

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

KURT DANYSH,
Petitioner

v.

COURT OF COMMON PLEAS
OF LYCOMING COUNTY,
Respondent

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No. 01848-2013

OPINION IN SUPPORT OF ORDER IN COMPLIANCE WITH RULE 1925(a)
OF THE RULES OF APPELLATE PROCEDURE

On July 23, 2013, Kurt Danysh (Petitioner) filed a Petition to Inspect Court Files and Records. On October 9, 1997, the Petitioner pled guilty to Robbery and Murder of the Third Degree in Susquehanna County. The Petitioner, an inmate at the State Correctional Institution Frackville, requested that this Court grant him permission to inspect the juvenile files of Elizabeth Bush (Bush). On March 7, 2001, Bush, a fourteen (14) year old student, shot a fellow student in the cafeteria of Bishop Neumann High School in Williamsport, Pennsylvania. Bush was subsequently adjudicated for charges that include Attempted Homicide. The Petition requested the juvenile records to “investigate the potential role that Prozac may have played in [Bush’s] case in order to support his research into the phenomena of antidepressant-induced homicide.” In addition, the Petitioner stated that the research was for research purposes to support a book.

On August 7, 2013, this Court dismissed the Petition because the Petitioner failed to attach a cover letter as required by the local rules for civil filings. See *Lyc. R.C.P.* L205.2. On August 15, 2013, the Petitioner filed a Motion for Reconsideration alleging that this Court erroneously dismissed his civil motion. On August 27, 2013, the Court considered the

Petitioner's original Petition to Inspect Court Files and Records and denied it because the Petitioner lacked a "legitimate interest in the proceeding."

On September 24, 2013, the Petitioner filed a Notice of Appeal to the Superior Court of Pennsylvania. In accordance with Pa.R.A.P. 1925(b)(1), this Court requested a concise statement of the matters complained of on appeal. In a letter sent directly to the Court, the Petitioner alleged two (2) issues: 1) the Court committed an error of law in determining that petitioner does not have a legitimate interest in the proceedings and/or in the work of the unified judicial system pursuant to 42 Pa.C.S. 6307(a)(7); and 2) the Court committed an error of law in refusing to disclose to petitioner the requested records pursuant to 42 Pa.C.S. § 6307(1)(i)(A).

The legislature of Pennsylvania has established a statute that dictates who may view or inspect juvenile files and records. The statute lists seven (7) categories of individuals that may inspect a juvenile file:

- (1) The judges, officers and professional staff of the court.
- (2) The parties of the proceeding and their counsel and representatives
- (3) A public or private agency or institution providing supervision or having custody of the child under order of the court.
- (4) A court and its probation and other officials or professional staff and the attorney for the defendant for use in preparing a presentence report in a criminal case in which the defendant is conflicted and who prior thereto had been a party to a proceeding under this chapter.
- (5) The Administrative Office of Pennsylvania Courts.
 - (6.1) The judges, officers and professional staff of courts of other jurisdiction when necessary for the discharge of their official duties.
 - (6.2) Officials of the Department of Corrections or a State Correctional Institution or other penal institution to which an individual who was previously adjudicated delinquent in a proceeding under this chapter has been committed

(6.3) A parole board, court or county probation official in considering an individual's parole or in exercising supervision over any individual who was previously adjudicated delinquent in a proceeding under this chapter

(6.4) The board for use in completing assessments.

(7) With leave of court, any other person or agency or institution having a legitimate interest in the proceeding or in the work of the unified judicial system.

42 Pa.C.S. § 6307(a).

While the statute gives specific circumstances for when juvenile files and records may be inspected, the Petitioner argues that he is entitled to access to the files because he has a "legitimate interest in the proceeding." In V.B.T., the Superior Court of Pennsylvania addressed who has a legitimate interest:

Analysis of the cited language in the context of the statutory section as a whole persuades us that the term, "person with a legitimate interest in the proceedings" in the cited subsection refers only to a person who has a direct involvement with the juvenile court proceedings or the events in question, in this case the dependency proceedings. The statutory exception to confidentiality thus does not extend to an unrelated civil plaintiff seeking information about the proceedings for purposes of prosecuting a personal injury lawsuit based on a separate incident involving the foster child.

V.B.T. v. Family Services of Western Pennsylvania, 705 A.2s 1325 (Pa. Super. 1998).

Here, the Petitioner does not have a "legitimate interest in the proceeding." The Petitioner did not have direct involvement with the juvenile court proceedings and has no relation to the juvenile. In addition, the Petitioner is an unrelated inmate at SCI Frackville serving a sentence of murder. While the Petitioner argues he is researching "antidepressant-induced homicide," this Court does not find that the legislature's intent was to include curiosity/research to the statutory exception found in 42 Pa.C.S. § 6307(a)(7).

In addition, the Petitioner cites to 42 Pa.C.S. § 6307(b)(1)(i), which states that "[t]he contents of court records and files concerning a child shall not be disclosed to the public unless any of the following apply: (i) The child has been adjudicated delinquent by a court as a result

of an act or acts committed: (A) when the child was 14 years of age or older and the conduct would be considered a felony if committed by an adult.” This Court acknowledges that the juvenile records in contention qualify under 42 Pa.C.S. § 6307(b)(1)(i) as the juvenile was fourteen (14) years old and would have committed a felony if her actions were taken as an adult. The section, however, only dictates when a Court may not disclose juvenile records. The statute does not require in any way when juvenile records must be available to the public. Along these lines, in Lycoming County, the Prothonotary has traditionally sealed all juvenile records, regardless of the age of the juvenile or the crime committed. This Court has chosen not to read language into the statute that is not there and does not find itself bound to release the juvenile records under this subsection. See Commonwealth v. Boyd, 941 A.2d 1, 5 (Pa. Super. 2007).

Finally, the Court does not believe that 42 Pa.C.S. § 6307(b)(1)(i) is relevant to the Petitioner. The statute is specifically directed towards “the public.” The Petitioner, however, is an inmate at an SCI and cannot merely walk into the Prothonotary’s Office in Lycoming County and review the Court files. As such, the Petitioner is not only requesting access to the files and records that never leave the Courthouse unless on appeal but also that this Court somehow provide them to him. This Court is unable to provide all inmates throughout this Commonwealth with court records they request, especially when they do not have a legitimate interest in the proceeding.

DATE: _____

By the Court,

Nancy L. Butts, President Judge

xc: DA
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