401
Phone: (717)755-2799, (717)771-9745
Email: email@reihartlaw.com
dlreihart@yorkcountypa.gov
Assistant Solicitor for County of York,
Attorney for Petitioner York County

Date: 3/2/20