

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH	:	No. CR-867-2004
	:	
vs.	:	
	:	MOTION TO ENFORCE
A. M.,	:	COURT ORDER
Defendant	:	

OPINION AND ORDER

This matter came before the court on November 14, 2025 for a hearing and argument on Defendant's Motion to Enforce Court Order.

By way of background, this court granted Defendant (A.M.) a limited access order pursuant to Pa Rule of Criminal Procedure 791 and 18 Pa. C.S.A. §9122.1 as established under the Criminal History Record Information Act (CHRIA). The order specifically stated that A.M.'s criminal history record information subject to limited access shall not be disseminated to an individual, a noncriminal justice agency or an internet website and that dissemination of the defendant's criminal history be limited only to criminal justice agency or government agency as provided in the statute. In its order, the court found that although this case qualifies for a limited access order none of the exceptions under 18 Pa.C.S. § 9122(b)¹ are applicable.

The issue before the court involves a presentence motion decided by the Honorable Kenneth D. Brown which resulted in an opinion published on the Lycoming Law Association website and remains accessible despite this court's Limited Access order. Argument was held

¹ These exceptions are **(b) Court dockets, police blotters and press releases.**--Court dockets, police blotters and press releases and information contained therein shall, for the purpose of this chapter, be considered public records.

on November 14, 2025. A.M. argued that the Law Association should be bound by the limited access order and the opinion should be taken down.

Discussion

The purpose of expungement is to protect an individual from the difficulties and hardships that may result from an arrest on record including the harm to one's reputation and opportunities for advancement in life. *Commonwealth v. Butler*, 448 Pa.Super. 582, 672 A.2d 806 (1996). However, although “expungement affords an individual some protection from the difficulties and hardships that may result from an arrest on record, [it] cannot entirely protect him from the consequences of his prior actions.” *Id.* [at 809.]

Doe v. Zappala, 987 A.2d 190, 194 (Pa. Commw. Ct. 2009).

18 Pa. C.S.A. Section 9104(a) of CHRIA provides the following public records are exempt from expungement:

(1) Original records of entry compiled chronologically, including, but not limited to, police blotters and press releases that contain criminal history record information and are disseminated contemporaneous with the incident.

(2) Any documents, records or indices prepared or maintained by or filed in any court of this Commonwealth, including but not limited to the minor judiciary.

(3) Posters, announcements, or lists for identifying or apprehending fugitives or wanted persons.

(4) Announcements of executive clemency.

Section (e) of 9104 provides:

(e) Noncriminal justice agencies.--Information collected by noncriminal justice agencies and individuals from the sources identified in this section shall not be considered criminal history record information.

Here, movant requests the court to order the removal of a court opinion from the data base of the official reporter for the Lycoming Law Association. Counsel for the law association argues that they are a non-profit corporation and not part of the courts. He also

asserts that the information they have is not covered under Section 2 of the CHRIA and they are not a criminal justice agency. The Commonwealth asserts that the opinion is not criminal history information and that the opinion does not fall within the material identified by the CHRIA statute.

The defendant's reliance on 18 Pa.C.S.A. § 9104 is misplaced. Section 9104 limits the dissemination of "criminal history record information" by criminal justice agencies. A written judicial opinion is not criminal history record information. It is a public judicial record created as part of the court's duty to decide motions and maintain open judicial proceedings. It is a public record that is exempt from expungement pursuant to 18 Pa. C.S.A. §9104(a)(2) as it is a document prepared or maintained by or filed in any court of this Commonwealth. Posting the opinion on the Lycoming County reporter webpage is simply an extension of that public access function, not the release of regulated criminal history data.

The statute also does not apply because the court is not acting as a criminal justice agency when it issues or publishes an opinion. CHRIA governs the handling of arrest data, charge information, and similar law enforcement records. It does not restrict the court's constitutional authority to issue written decisions or the public's right to review them. For that reason alone, § 9122.1 cannot be used to compel removal of a judicial opinion.

The Rules of Criminal Procedure reinforce this conclusion. The comment² to Rule

²Comments are nonbinding but persuasive. See *Commonwealth v. Byrd*, 250 Pa. Super. 250, 253, 378 A.2d 921, 922 (1977):

"The Comment to Rule 1100 advises that: "A trial commences when the trial judge determines that the parties are present and directs them to proceed for voir dire, or to opening argument, or to the hearing of any motions which had been reserved for the time of trial, or to the taking of testimony or to some other such first step in trial." (emphasis added) Although the comments to our procedural rules are not binding upon us, they often serve as effective aids in the interpretation of those rules. We find the Comment definition of trial commencement both persuasive and applicable in the instant situation."

578 states “All motions filed pursuant to this rule are public records. However, in addition to restrictions placed by law and rule on the disclosure of confidential information, the motions are subject to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* and may require further precautions, such as placing certain types of information³ in a “Confidential Information Form.” See Rule 113.1.” Although the motion and opinion in question is not a pretrial motion, Pa.R.Crim.P. Rule 580 requires the court to dispose of motions through an order accompanied by an opinion that explains the ruling and cites the supporting record and legal authority. The rule exists to promote transparency, consistency, and meaningful appellate review. When the court publishes an opinion on the county reporter website, it is doing exactly what Rule 580 requires. It is creating an accessible written explanation of its decision. Because the Rules mandate the opinion and its availability, the court finds that its publication cannot be restricted by 18 Pa. C.S.A. § 9122.1.

The Commonwealth Court in *Doe v. Zappala*, 987 A.2d 190 (Pa. Commw. Ct. 2009), confirms the point. Doe held that CHRIA does not govern materials produced by a court in its adjudicatory capacity. A written opinion required by Rule 580 and posted on the county’s official reporter webpage is a direct product of that judicial function. Under *Doe*, it falls outside CHRIA, and § 9122.1 cannot be invoked to demand its removal.

Finally, section 9104(e) has determined that certain information held by noncriminal justice agencies also does not fall under CHRIA. A posted trial court opinion stands in the same posture as opinions published in the official reporters of the Superior Court,

³ The information considered to be confidential is an official identifying number or information such as date of birth, social security number, driver license number. See *Case Records Public Access Policy of the Unified Judicial System of the Commonwealth of Pennsylvania*.

Commonwealth Court, Supreme Court, or even in a newspaper reporting on court decisions. These are standard methods of making judicial rulings publicly accessible and are not criminal justice agencies. Since none of them convert a judicial opinion into criminal history information, none of them fall within CHRIA's reach. The Lycoming Law Association is not a criminal justice agency and is excepted from the enforcement of 9122.1 by 9104(e). The opinion posted on the website was collected from sources identified in section 9104, specifically the opinion posted on the website was collected from documents prepared, maintained or filed by a court in this Commonwealth. Therefore, it shall not be considered criminal history record information.

Conclusion

For the foregoing reasons, the court finds that defendant's request fails as a matter of law. The court acted squarely within its judicial authority, and the posted opinion is a public judicial record that the county reporter is permitted to publish and shall remain despite the limited access order issued under 18 Pa. C.S.A. § 9122.1.

ORDER

AND NOW, this 21st day of November, 2025, upon consideration of Defendant's Motion to Enforce Court Order, the Motion is DENIED.

By The Court,

Nancy L. Butts, President Judge

cc: Andrea Pulizzi, Esq.
 Austin White, Esq. for the Lycoming Law Association
 Jessica Feese, Esq. (ADA)
 Jerri Rook

NLB/