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PENNSYLVANIA
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MOTION TO RECONSIDER FINAL DETERMINATION

In The Matter Of: : Docket No. AP 2009-0941
: :
Anthony Dickerson :
Appellant :
Vs. :
: :
Pennsylvania Board Of :
Probation & Parole :
Respondent :

ANALYSIS

On December 2, 2009 appeals officers Audrey Buglione, Esq. denied Appellants appeal seeking disclosure of records/documents regarding legal custody described in 37 Pa. Code § 61.2. Said appeals officer state at page (3) that the Respondent provided all documents available for disclosure in relation to legal custody pursuant to 37 Pa. Code § 61.2.

To the contrary, the Respondent provided only copies of past Board decisions. A Board decision is a product of a hearing to determine if the prisoner suitable to be released back into society. It is not a document or record which establishes legal custody over Appellants body or estate. Custody is established before a prisoner is placed under the supervision of penal authorities.

There must be a record/document in the possession of the Respondent, under seal, marking and/or initiating legal custody of the Appellant. Said document must mark both the beginning and ending of parole commission and authority over Appellant.

If this document does not exist Appellant is entitled to a affidavit from the Board Secretary stating in clear terms that no documentation in relation to the aforesaid exist.

Appellant ask that you reconsider your final determination and order the Respondent to disclose legal custody documents or provide proof by affidavit said documents don't exist.

Respectfully Submitted,

/s/ 
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Date: 12.9.2009

CC: FILE



VIA FIRST CLASS US MAIL

December 17, 2009

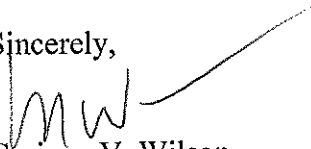
Mr. Anthony Dickerson
Box 7544
SCI-Collegeville
Route 29 Gravel Pike
Collegeville, PA 19426

RE: Petition for Reconsideration received December 9, 2009, OOR Dkt.
AP 2009-0941

Dear Mr. Dickerson:

We are in receipt of your Petition for Reconsideration dated December 9, 2009 in connection with the Office of Open Records Final Determination in *Anthony Dickerson v. Pennsylvania Board of Probation and Parole*, OOR Dkt. AP 2009- 0941. We hereby deny your Petition.

Sincerely,



Corinna V. Wilson
Chief Counsel

cc: Terry Mutchler, Executive Director, Office of Open Records
Emily Sanso, Deputy Agency Open Records Officers, PBPP