

STEPHEN A. ZAPPALA, JR.  
DISTRICT ATTORNEY



OFFICE OF THE DISTRICT ATTORNEY

# County of Allegheny

436 GRANT STREET, 401 COURTHOUSE ♦ PITTSBURGH, PENNSYLVANIA 15219-2489  
PHONE (412) 350-4377 ♦ FAX (412) 350-3312

Ms. Kimberly Lucas  
P.O. Box 213  
Muse, PA 15350

March 4, 2022

Laurence J. Christian  
Open Records Officer  
Municipality of Bethel Park  
5100 West Liberty Avenue  
Bethel Park, PA 15102

In re: Right to Know Law Appeal; AP 2022-00543

Dear Ms. Lucas and Open Records Officer Christian:

I am the Open Records Appeals officer for Allegheny County. As you know, the Office of Open Records (OOR) referred the present case to me to determine whether the Agency properly invoked the criminal investigative exemption in denying Ms. Lucas' request for the following items:

Police Report, Complaint, Incident Report, Lab Results for Drug Screen for D.U.I./D.W.I., Printed transcript Records, All Documents for D.U.I. Case-for DANIEL ROBERT CORDERA D.O.B. 10/17/1984 Arrest Date-11/02/2021 Issued/File Date: 11/04/2021 Arresting Dept. Bethel Park Complaint No:ASAP-607525 Incident No: 20211019M7083 OTN G 898600-3 Docket Transcript Printed 1/13/2022 Docket MJ-05220-CR-0000348-2021

*See Request sent by Ms. Lucas to Municipality of Bethel Park, dated 1/31/22.*

In denying the request Mr. Christian stated, *inter alia*, the following:

The Municipality has completed its review of your Request and your Request for these reports is denied pursuant to Section 708(b)(16) of the RTKL which exempts from disclosure a "record of an agency relating to or resulting in a criminal investigation, including: . . . [i]nvestigative materials, notes, correspondence, videos and reports." 65 P.S. §67.708(b)(16) (emphasis added).

"Investigative material" is defined in the Criminal History Record Information Act ("CHRIA"), 18 Pa. C.S. §§ 9101-9183, as "information assembled as a result of the performance of any inquiry, formal or informal, into a criminal incident or an allegation of criminal wrongdoing and may include modus operandi information." 18 Pa. C.S. §9102. The Commonwealth Court has previously concluded that material exempt from disclosure as "criminal investigative information" under the RTKL includes police incident reports and the witness statements contained therein. See e.g., Barros v. Martin, 92 A.3d 1243, 1250 (Pa. Cmwlt. 2014) (criminal complaint file, forensic lab reports, polygraph reports and witness statements rise to level of criminal investigative information exempt from disclosure); Pennsylvania State Police v. Office of Open Records, 5 A.3d 473, 478-79 (Pa. Cmwlt. 2010) (incident report prepared by police with notes of interviews of alleged victim and perpetrators assembled during investigation exempt as criminal investigative information).

Because this report relates to a criminal investigation, they are exempt under Section 708(b)(16) and your Request is denied. Criminal investigative records remain exempt from disclosure under the RTKL even after the investigation is completed. Barrios v. Martin, 92 A.3d 1243, 1250 (Pa. Cmwlt. Ct. 2014).

*See letter dated 2/25/22 (emphasis in original).*

Under 65 P.S. §67.708(b)(16) the following records are exempt from disclosure:

- (16) A record of an agency relating to or resulting in a criminal investigation, including:
- (i) Complaints of potential criminal conduct other than a private criminal complaint.
  - (ii) Investigative materials, notes, correspondence, videos and reports.
  - (iii) A record that includes the identity of a confidential source or the identity of a suspect who has not been charged with an offense to whom confidentiality has been promised.
  - (iv) A record that includes information made confidential by law or court order.
  - (v) Victim information, including any information that would jeopardize the safety of the victim.
  - (vi) A record that if disclosed, would do any of the following:
    - (A) Reveal the institution, progress or result of a criminal investigation, except the filing of criminal charges.
    - (B) Deprive a person of the right to a fair or an impartial adjudication.
    - (C) Impair the ability to locate a defendant or codefendant.
    - (D) Hinder an agency's ability to secure an arrest, prosecution or conviction.
    - (E) Endanger the life or physical safety of an individual.

As the Office of Open Records explained in *Jones v. Pennsylvania Game Commission*, OOR Dkt. AP 2009-0196 even records pertaining to a closed criminal investigation remain protected because Section 708(b)(16) expressly protects records relating to the result of a criminal investigation and thus remain protected even after the investigation ends. See also, *State Police v. Office of Open Records*, 5 A.3d 473 (Pa. Cmwlth. 2010); *Sherry v. Radnor Twp. School District*, 20 A.3d 515 (Pa. Cmwlth. 2011).

I understand Ms. Lucas' frustration:

I want to be honest with you, I'm not sure why I am having issues receiving these records. The law is the law and it's my right to request these records. I'm not trying to be impolite. I feel with these 2 statements that are untrue . . . we are already off to a bad start. I have no problem retaining counsel to handle this matter.

The reason why I am being so persistent on this matter is because my child is (sic) the car with her father (Daniel Cordera) every weekend. I am worried for the safety of my daughter, if he is using drugs or drinking again. I would like this paragraph and the correspondence between you and I to be on the record. I want to be clear about being a concerned parent so you can understand where I am coming from.

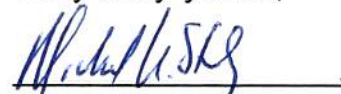
*See email correspondence dated 2/17/22.*

Under §703 of the Right To Know Law (RTKL) a requestor's intent or reason for requesting a record is not a factor that can be considered. I note this because I have been the Appeals Officer for Allegheny County since the law was enacted and I have seen many instances where I felt that individuals should have been given records that I found to be exempt: a parent whose child committed suicide and wanted the police report to bring closure; a homeowner wanting a police report of a burglary or theft to provide to their insurance company. Pennsylvania's RTKL is simply not as broad as the Commonwealth's citizens believe it to be, and towards that end, it should probably be amended. The law lets us all request, but it doesn't give us all access to what we would like to have accessible.

As both a prosecutor and the Appeals officer, I have access to documents that have now been filed in the Court of Common Pleas regarding this request. Specifically, I have been able to access the Magistrate's Docket and the Trial Court Docket in the case of Commonwealth v. Daniel Cordera. At this writing, they are public court documents located in the Department of Court Records, Allegheny County Court of Common Pleas, Criminal Division. I have printed those out and have included them herein. I have no authority to provide the other requested items however, as they are indeed, exempt as criminal investigative materials.

As a result, I must decline Ms. Lucas' request and affirm the denial of access. Please be advised that pursuant to Section 65 P.S. §67.1302 the parties have 30 days to appeal my decision to the Court of Common Pleas of Allegheny County. I want to thank all parties for their cooperation.

Very truly yours,



Michael W. Streily  
Deputy District Attorney  
Open Records Appeals Officer

# Magisterial District Judge 05-2-20

## DOCKET

Docket Number: MJ-05220-CR-0000348-2021

## Criminal Docket



Commonwealth of Pennsylvania  
v.  
Daniel Robert Cordera

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### CASE INFORMATION

<u>Judge Assigned:</u>	Magisterial District Judge Ronald A. Arnoni	<u>Issue Date:</u>	11/02/2021
<u>OTN:</u>	G 898600-3	<u>File Date:</u>	11/02/2021
<u>Arresting Agency:</u>	Bethel Park Police Dept	<u>Arrest Date:</u>	11/04/2021
<u>Complaint No.:</u>	ASAP-607525	<u>Incident No.:</u>	20211019M7083
<u>Disposition:</u>	Waived for Court	<u>Disposition Date:</u>	01/13/2022
<u>County:</u>	Allegheny	<u>Township:</u>	Bethel Park Borough
<u>Case Status:</u>	Closed		

### STATUS INFORMATION

<u>Case Status</u>	<u>Status Date</u>	<u>Processing Status</u>
Closed	01/21/2022	Case Transferred to Court of Common Pleas
	01/13/2022	Completed
	11/02/2021	Awaiting Preliminary Hearing

### CALENDAR EVENTS

<u>Case Calendar</u>	<u>Schedule</u>			<u>Judge Name</u>	<u>Schedule</u>
<u>Event Type</u>	<u>Start Date</u>	<u>Start Time</u>	<u>Room</u>		<u>Status</u>
Preliminary Hearing	12/02/2021	1:00 pm		Magisterial District Judge Ronald A. Arnoni	Continued
Preliminary Hearing	01/13/2022	1:00 pm		Magisterial District Judge Ronald A. Arnoni	Scheduled
Formal Arraignment	03/03/2022	11:00 am	519 Courthouse		Scheduled

### DEFENDANT INFORMATION

<u>Name:</u>	Cordera, Daniel Robert	<u>Sex:</u>	Male
<u>Date of Birth:</u>	10/17/1984	<u>Race:</u>	White
<u>Address(es):</u>			
<u>Home</u>			
Pittsburgh, PA 15236			

Advised of His Right to Apply for Assignment of Counsel?	No
Public Defender Requested by the Defendant?	No
Application Provided for Appointment of Public Defender?	No
Has the Defendant Been Fingerprinted?	

# Magisterial District Judge 05-2-20

## DOCKET

Docket Number: MJ-05220-CR-0000348-2021

## Criminal Docket



Commonwealth of Pennsylvania  
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Daniel Robert Cordera

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## CASE PARTICIPANTS

<u>Participant Type</u>	<u>Participant Name</u>
Arresting Officer	Alward, Cody P.
Defendant	Cordera, Daniel Robert

## BAIL

<u>Bail Action Type</u>	<u>Bail Action Date</u>	<u>Bail Type</u>	<u>Percentage</u>	<u>Amount</u>	<u>Nebbia Status: None</u>
Set	01/13/2022	Nonmonetary		\$0.00	

## CHARGES

<u># Charge</u>	<u>Grade</u>	<u>Description</u>	<u>Offense Dt.</u>	<u>Disposition</u>
1 75 § 3802 §§ D2*	M	DUI: Controlled Substance - Impaired Ability - 1st Offense	10/19/2021	Waived for Court
2 75 § 1501 §§ A	S	Driving W/O A License	10/19/2021	Withdrawn
3 75 § 3309 §§ 1	S	Disregard Traffic Lane (Single)	10/19/2021	Waived for Court
4 75 § 3361	S	Driving at Safe Speed	10/19/2021	Waived for Court
5 75 § 3802 §§ D1*		DUI: Controlled Substance or Metabolite 1st Offense	10/19/2021	Waived for Court

## DISPOSITION / SENTENCING DETAILS

<u>Case Disposition</u>	<u>Disposition Date</u>	<u>Was Defendant Present?</u>
Waived for Court	01/13/2022	Yes

<u>Offense Seq./Description</u>	<u>Offense Disposition</u>
1 DUI: Controlled Substance - Impaired Ability - 1st Offense	Waived for Court
2 Driving W/O A License	Withdrawn
3 Disregard Traffic Lane (Single)	Waived for Court
4 Driving at Safe Speed	Waived for Court
5 DUI: Controlled Substance or Metabolite 1st Offense	Waived for Court

# Magisterial District Judge 05-2-20

## DOCKET

Docket Number: MJ-05220-CR-0000348-2021

## Criminal Docket



Commonwealth of Pennsylvania  
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Daniel Robert Cordera

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### ATTORNEY INFORMATION

#### Public Defender

Name: Michael Dewitt Barry, Esq.

Representing: Cordera, Daniel Robert

Counsel Status: Active

Supreme Court No.: 330589

Phone No.: 412-350-2400

Address: Allegheny County Public Defender's Office  
542 Forbes Ave # 400  
Pittsburgh, PA 15219

### DOCKET ENTRY INFORMATION

<u>Filed Date</u>	<u>Entry</u>	<u>Filter</u>	<u>Applies To</u>
01/13/2022	Waiver of Preliminary Hearing	Daniel Robert Cordera	Daniel Robert Cordera, Defendant
01/13/2022	Waived for Court	Magisterial District Judge Ronald A. Arnoni	Daniel Robert Cordera, Defendant
01/13/2022	Docket Transcript Printed	Magisterial District Court 05-2-20	Daniel Robert Cordera, Defendant
11/25/2021	First Class Summons Accepted	Magisterial District Court 05-2-20	Daniel Robert Cordera, Defendant
11/22/2021	Fingerprint Order Issued	Magisterial District Court 05-2-20	Daniel Robert Cordera, Defendant
11/06/2021	Certified Summons Accepted	Magisterial District Court 05-2-20	Daniel Robert Cordera, Defendant
11/04/2021	Fingerprint Order Issued	Magisterial District Court 05-2-20	Daniel Robert Cordera, Defendant
11/04/2021	Summons Issued	Magisterial District Court 05-2-20	Daniel Robert Cordera, Defendant
11/04/2021	Certified Summons Issued	Magisterial District Court 05-2-20	Daniel Robert Cordera, Defendant
11/04/2021	First Class Summons Issued	Magisterial District Court 05-2-20	Daniel Robert Cordera, Defendant
11/02/2021	Criminal Complaint Filed	Magisterial District Court 05-2-20	

# COURT OF COMMON PLEAS OF ALLEGHENY COUNTY

## DOCKET



Docket Number: CP-02-CR-0000376-2022

### CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

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v.

Daniel Robert Cordera

#### CASE INFORMATION

<u>Judge Assigned:</u> Caulfield, Thomas P.	<u>Date Filed:</u> 01/21/2022	<u>Initiation Date:</u> 11/02/2021
<u>OTN:</u> G 898600-3 <u>LOTN:</u>	<u>Originating Docket No:</u> MJ-05220-CR-0000348-2021	
<u>Initial Issuing Authority:</u> Ronald Arnoni	<u>Final Issuing Authority:</u> Ronald Arnoni	
<u>Arresting Agency:</u> Bethel Park Police Dept	<u>Arresting Officer:</u> Alward, Cody P.	
<u>Complaint/Citation No.:</u> ASAP-607525	<u>Incident Number:</u> 20211019M7083	
<u>Case Local Number Type(s)</u>	<u>Case Local Number(s)</u>	

#### STATUS INFORMATION

<u>Case Status:</u> Active	<u>Status Date</u>	<u>Processing Status</u>	<u>Arrest Date:</u> 11/04/2021
	03/03/2022	Awaiting Phoenix Conference	
	01/21/2022	Awaiting Formal Arraignment	
	01/21/2022	Awaiting Filing of Information	

Complaint Date: 11/02/2021

#### CALENDAR EVENTS

<u>Case Calendar</u>	<u>Schedule</u>	<u>Start</u>	<u>Room</u>	<u>Judge Name</u>	<u>Schedule</u>
<u>Event Type</u>	<u>Start Date</u>	<u>Time</u>			<u>Status</u>
Formal Arraignment	03/03/2022	11:00 am	519 Courthouse		Scheduled
Phoenix Docket Conference	04/12/2022	8:30 am	Courtroom 516	Judge Thomas P. Caulfield	Scheduled

#### DEFENDANT INFORMATION

Date Of Birth: 10/17/1984      City/State/Zip: Pittsburgh, PA 15236

Alias Name

Cordera, Daniel  
Cordera, Daniel  
Cordera, Daniel R.

#### CASE PARTICIPANTS

<u>Participant Type</u>	<u>Name</u>
Defendant	Cordera, Daniel Robert

#### BAIL INFORMATION

Cordera, Daniel Robert      Nebbia Status: None

<u>Bail Action</u>	<u>Date</u>	<u>Bail Type</u>	<u>Percentage</u>	<u>Amount</u>	<u>Bail Posting Status</u>	<u>Posting Date</u>
Set	01/13/2022	Nonmonetary		\$0.00		

#### CHARGES

<u>Seq.</u>	<u>Orig Seq.</u>	<u>Grade</u>	<u>Statute</u>	<u>Statute Description</u>	<u>Offense Dt.</u>	<u>OTN</u>
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# COURT OF COMMON PLEAS OF ALLEGHENY COUNTY

## DOCKET



Docket Number: CP-02-CR-0000376-2022  
**CRIMINAL DOCKET**

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### CHARGES

<u>Seq.</u>	<u>Orig Seq.</u>	<u>Grade</u>	<u>Statute</u>	<u>Statute Description</u>	<u>Offense Dt.</u>	<u>QTN</u>
1	6	M	75 § 3802 §§ D1*	DUI: Controlled Substance or Metabolite 1st Offense	10/19/2021	G 898600-3
2	1	M	75 § 3802 §§ D2*	DUI: Controlled Substance - Impaired Ability - 1st Offense	10/19/2021	G 898600-3
3	4	S	75 § 3361	Driving at Safe Speed	10/19/2021	G 898600-3
4	3	S	75 § 3309 §§ 1	Disregard Traffic Lane (Single)	10/19/2021	G 898600-3
99,999	5		75 § 3802 §§ D1*	DUI: Controlled Substance or Metabolite 1st Offense	10/19/2021	G 898600-3
99,999	2	S	75 § 1501 §§ A	Driving W/O A License	10/19/2021	G 898600-3

### DISPOSITION SENTENCING/PENALTIES

Disposition

<u>Case Event</u>	<u>Disposition Date</u>	<u>Final Disposition</u>	
<u>Sequence/Description</u>	<u>Offense Disposition</u>	<u>Grade</u>	<u>Section</u>
<u>Sentencing Judge</u>	<u>Sentence Date</u>	<u>Credit For Time Served</u>	
<u>Sentence/Diversion Program Type</u>	<u>Incarceration/Diversionary Period</u>	<u>Start Date</u>	
<u>Sentence Conditions</u>			
<b>Waived for Court (Lower Court)</b>	<b>Defendant Was Present</b>		
Lower Court Disposition	01/13/2022	Not Final	
2 / DUI: Controlled Substance - Impaired Ability - 1st Offense	Waived for Court (Lower Court)	M	75 § 3802 §§ D2*
3 / Driving at Safe Speed	Waived for Court (Lower Court)	S	75 § 3361
4 / Disregard Traffic Lane (Single)	Waived for Court (Lower Court)	S	75 § 3309 §§ 1
99,999 / Driving W/O A License	Withdrawn (Lower Court)	S	75 § 1501 §§ A
99,999 / DUI: Controlled Substance or Metabolite 1st Offense	Waived for Court (Lower Court)		75 § 3802 §§ D1*
<b>Proceed to Court</b>	<b>Defendant Was Not Present</b>		
Information Filed	02/24/2022	Not Final	
1 / DUI: Controlled Substance or Metabolite 1st Offense	Replacement by Information	M	75 § 3802 §§ D1*
2 / DUI: Controlled Substance - Impaired Ability - 1st Offense	Proceed to Court	M	75 § 3802 §§ D2*
3 / Driving at Safe Speed	Proceed to Court	S	75 § 3361
4 / Disregard Traffic Lane (Single)	Proceed to Court	S	75 § 3309 §§ 1
99,999 / Driving W/O A License	Withdrawn	S	75 § 1501 §§ A
99,999 / DUI: Controlled Substance or Metabolite 1st Offense	Charge Changed		75 § 3802 §§ D1*
Replaced by 75 § 3802 §§ D1*, DUI: Controlled Substance or Metabolite 1st Offense			

# COURT OF COMMON PLEAS OF ALLEGHENY COUNTY

## DOCKET



Docket Number: CP-02-CR-0000376-2022  
**CRIMINAL DOCKET**

Court Case

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Daniel Robert Cordera

**COMMONWEALTH INFORMATION**

Name: Allegheny County District Attorney's  
Office, Criminal Division  
Prosecutor

Supreme Court No:

Phone Number(s):  
412-350-4403 (Phone)

Address:

436 Grant Street  
Allegheny County Court House  
Pittsburgh, PA 15219

**ATTORNEY INFORMATION**

Name: Michael Dewitt Barry \*  
Public Defender

Supreme Court No: 330589

Rep. Status: Lower Court

Phone Number(s):  
412-350-2400 (Phone)

Address:

Allegheny County Public Defender's Office  
542 Forbes Ave # 400  
Pittsburgh, PA 15219

Representing: Cordera, Daniel Robert

\* Entry of Appearance Not Filed

**ENTRIES**

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
1	01/13/2022		Armoni, Ronald
Bail Set - Cordera, Daniel Robert			
1	01/21/2022		Court of Common Pleas - Allegheny County
Original Papers Received from Lower Court			
Allegheny County District Attorney's Office, Criminal Division			
01/21/2022	eService		Served
2	01/21/2022		Criminal Division - Allegheny
Formal Arraignment Scheduled 03/03/2022 11:00AM			
Allegheny County District Attorney's Office, Criminal Division			
01/21/2022	eService		Served
1	02/24/2022		Allegheny County District Attorney's Office
Guideline Sentence Form			
Allegheny County District Attorney's Office, Criminal Division			
02/24/2022	eService		Served
2	02/24/2022		Commonwealth of Pennsylvania
Information Filed			
Allegheny County District Attorney's Office, Criminal Division			

# COURT OF COMMON PLEAS OF ALLEGHENY COUNTY

## DOCKET

Docket Number: CP-02-CR-0000376-2022

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#### ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
<u>Service To</u>		<u>Service By</u>	
<u>Issue Date</u>	<u>Service Type</u>	<u>Status Date</u>	<u>Service Status</u>
02/24/2022	eService		Served