

03-1033-CD
MICHAEL DEAN

vs. DEPARTMENT OF CORRECTIONS

WILLIAM A. SHAW

PROTHONOTARY
AND
CLERK OF COURT

JACQUELINE KENDRICK

DEPUTY PROTHONOTARY

CLEARFIELD COUNTY



DAVID S. AMMERMANN

SOLICITOR

P.O. Box 549
CLEARFIELD, PENNSYLVANIA 16830
(814) 765-2641 Ext. 1330
FAX(814)-765-7659

AUGUST 5, 2003

MICHAEL DEAN
VS
DEPARTMENT OF CORRECTIONS
2003-1033-CD

DEAR MR. DEAN:

PLEASE BE ADVISED THAT THE ACTION YOU FILED TO THE ABOVE TERM AND NUMBER HAS BEEN STRICKEN EFFECTIVE AUGUST 5, 2003. YOU MAY NOT PROCEED WITH THIS ACTION WITHOUT GOOD CAUSE FROM THE COURT.

William A. Shaw, Prothonotary

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

MICHAEL DEAN
Petitioner

:
398 MD 2003

VS.
: Grievance # 43896

DEPARTMENT OF CORRECTIONS
Respondent
:
2003-1033-CD

PETITION TO PROCEED IN FORMA PAUPERIS

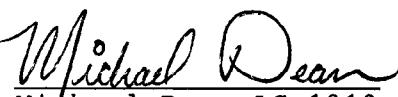
TO THE HONORABLE JUDGES OF SAID COURT:

The Petitioner, Michael Dean, respectfully represents that:

1. The address of the Petitioner is P.O. Box 1000, Houtzdale, Pa. 16698-1000.
2. The address of the Respondent is 2520 Lisburn Road, Camp Hill, Pa. 17001-0598.
3. Petitioner has been incarcerated 21 years, and has no income.
4. If denied this right of review, Petitioner will suffer much hardship and injustice.

WHEREFORE, Petitioner prays the Honorable Court to Grant Petitioner's Petition for Review, and allow Petitioner Permission to proceed In Forma Pauperis, without the necessity of paying any cost thereof.

Dated: June 6, 2003


Michael Dean AS-1919
Pro-Se

ORIGIN
TO CJA

FILED

JUL 15 2003
m/3:30/03
William A. Shaw
Prothonotary/Clerk of Courts
no corr

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MICHAEL DEAN

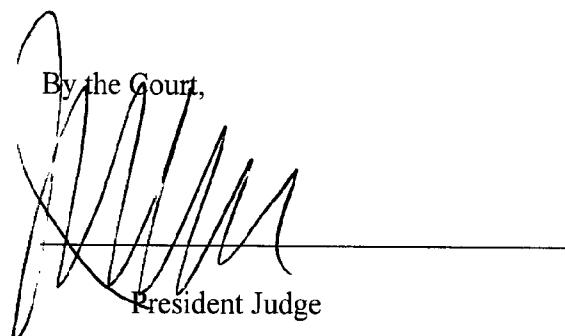
-vs-

DEPARTMENT OF CORRECTIONS

03-1033-CD
Misc. Dkt.

ORDER

NOW, this 16th day of July, 2003, upon consideration of Application for In Forma Pauperis status filed on behalf of Michael Dean, it is the ORDER of this Court that in forma pauperis status is REFUSED.

By the Court,

President Judge

JUL 17 2003

William A. Shaw
Prothonotary

Rew

1CC Michael Sean w/ IT refused letter

AS-1919

DCI. Hantecode

Po Box 1000

Hantecode, PA 146098 1000

11/11/03
JL 11/11/03
William A. Shaw
Pennsylvanian

1CC Michael Sean

Office of Chief Counsel

55 Utley Drive

Camp Hill, PA 17011

OFFICE OF PROTHONOTARY AND CLERK OF COURTS

WILLIAM A. SHAW

PROTHONOTARY
AND
CLERK OF COURT

JACQUELINE KENDRICK

DEPUTY PROTHONOTARY

CLEARFIELD COUNTY



DAVID S. AMMERMAN

SOLICITOR

P.O. Box 549
CLEARFIELD, PENNSYLVANIA 16830
(814) 765-2641 Ext. 1330
FAX(814)-765-7659

July 17, 2003

Michael Dean
AS-1919
SCI-Houtzdale
PO Box 1000
Houtzdale, PA 16698-1000

RE: Civil Complaint, 03-1033-CD

Dear Mr. Dean:

Please be advised that your Petition to Proceed In Forma Pauperis in the above case has been denied by the Court.

You may proceed with this action by submitting the \$85.00 filing fee with this office along with a copy of this letter.

A certified copy of the Court's Order is enclosed. According to the Rules of Civil Procedure, the Prothonotary's Office may strike your filing if payment is not received in full within ten (10) working days from the date of this letter.

Sincerely,

William A. Shaw
Prothonotary/Clerk of Courts

Enclosures

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

MICHAEL DEAN : 398 MD 2003
Petitioner
VS. : Grievance # 43896
DEPARTMENT OF CORRECTIONS : 03-1033-CD
Respondent

+

PETITION FOR REVIEW
NATURE OF MONETARY DAMAGES

1. Petitioner Originally requested replacement of his destroyed footlocker through DOC grievance policy. Petitioner's Grievance was denied due to erroneous facts.
2. The above captioned matter shall be treated as a Petition for Review, addressed to this Court's original Jurisdiction. See 42 Pa. C.S.A. § 761; Pa. R.A.P. 1502.

ARGUMENT

Respondent's violated Petitioner's Constitutional rights protected by the 8th and 14th Amendments.

Respondent's knowingly and wantonly destroyed the locking and hasp mechanism on his footlocker, when locked purchased at commissary could have been opened with key from the security office. Then Respondent's attempted to cover up said destruction, by withholding CO 1 Wilk's "Report" on condition of said property, from Petitioner.

Only through Respondent's ineptness, did Petitioner receive original copy of CO 1 Wilk's "Report".

Additionally, Respondent's denial of Grievance #43896 is in error, based upon false facts.

Dated June 6, 2003

Respectfully Submitted,

Michael Dean

Michael Dean AS-1919

P.O. Box 1000

Houtzdale, Pa. 16698-1000

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

MICHAEL DEAN

Petitioner

VS.

: Grievance # 43896

DEPARTMENT OF CORRECTIONS

Respondent

O R D E R

AND NOW, this day of , 2003 it is hereby ORDERED
Petitioner's request for review of Grievance # 43896 is hereby
GRANTED.

- O R -

In the alternative Deposit \$150.00 in to Petitioner's personal prison account, \$75.00 for the replacement of said damaged footlocker, and \$75.00 for the cost of litigation and the deceit perpetrated against the Petitioner.

J.

IFP

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

MICHAEL DEAN
Petitioner

:
398 MD 2003

VS.

: Grievance # 43896

DEPARTMENT OF CORRECTIONS
Respondent

:
2003-1033-CO

PETITION TO PROCEED IN FORMA PAUPERIS

TO THE HONORABLE JUDGES OF SAID COURT:

The Petitioner, Michael Dean, respectfully represents that:

1. The address of the Petitioner is P.O. Box 1000, Houtzdale, Pa. 16698-1000.
2. The address of the Respondent is 2520 Lisburn Road, Camp Hill, Pa. 17001-0598.
3. Petitioner has been incarcerated 21 years, and has no income.
4. If denied this right of review, Petitioner will suffer much hardship and injustice.

WHEREFORE, Petitioner prays the Honorable Court to Grant Petitioner's Petition for Review, and allow Petitioner Permission to proceed In Forma Pauperis, without the necessity of paying any cost thereof.

Dated: June 6, 2003


Michael Dean AS-1919
Pro-Se

FILED

JUL 15 2003
m/3-301 way
William A. Shaw
Prothonotary/Clerk of Courts
PA

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

MICHAEL DEAN
Petitioner

VS. : Grievance # 43896

DEPARTMENT OF CORRECTIONS :
Respondent

A F F I D A V I T O F I N D I G E N C Y

1. I, Michael Dean, Petitioner in the above captioned matter, and due to my financial status, am unable to pay the fees and costs of this proceeding.

2. I am unable to obtain funds from anyone, including my family and/or associates, to pay the costs of litigation.

3. I represent that the information below, relating to my ability to pay the fees and costs, are true and correct;

- A. Name: Michael Dean
- B. Address: P.O. Box 1000, Houtzdale, Pa. 16698-1000
- C. Employment: N/A
- D. Income in the past 12 months: Approx. \$300
- E. Property owned: N/A
- F. Cash: N/A
- G. Checking Account: N/A
- H. Savings Account: N/A

4. I understand that I have a continuing obligation to inform the Court of improvement in my financial circumstances which would permit me to pay the costs herein.

5. I verify the statements made in this Affidavit are true and correct. I understand that false statements herein are made subject to the Penalties of 18 Pa. CSA § 4904, relating to unsworn falsifications to authorities.

Dated June 6, 2003



Michael Dean AS-1919
P.O. Box 1000
Houtzdale, Pa. 16698-1000

HISTORY OF THE CASE

1. On 1-14-03, Petitioner was placed into the RHU at SCI Dallas, under investigation.

2. On the night of 1-14-03, Petitioner inventoried his property received from his cell in population, i.e., C-Block cell # 12.

3. Upon receiving my footlocker at that time, CO Bower asked me the combination of my lock on said footlocker. At this time there was nothing wrong with my property. The locking hasp and mechanism were in perfect working condition.

4. Upon the completion of the inventory, my property was placed in a secured storage area.

5. On 2-10-03, at approximately 7:30 pm, I was escorted from my cell, (K B #2), in the RHU, to the RHU property room to retrieve a law book out of said footlocker.

6. Upon approaching footlocker, that had been placed upon the table in the property room, I immediately noticed the hasp and locking mechanism had been destroyed, and/or parts missing. When I opened footlocker my combination lock was found on top of the footlocker's contents.

7. I then asked of the officers present as to what had happened to my property, they all claimed they didn't know.

8. My property, namely, 1 footlocker and 2 boxes, were at all times under the care, custody and control of SCI Dallas' RHU staff. Thus, damage could have only occurred at the hands of said staff members who had or could have had access to inmates property while it was in said secured area. Never at any time after 1-14-03, did I have access to or possession thereof of said property at any time.

9. Petitioner timely filed a DC-804. See exhibit "A".

10. On 3-11-03, Petitioner received a response from area Lt. Bleich, stating, in error, that I didn't timely file grievance. Lt Bleich is in error, as I never knew property had been damaged until 2-10-03, and DC-804 was filed on 2-11-03. The next day surely is not untimely. See exhibit "B".

11. On 3-11-03, Petitioner immediately appealed Formally to Supt. Levan. See exhibit "C".

12. On 3-19-03, Petitioner received reply from Supt. Lavan, denying Petitioner's Appeal. See exhibit "D-a". Also inadvertently included with Supt. Lavan's denial was a "Report" of CO Wilk, stating at one time my property was "in good shape", although this "Report" is not dated, CO Wilk states my property at one time was "in good shape". See exhibit "E". Yet upon my discharge from SCI Dallas, my footlocker was in it's present damaged state. Had SCI Dallas' staff not mistakenly sent me the "Report" of CO Wilk, I wouldn't have conclusive evidence of proof that damage had to have occurred while my property was in storage in the RHU. See exhibit "G".

13. Petitioner timely appealed Supt. Lavan's decision to Chief Secretary Office on 3-21-03. See exhibit "F".

14. On 5-19-03, Petitioner wrote secretary inquiring decision of appeal, as I hadn't received one. See exhibit "H".

15. On 5-30-03, Petitioner received Final Review from Thomas James, Chief Secretary in Camp Hill, citing denial was a continuation of erroneous facts perpetrated by Lt. Bleich at the onset. See exhibit "B".

16. Petitioner requests this Honorable Court to find in favor of Petitioner on grounds Respondent violated Petitioner's rights protected under the 8th and 14th Amendments of the U.S. Constitution.

17. Further, Petitioner request this Honorable Court to find in favor of Petitioner on grounds Respondent defrauded Petitioner of his due process rights by deceit, in attempting to conceal CO 1 Wilks "Report" from Petitioner.

WHEREFORE, Petitioner prays this Honorable Court to Reverse Secretary's decision, which has been based upon erroneous facts, and **ORDER** the Department of Corrections to deposit \$150.00 into Petitioner's personal inmate account, \$75.00 for the cost of replacement, and \$75.00 for the cost of litigation of this issue.

Respectfully Submitted,



Michael F. Dean AS-1919

V E R I F I C A T I O N

I, Michael Dean, Pro-Se, state that the facts in the foregoing documents are true and correct upon my personal knowledge, information and belief.

These statements are made subject to the penalties of 18 Pa. C.S.A. § 4904, relating to unsworn falsification to authorities.

Dated: June 6, 2003

Respectfully, Submitted



Michael Dean AS-1919
P.O. Box 1000
Houztdale, Pa. 16998-1000

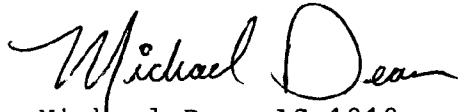
PROOF OF SERVICE

I, Michael Dean, Pro-Se, do hereby certify that on the date set forth below, I did serve a true and correct copy of the foregoing document(s), upon the below listed person, and at the following address indicated.

Sending same in the United States Mail, First Class postage pre-paid:

1. Commonwealth Court
Prothonotary
Charles R. Hostutler
621 S. Office Bldg.
Harrisburgh, Pa. 17002

Dated: June 6, 2003



Michael Dean AS-1919
P.O. Box 1000
Houtzdale, Pa. 16698-1000

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P.O. BOX 598
CAMP HILL, PA 17001-0598Page 1 of 2 Exhibit
FOR OFFICIAL USE ONLY
43896
GRIEVANCE NUMBER

"A"

OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR Mr. Kenneth Burnett	FACILITY: SGI DALLAS	DATE: 2-11-03
FROM: (INMATE NAME & NUMBER) MICHAEL DEAN A5-1919	SIGNATURE of INMATE: Michael Dean	
WORK ASSIGNMENT:	HOUSING ASSIGNMENT: K B #2	

INSTRUCTIONS:

- 1 Refer to the DC-ADM 804 for procedures on the inmate grievance system.
2. State your grievance in Block A in a brief and understandable manner.
3. List in Block B any actions you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages.

UPON MY INITIAL PLACEMENT IN THE RHU, (K-BLOCK) ON 1-14-03, I INVENTORIED MY PROPERTY THAT VERY NIGHT. (SEE DC-153 #A 268724). UPON RECEIVING MY FOOTLOCKER AT THAT TIME, C.O. BOWER ASKED ME MY LOCK COMBINATION, SO MY FOOTLOCKER CONTENTS COULD ALSO BE INVENTORIED. AT THAT TIME THE LOCKING HASP AND LOCKING MECHANISM WERE IN PERFECT WORKING CONDITIONS. ALSO NOTE, THIS LOCK WAS ALSO ACCESSIBLE TO KEY HELD IN SECURITY. UPON COMPLETION OF THE REQUIRED INVENTORY, MY PROPERTY WAS THEN PLACED IN A SECURED STORAGE AREA.

ON FEB. 10, 2003, AT APPROXIMATELY 7-7:30 PM, I WAS ESCORTED FROM MY CELL, KB #2, TO THE K-BLK PROPERTY ROOM TO RETRIEVE A LEGAL BOOK OUT OF SAID FOOTLOCKER. UPON APPROACHING MY FOOTLOCKER, THAT WAS PLACED ON THE TABLE IN PROPERTY ROOM, I IMMEDIATELY NOTICED THE HASP LOCKING MECHANISM HAD BEEN DESTROYED, AND WAS MISSING. WHEN I OPENED THE FOOTLOCKER, MY COMBINATION LOCK WAS FOUND ON TOP OF MY PROPERTY.

WHEN I INQUIRED OF THE 3 OFFICERS, SGT. KONYCKI, C.O. WICK, AND C.O. BOWER, AS TO WHAT HAD HAPPENED TO MY PROPERTY, THEY ALL RESPONDED, "WE DON'T KNOW!"

THIS PROPERTY, NAMELY, 1 FOOTLOCKER, AND 2 BOXES, WERE AT ALL TIMES UNDER THE CARE, CUSTODY, AND CONTROL OF S.C.I. DALLAS, AND/OR ITS EMPLOYEES.

WHEREBY, ANY AND ALL DAMAGES INCURRED WHILE IN THE CARE, CUSTODY AND CONTROL OF

CONT NEXT PAGE

B. List actions taken and staff you have contacted, before submitting this grievance.

I HAD ASKED THE THREE ABOVE MENTIONED OFFICERS, SGT. KONYCKI, C.O. WICK AND C.O. BOWER, ABOUT THE DAMAGE TO MY PROPERTY, ONLY TO RECEIVE A BLANKET RESPONSE OF INNOCENCE.

Your grievance has been received and will be processed in accordance with DC-ADM 804. PAGE 1 OF 2

Signature of Facility Grievance Coordinator

TOF

Property

CC - Capt Coleman
FYI - Deputy Mc Grady *2/12/2003*

Date

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P.O. BOX 598
CAMP HILL, PA 17001-0598Page 2 of 2
FOR OFFICIAL USE ONLY
43896
GRIEVANCE NUMBER

OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR <i>Mr. Kenneth Burnett</i>	FACILITY: SCI DALLAS	DATE: 2-11-03
FROM: (INMATE NAME & NUMBER) <i>Michael Dean AS-1919</i>	SIGNATURE of INMATE: <i>Michael Dean</i>	
WORK ASSIGNMENT:	HOUSING ASSIGNMENT: <i>KB - #2</i>	

INSTRUCTIONS:

- 1 Refer to the DC-ADM 804 for procedures on the inmate grievance system.
- 2 State your grievance in Block A in a brief and understandable manner.
- 3 List in Block B any actions you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages.

CONT FROM PAGE 1

K block officers, could have only transpired through the neglect of S.C.I. staff, namely K-block officers who had or could have access to inmates property while in said secured area.

NEVER AT ANY time AFTER January 14, 2003, did I have ANY care, custody, OR control over said property.

I SEEK COMPENSATION OF SAID FootLOCKERS replacement, as any property STORED in SAID Footlockers can no longer be secured, OR in the alternative, an EQUIVALENT CASH AMOUNT OF APPROXIMATELY \$50.00.

This Footlocker had been in EXCELLENT condition up until the last time I had ANY opportunity to view it, on January 14, 2003.

DUE TO ALLEGED TIME CONSTRAINTS, I wasn't afforded the ability to inventory the contents of SAID Footlocker, on February 10, 2003, AND AT PRESENT, THESE ARE LEFT IN A VULNERABLE AND UNPROTECTED STATE.

Wherefore, I ALSO RESERVE the RIGHT to pursue this matter in a COURT OF LAW, SHOULD ANY OTHER LOSSES BE LATER FOUND UPON RECEIPT OF SAID Footlocker.

B. List actions taken and staff you have contacted, before submitting this grievance.

N/A SEE PAGE 1 OF 2

Your grievance has been received and will be processed in accordance with DC-ADM 804. PAGE 2 OF 2

Mr. Burnett *cc - Capt Colman*

2/12/2003

Signature of Facility Grievance Coordinator

INMATE'S REQUEST TO STAFF MEMBER

INSTRUCTIONS

Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.

1. To: (Name and Title of Officer)

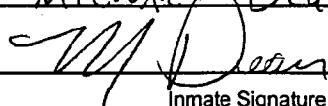
I. D. Room

2. Date:

2-25-03

3. By: (Print Inmate Name and Number)

MICHAEL Dean AS-1919



Inmate Signature

4. Counselor's Name

5. Unit Manager's Name

6. Work Assignment

7. Housing Assignment

K-B-#2

8. Subject: State your request completely but briefly. Give details.

ON JANUARY 14TH I WAS PLACED ON K-BLK, under investigation. MY CELL in POPULATION was PACKED THAT DAY. "C" BLOCK # 12.

THAT NIGHT I INVENTORIED MY PROPERTY. AT THAT TIME I HAD TO GIVE C.J. BOWER MY COMBINATION OF THE LOCK ON MY FOOTLOCKER, SO AS TO INVENTORY IT'S CONTENTS.

ON FEB. 10, 2003, I NEEDED TO RETRIEVE A LEGAL BOOK OUT OF MY PROPERTY. AT THAT TIME I NOTICED THE LOCKING HASP + MECHANISM WAS DESTROYED AND PARTS OF IT WERE MISSING. MY LOCK WAS FOUND INSIDE ON TOP OF MY PROPERTY. I HAD PERSONALLY WITNESSED THE LOCK BEING PLACED BACK ON MY FOOTLOCKER BEFORE BEING PUT IN STORAGE ON 1-14-03.

WHEN I ASKED THE 3 CO'S PRESENT, (WHO WERE THE VERY SAME CO'S PRESENT AT THE INVENTORY), WHAT HAPPENED TO MY PROPERTY. THEY TRIED TO INSIST IT WAS LIKE THAT WHEN IT CAME DOWN HERE. I KNOW IT IS HARD FOR YOU TO REMEMBER BACK THEN, BUT YOU COULD CHECK WITH MY FORMER CELLIE, LOIS RIVERT, TO VERIFY THE CONDITION OF THE FOOTLOCKER, EVEN IF JUST TO TRY TO REFRESH YOUR MEMORY. I FILED A GRIEVANCE DUE TO THE DAMAGE OF MY FOOTLOCKER. I BELIEVE THE K-BLOCK SGT IS TRYING TO IMPLY YOUR PROPS DAMAGED IT. ON JAN 14, 2003 AT INVENTORY MY LOCKER WAS IN EXCELLENT CONDITION. DO YOU MARK CONDITION OF ITEMS PACKED? cc: file

9. Response: (This Section for Staff Response Only)

To DC-14 CAR only To DC-14 CAR and DC-15 IRS

Staff Member Name _____ / _____ Date _____
Print _____ Sign _____

Form DC-135A

INMATE'S REQUEST TO STAFF MEMBER

Commonwealth of Pennsylvania
Department of Corrections

INSTRUCTIONS

Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.

1. To: (Name and Title of Officer)

F.D. Room

2. Date:

March - 4 - 03

3. By: (Print Inmate Name and Number)

M. Dean AS-1919

Michael Dean

Inmate Signature

4. Counselor's Name

5. Unit Manager's Name

6. Work Assignment

7. Housing Assignment

K.B. #2

8. Subject: State your request completely but briefly. Give details.

I had recently written to you in regards to damage that was done to my footlocker. On Jan 14, 03 my cell - C block # 12 - had been packed up. I shared this cell with Joe Rivera.

At that time, my footlocker was in near mint condition, as it was on my initial inventory on the evening of Jan. 14-03.

On Feb 10th, I received permission to retrieve a law book out of my footlocker. It was at this time I noticed the lock and sharp mechanism was missing and/or destroyed.

Upon opening said footlocker my S.C. Dollar combination lock was found on top of my property inside the footlocker.

Someone in your crew had locked my locker at the time my cell was packed.

All I'm asking for is any kind of confirmation of this fact. Possibly, Joe Rivera (number unknown) could help refresh your memory.

I await your reply.

Respectfully, M. Dean cc: J.E.

9. Response: (This Section for Staff Response Only)

To DC-14 CAR only To DC-14 CAR and DC-15 IRS

Staff Member Name _____ / _____ Date _____
 Print _____ Sign _____

C. Colemon

DC-ADM 804, Inmate Grievance System

Exhibit "B"

Attachment B

DC-804
Part 2

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P. O. BOX 598
CAMP HILL, PA 17001

OFFICIAL INMATE GRIEVANCE
INITIAL REVIEW RESPONSE

GRIEVANCE NO.

43896

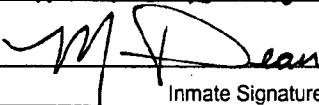
TO: (Inmate Name & DC No.)	FACILITY	HOUSING LOCATION	GRIEVANCE DATE
Desire AS1919	SC-3	HB	2/11/03

The following is a summary of my findings regarding your grievance:

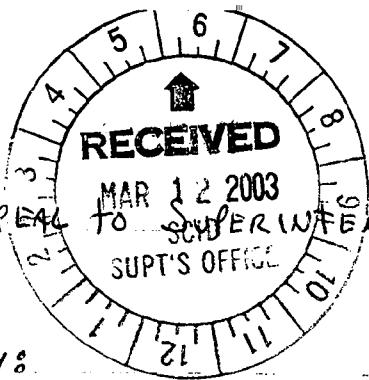
I positively concur with the version of C.L. Wilk at no time would a staff forcefully remove a lock from inmate property for inventory purposes. When this inmate had his property inventoried on 1/14/03 why didn't he give the matter. Why did he wait till 2/11/03? The inmate was present for his inventory under his own admission he would have heard or seen a Officer break the hasp on his footlocker. The inmate claims C.L. Bowers asked him for his combination of the foot locker. This grievance allegation is not believable.

Fw:Blieck 3/15/03

Print Name and Title of Grievance Officer	SIGNATURE OF GRIEVANCE OFFICER	DATE
Frw:Blieck Co3	Frw:Blieck	3/03/03

Form DC-135A INMATE'S REQUEST TO STAFF MEMBER		Commonwealth of Pennsylvania Department of Corrections
INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.		
1. To: (Name and Title of Officer) <u>SUPERINTENDENT LAVAN</u>	2. Date: <u>3-11-03</u>	
3. By: (Print Inmate Name and Number) <u>MICHAEL DEAN AS-1919</u>	4. Counselor's Name	
 Inmate Signature		5. Unit Manager's Name
6. Work Assignment	7. Housing Assignment <u>K-B #2</u>	
8. Subject: State your request completely but briefly. Give details.		
<p>PLEASE FIND THE ENCLOSED OFFICIAL FORMAL APPEAL</p> <p>to yourself, REGARDING RESPONSE to GRIEVANCE # 43896</p> <p> </p>		
9. Response: (This Section for Staff Response Only)		
<p> </p>		
To DC-14 CAR only <input type="checkbox"/>		To DC-14 CAR and DC-15 IRS <input type="checkbox"/>

Staff Member Name _____ / _____ Date _____
 Print _____ Sign _____



FORMAL APPEAL TO SUPERINTENDENT LAUAN OF GRIEVANCE #43896

BRIEF HISTORY:

AFTER my initial placement in the RHU on 1-14-03 for investigation, my property was inventoried that evening. During the inventory procedure, CO. BOWER, ASKED ME FOR MY LOCK combination that was securing my footlocker. At that time, the lock and locking hasp mechanism were in perfect working condition. Concluding the inventory, the lock was re placed on my footlocker, and my property was placed in a secured storage area.

ON 2-10-03, I RECEIVED PERMISSION TO RETRIEVE A LAW book FROM MY FOOTLOCKER. AS I ENTERED THE RHU, "BOOKING" AREA, I NOTICED MY FOOTLOCKER HAD PREVIOUSLY BEEN PLACED ON THE TABLE. I IMMEDIATELY NOTICED THE LOCK AND HASP MECHANISM WAS MISSING AND/OR DAMAGED. I THEN LOOKED TO THE THREE OFFICERS PRESENT, I.E., SGT. KONYCKI, CO. BOWER, AND CO. WILK, INQUIRING WHAT HAD HAPPENED TO MY FOOTLOCKER AND LOCK. I RECEIVED A BLANKET RESPONSE OF IGNORANCE FROM ALL, I RETRIEVED THE REQUESTED ITEM AND WAS RETURNED TO MY CELL. THE TIMELY GRIEVANCE WAS FILED, AND LATER ASSIGNED #43896.

ON 3-11-03 I RECEIVED A RESPONSE TO SAID GRIEVANCE #43896, (SEE DC-804 PART 2 ATTACHMENT) THIS RESPONSE WAS FROM LT. BLEICH. IT IS AXIOMATIC LT. BLEICH IS IN ERROR IN HIS RESPONSE WHEREAS HE STATES, "... AT NO TIME WOULD STAFF FORCEABLY REMOVE A LOCK...", IF NEVER ALLEGED ANY STAFF FORCEABLY REMOVED ANYTHING, ALL I STATED WAS FACT. MY FOOTLOCKER WAS IN NEAR MINT CONDITION ON 1-14-03, AND WAS FOUND IN ITS PRESENT DAMAGED condition on 2-11-03.

LT BLEICH FURTHER GOES ON TO MISINTERPRET THE TRUE REASON OF MY GRIEVANCE, BY CONFUSING HIS FACTS AND DATES WHEN HE STATED, "... WHEN THIS INMATE HAD HIS PROPERTY INVENTORIED ON 1-14-03, WHY DIDN'T HE GRIEVE THE MATTER..." MY ONLY RESPONSE CAN BE, BECAUSE ON 1-14-03, THERE WAS NOTHING WRONG WITH SAID FOOTLOCKER, AS WAS PLAINLY STATED ON MY ORIGINAL DC-804 PART 1, OFFICIAL INMATE GRIEVANCE,

Lt. BLEICH GOES on to state, my STATEMENT OF C.O. BOWER ASKING FOR MY LOCK combination IS NOT BELIEVABLE, thus CALLING ME A LIAR, YET, NEVER AT ANYTIME DOES HE REFER TO MY LOCK HAVING been FOUND ON TOP OF MY PROPERTY INSIDE SAID FOOTLOCKER, (SEE DC-804 PART 1). NOR DOES HE ATTEMPT TO JUSTIFY WHY WOULD I HAVE TWO LOCKS my PROPERTY?

AGAIN, MY ONLY RESPONSE WOULD BE, I WAS FOR MY WALL CABINET IN MY CELL AND THE OTHER FOR MY FOOTLOCKER.

ALL PREVIOUS STATEMENTS AND CLAIMS TOWARD DAMAGES STATED IN DC-804 PART ~~1~~ OF OFFICIAL INMATE GRIEVANCE, ARE RE-ASSERTED AT THIS TIME.

IN CONCLUSION:

This INMATE REQUESTS OF SUPERINTENDENT LAVAN to FIND THE FACTS SET FORTH IN THE ABOVE OFFICIAL, FORMAL APPEAL, to be TRUE as STATED, AND FIND FOR THE GRIEVING INMATE, Thereby REPLACING THE DAMAGED FOOTLOCKER, OR THE COST REQUIRED FOR SAID REPLACEMENT to be ACCREDITED to HIS INMATE ACCOUNT, AS ORIGINALLY REQUESTED IN DC-804 PART 1 OFFICIAL INMATE GRIEVANCE, LATER NUMBERED 43896

DATED: MARCH 11, 2003

RESPECTFULLY SUBMITTED,
Michael Dean AS-1919

MICHAEL DEAN AS-1919

1000 FOLLIES ROAD

DALLAS, PA. 18612

COMMONWEALTH OF PENNSYLVANIA
Department of Corrections
State Correctional Institution at Dallas
(570) 675-1101
March 18, 2003

**SUBJECT: APPEAL OF GRIEVANCE COORDINATOR'S DECISION
GRIEVANCE NO. 43896**

TO: Michael Dean
AS-1919
K-Block Section B

FROM: 
Tom Lavan
Superintendent

I have reviewed your grievance, the grievance coordinator's decision, and your appeal with the following results:

You were present for the inventory and did not report a problem then. The Officer denies your allegations.

Therefore, your grievance appeal is denied.

TL:jld

cc: Lt. Bleich
Mr. Burnett
DC-15
file

When this inmate made a property run the locking mechanism
was in good shape if there is a lock on front locker the
inmate opens lock himself at no time do we pry any
lock open

Jim will CUI

Form DC-135A

INMATE'S REQUEST TO STAFF MEMBER

Commonwealth of Pennsylvania
Department of Corrections

INSTRUCTIONS

Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.

1. To: (Name and Title of Officer)

Kenneth BURNETT (Grievance coordinator)

3. By: (Print Inmate Name and Number)

Michael Dean AS-1919



Inmate Signature

2. Date:

3-19-03

4. Counselor's Name

5. Unit Manager's Name

6. Work Assignment

7. Housing Assignment

K-13 #2

8. Subject: State your request completely but briefly. Give details.

*Today I received a response to grievance # 43896.**It included the two (2) original white cover pages of DC-804 Part 1, So far to date I have the white pages designated for facility Grievance Coordinator; the push - Action Return Copy, as well as; the Goldenvrod - Inmate Copy.**Hasn't this grievance been logged or is this some new process?**Respectfully*
M Dean

9. Response: (This Section for Staff Response Only)

To DC-14 CAR only To DC-14 CAR and DC-15 IRS

Staff Member Name

Print

/

Sign

Date

2

Form DC-135A INMATE'S REQUEST TO STAFF MEMBER		Commonwealth of Pennsylvania Department of Corrections
INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.		
1. To: (Name and Title of Officer) <i>Kenneth Burnett (Grievance Coordinator)</i>	2. Date: <i>3-19-03</i>	
3. By: (Print Inmate Name and Number) <i>Michael Dean AS-1919</i>	4. Counselor's Name	
<i>M. Dean</i> Inmate Signature	5. Unit Manager's Name	
6. Work Assignment	7. Housing Assignment <i>K-13 #2</i>	
8. Subject: State your request completely but briefly. Give details. <i>Today I received a response to grievance # 43896. It included the two (2) original white cover pages of DC-804 Part I, so far to date I have the white pages designated for Facility Grievance Coordinator; the pink - Action Return copy, as well as; the Goldensrod - Inmate copy.</i>		
<i>Hasn't this grievance been logged or is this some new process?</i>		
<i>Respectfully Michael Dean</i>		
9. Response: (This Section for Staff Response Only) <i>Michael Dean, Please return the white (Facility Grievance Coordinator) copy of DC-Part I, of the above grievance (#43896) to our office for our file. This grievance has been logged; however, there is a new process and this copy was inadvertently sent to you. Thank you for your cooperation. Send this copy to the attention of Mrs. Cardoni.</i>		
To DC-14 CAR only <input type="checkbox"/>		To DC-14 CAR and DC-15 IRS <input type="checkbox"/>

Staff Member Name K. BURNETT
PrintSignature K. Burnett / gae Date 3/20/03

MARCH 21, 2003

SECRETARY'S OFFICE OF
INMATE GRIEVANCES & APPEALS
2520 LISBURN RD., P.O. BOX 598
CAMP HILL, PA. 17001

IN RE: FORMAL APPEAL OF SUPERINTENDENT LAVAN'S RESPONSE TO GRIEVANCE #43896

DEAR SECRETARY,

This is MY FORMAL APPEAL to SUPT. LAVAN's decision of denying above #43896 GRIEVANCE, due to the fact his REASONING IS IN ERROR to MY TRUE REASON OF THE GRIEVANCE, SEE DC 804 PART I § A Page 1+2 MARKED EXHIBIT "A" ENCLOSED.

MY ORIGINAL COMPLAINT (GRIEVANCE #43896) § A, I feel clearly states, UPON MY INITIAL PLACEMENT IN RHU, ON 1-14-03, 1. C.O. BOWER HAD TO OPEN MY FOOTLOCKER ONLY AFTER I GAVE him MY LOCK COMBINATION. (1) at THAT TIME, MY FOOTLOCKER WAS IN PERFECT WORKING CONDITION.

IT WASN'T UNTIL 2.10.03, WHEN I RETRIEVED A LAW BOOK OUT OF MY PROPERTY, THAT I NOTICED DAMAGE had been done to MY FOOTLOCKER, AND NOT ON 1-14-03 AS LT BLEICH HAS ERONEOUSLY STATED, thus APPARENTLY LEADING SUPT. LAVAN TO FOLLOW HIS ERONEOUSLY CHOSEN DECISION.

WHEN I RECEIVED THE DENIAL OF MY APPEAL FROM SUPT. LAVAN, INCLUDED WAS A SOMEWHAT, "REPORT", OF C.O. WICK, ONE OF THE OFFICERS WHO WERE PRESENT ON BOTH DATES IN QUESTION. THIS "REPORT" (EXHIBIT D-b), STATES IN PART "... WHEN THIS INMATE MADE A PROPERTY RUN, THE LOCKING MECHANISM WAS IN GOOD SHAPE; IF THERE IS A LOCK ON THE PROPERTY, THE INMATE OPENS THE LOCK HIMSELF. AT NO TIME DO WE PRY ANY LOCK OPEN."

I FIND THIS "REPORT" (EXHIBIT D-b), IN ERROR AS WELL, BASED ON THE FACT I WAS IN CUFFS, AND C.O. BOWER OPENED LOCK. PLUS, WHILE THERE IS NO DATE ON C.O. WICK'S "REPORT" (SEE EXHIBIT D-b), THE FACT REMAINS HE DOES ADMIT MY PROPERTY "WAS IN GOOD SHAPE". SINCE I HAVE BEEN IN RHU THE ENTIRE TIME, AND MY PROPERTY I.E. FOOTLOCKER, IS NOW DAMAGED. AT ALL TIMES, S.C.I. DALLAS I.E. RHU STAFF, HAD TOTAL CARE, CUSTODY AND CONTROL OF MY PROPERTY, HOW HAS IT COME TO BE IN ITS PRESENT DAMAGED CONDITION. SURELY NO OFFICER WOULD LET ME INTENTIONALLY DESTROY OR ALTER MY PROPERTY, IN THEIR PRESENCE.

FURTHER NOTE, WHEN THE T.O. ROOM PACKED MY CELL ON 1-14-03, HAD MY FOOTLOCKER BEEN IN A DAMAGED CONDITION, SURELY IT WOULD HAVE BEEN NOTED SOMEWHERE, EVEN IF JUST FOR THEIR OWN PROTECTION. I HAVE WRITTEN THEM ON TWO OCCASIONS, TO NO AVAIL, AS I NEVER RECEIVED ANY REPLY.

MY WHOLE GRIEVANCE BOILS DOWN TO THESE SIMPLE FACTS. UPON MY PLACEMENT IN THE RHU, ON 1-14-03, MY FOOTLOCKER WAS NOT DAMAGED, WHICH CAN BE CORROBORATED, AT LEAST IN PART, BY C.O. WICK'S "REPORT" (SEE EXHIBIT D-b), AND NOW IT IS.

AT ALL TIMES FROM 1-14-03, TO THE FIRST TIME DAMAGE WAS FOUND ON 2-10-03, MY PROPERTY HAD BEEN IN THE CARE, CUSTODY AND CONTROL OF S.C.I. DALLAS' RHU EMPLOYEES.

FURTHERMORE, WHILE IRRELEVANT, THEIR REPEATED ERROR OF MY ALLEGEDLY ACCUSING ANY ONE OF INTENTIONALLY DAMAGING MY PROPERTY IS WITHOUT MERIT, AS EVIDENCED BY THE MERE FACT IT IS, AND, AS PER C.O. WICK'S "REPORT" AT ONE KNOWN TIME, MY PROPERTY WAS NOT DAMAGED. WHO ELSE, BUT SOMEONE ASSIGNED TO THE RHU STAFF HAD TO CAUSE THE KNOWN DAMAGE, EVEN IF ONLY UNINTENTIONAL.

I SEEK COMPENSATION OF SAID FOOTLOCKERS REPLACEMENT, AS IT CAN NO LONGER BE SECURED, OR IN THE ALTERNATIVE, AN EQUIVALENT CASH AMOUNT OF APPROXIMATELY \$ 50.00, SO AS TO AFFORD THIS PRISONER OPPORTUNITY TO REPLACE SAID FOOTLOCKER.

DU^E TO ALLEGED "TIME RESTRAINTS" ON 2-10-03, I WASN'T ALLOWED THE OPPORTUNITY TO RE-INVENTORY CONTENTS OF SAID FOOTLOCKER, VERBATIM, AND AT PRESENT, SAID PROPERTY IS LEFT IN A VULNERABLE AND UN-PROTECTED STATE.

WHEREFORE, I ALSO RESERVE THE RIGHT TO PURSUE THIS MATTER IN A COURT OF LAW, SHOULD ANY OTHER LOSSES BE LATER FOUND UPON RECEIPT OF SAID FOOTLOCKER.

RESPECTFULLY SUBMITTED,

Michael Dean AS-1919
Michael DEAN AS-1919
1000 FOLLIES ROAD
DALLAS, PA. 18612

TRAY

① FOOT LOCKER ② T.V.

Exhibit "G"

DC-153

INMATE PERSONAL PROPERTY INVENTORY

 Transfer Hold Initial Disposition OtherCOMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS

DC Number		Name		Method of Disposition		A287259	
115-1947		Dawn M. 41		S-Ship D-Destroy	R-Return to Inmate H-Hold for Inmate		
CLOTHING & ACCESSORIES				TOBACCO ITEMS		MISCELLANEOUS ITEMS	
ITEM	NO. METH.	ITEM	NO. METH.	ITEM	NO. METH.	ITEM	NO. METH.
Ath. Shorts	3 S	T-Shirt		Ash Tray		Bag-Laundry	
Ath. Supports		Undershirt	6 S	Cigarette Papers		Basin	
Belt	1 S	Undershorts	4 S	Cigarette Roller		Batteries	
Cap	1 S	Underwear Bot.		Cigarettes-Car.		Books	
Coat	1 S	Underwear Lg.		Cigarettes-Pkg.		Bucket	
Coat-Rain		Underwear Top		Cigars		Carbon Paper	
Coat-Top		Vest		Lighters	2 S	Checkers	
Gloves	1 S	GROOMING ITEMS		Matches		Chess	
Handkerchief	6 S			Pipe		Cup	2 S
Hat	1 S			Pipe Cleaners		Dictionary	XX
Jacket	1 S	Brush	1 S	Pipe Filters		Earphones	
Overcoat		Comb	1 S	Tobacco-Chew		Envelopes	
Pajamas		Dental Floss		Tobacco-Cig.		Erasers	
Robe		Denture Cup		Tobacco-Pipe		Extension Cord	2 S
Scarf		Dentures		Tobacco-Pouch		Eyeglass Case	2 S
Shirt	2 S	Deodorant	2 S	Tobacco-Snuff		Eyeglasses	1 S
Shoe Brush		Hair Dressing	1 S	FOOD ITEMS		Eyeglasses-Sun	
Shoe Polish		Hair Pick				Games	
Shoes-Boots		Lotion-Shave				Glass	
Shoes-Dress		Lotion-Body	5 S	Candy-Bag		Gym Bag	
Shoes-Over		Lotion-Hand		Candy-Bars		Headset	
Shoes-Shower		Mirror		Chips		Key Ring	
Shoes-Sandal		Nail Clippers	3 S	Coffee		Keys	
Shoes-Sneakers	1 S	Petroleum Jelly		Cookies		Lamp	1 S
Shoes-Tennis		Razor	6 S	Crackers		Snoring Kit	1 S
Shoes-Work		Razor Blades		Creamers		Legal Books	
Shower Cap		Shampoo	1 S	Drink Mix		Legal Material	
Slippers		Shaving Cream		Hot Chocolate		Lock	2 S
Socks	6 S	Soap	1 S	Peanuts		Loose-leaf Bnd.	
Suit		Soap Dish	2 S	Pretzels		Magazines	All S
Sweat Belt		Talcum Powder	2 S	Sugar		Neck Chain	
Sweat Pants	1 S	Toothbrush	3 S	Tea		Needles	
Sweat Shirt	1 S	Toothpaste/Pwd.				Notebook	
Sweat Suit		Towel	1 S			Pencils	All S
Sweaters		Tweezers				Ribbon	1 S
Tie		Washcloth	4 S			Pencil Shrp.	1 S
Trousers	5 S					Pens	All S
						Photo Album	Medal
						Photographs	Address Book
							Carries
ITEM	DESCRIPTION OR SERIAL NO.		NO. METH.	ITEM	DESCRIPTION OR SERIAL NO.		NO. METH.
Briefcase							
Calculator			1 S				
Footlocker	(loc with MFGN broken)		1 S				
Guitar	(loc with HESP missing)						
Guitar Case							
Guitar Strings							
Medical Bracelet							
Radio							
Ring							
T.V.	32" CRT		1 S				
T.V. Antenna	Just Cited		1 S				
Typewriter							
Typewriter Case							
Watch			3 S				
Wrist Watch			1 S				
Wrist Watch			1 S				
Wrist Watch			1 S				
Wrist Watch			1 S				
MAIL TO				Articles marked "S" mailed (signature and title)		Date mailed	
The property described above was inventoried and processed as indicated				The property above was received and processed			
Signature of Property Officer		Signature of Inmate		Signature of Property Officer		Signature of Inmate	
Institution		Date		Institution		Date	

WHITE-DC-15 AFTER ALL PROCESSING COMPLETED.

PINK-SENDING INSTITUTION COPY OR MAIL ROOM IF APPLICABLE

CANARY-INMATE COPY AFTER ALL PROCESSING COMPLETED

GOLDENROD-INMATE COPY WHEN ITEMS ARE INVENTORIED

Exhibit "H"

May 19, 2003

Secretary's Office of
Inmate Grievance & Appeals
2520 Lisburn Rd.
P.O. Box 598
Camp Hill, Pa. 17001-0598

Dear Secretary,

I had written your Office on April 30, 2003 in regards to two grievances I had filed prior to my transfer from SCI Dallas on April 9, 2003.

The numbers of these two grievances are; #16662, which was initially filed on March 18, 2002. The second Grievance is #43896, which was initially filed on February 11, 2003.

I will be looking forward to hearing from you as soon as possible regarding your decision in these matters.

Respectfully Submitted,

Michael F. Dean AS-1919
P.O. Box 1000
Houtzdale, Pa. 16698-1000

cc: files #16662, #43896

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
2520 LISBURN ROAD, P.O. BOX 598
CAMP HILL, PA 17001-0598

REC MAY 30, 2003
Exhibit "I"

THE SECRETARY'S OFFICE OF
INMATE GRIEVANCES AND APPEALS

May 13, 2003

Michael Dean, AS-1919
SCI Dallas

Re: DC-ADM-804 - Final Review
Grievance No. 43896

Dear Mr. Dean:

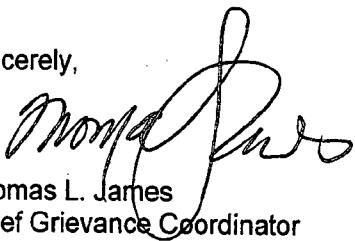
This is to acknowledge receipt of your appeal to final review of the above numbered grievance.

In accordance with the provisions of DC-ADM 804, effective May 1, 2002, I have reviewed the entire record of this grievance; including your initial grievance, the grievance officer's response, your appeal from initial review and the superintendent's response. I have also carefully reviewed the issues you raise to final review.

Upon completion of this review, it is the decision of this office to uphold the responses provided by staff at the institutional level. I do question the legitimacy of this grievance for two reasons. First, by your own admission the incident occurred on 1/14/03 and you were present when the officers inventoried your property, including the alleged footlocker. However, you waited 29 days, well beyond the timeframe mandated in the DC ADM 804 policy, to submit this grievance. Second, I reviewed the DC 153, #A268724 that you identified in your initial complaint and note that there is no indication that a footlocker exists. Moreover, you signed that document attesting to receiving all the property in satisfactory condition. For these reasons, this office must deny your complaint.

The responses provided at the institutional level are appropriate and in accordance with Department of Corrections policies and procedures. Accordingly, your appeal to final review must be denied.

Sincerely,



Thomas L. James
Chief Grievance Coordinator

TLJ:kk

cc: Superintendent Lavan
Grievance Office
Central File

History of Grievance # 43896

DATE	Document Filed	Exhibi
2-11-03	DC-804 Pt.1, Official Inmate Grievance	"A"
2-25-03	DC-135A, REQUEST TO I.D. ROOM INRE: condition of my property. AT TIME CELL WAS PACKED ON 1-16-03	
3-4-03	DC-135A, 2nd REQUEST TO I.D. ROOM	
3-11-03	DC-804 Pt.2, INITIAL REVIEW RESPONSE OF GRIEVANCE # 43896	"B"
3-11-03	DC-135A Notice and Appeal to Supt. LAVAN 2 pgs	"C"
3-19-03	DENIAL OF APPEAL from Supt. LAVAN	"D-2"
3-19-03	"Report" filed by C.O. Jim WILK	"D-b"
3-19-03	DC-135A REQUEST to Grievance coordinator MR. BURNETT	
3-19-03	DC-135A REQUEST with REPLY ANSWER	"E"
3-21-03	FORMAL APPEAL of Supt. LAVAN'S RESPONSE 2 PAGES	"F"
4-7-03	DC-153 INMATE PERSONAL PROPERTY INVENTORY # A287259	"G"
5-19-03	LETTER OF INQUIRY REGARDING RESPONSE TO APPEAL	"H"
5-30-03	Response of Thomas James, Chief Grievance Coordinator	"I"

RECEIVED & FILED
COMMONWEALTH COURT
OF PENNSYLVANIA

2006 JUN 12 A 9:43



Commonwealth Court of Pennsylvania

Charles R. Hostutler
Deputy Prothonotary/Chief Clerk

July 10, 2003

Irvis Office Building, Room 624
Harrisburg, PA 17120
717-255-1650

TO:

RE: Dean v. DOC
No.398 MD 2003

2003-1033-CR

Trial Court/Agency Dkt. Number: 43896
Trial Court/Agency Name: Department of Corrections

Annexed hereto pursuant to Pennsylvania Rules of Appellate Procedure 2571 and 2572
is the entire record for the above matter.

Contents of Original Record:

Original Record Item	Filed Date	Description
----------------------	------------	-------------

Date of Remand of Record:

Enclosed is an additional copy of the certificate. Please acknowledge receipt by signing,
dating, and returning the enclosed copy to the Prothonotary Office or the Chief Clerk's office.

CR Hostutler

Commonwealth Court Filing Office

[Signature]
Signature

7-15-03
Date

WILLIAM A. SHAW
Prothonotary
Printed Name
Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

FILED

JUL 15 2003
W/3:30 PM
William A. Shaw
Prothonotary/Clerk of Courts

Copy to [unclear]

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

MICHAEL DEAN, : 2003-1033-CD
Petitioner :
v. :
DEPARTMENT OF CORRECTIONS, :
Respondent : No. 398 M.D. 2003

PER CURIAM

O R D E R

NOW, June 16, 2003, it appearing that petitioner seeks money damages and sounds in the nature of a tort, and it further appearing that petitioner resides in Clearfield County and that venue may lie in that county, ~~this case is hereby transferred to the Court of Common Pleas of Clearfield County.~~ See 42 Pa. C.S. §5103.

The Chief Clerk shall certify a photocopy of the docket entries of the above matter and the record to the prothonotary of the Court of Common Pleas of Clearfield County.

FILED

JUL 15 2003
M 1 3:30 (ws) *fw*
William A. Shaw
Prothonotary/Clerk of Courts

Certified from the Record

JUN 17 2003
and Order Exit

Docket Number: 398 MD 2003
Page 2 of 3
July 10, 2003



TRIAL COURT/AGENCY INFORMATION

Court Below: Department of Corrections
County: Division:
Date of OrderAppealed From: Judicial District:
Date Documents Received: June 12, 2003 Date Notice of Appeal Filed:
Order Type:
Judge: Lower Court Docket No.: 43896

ORIGINAL RECORD CONTENTS

Original Record Item	Filed Date	Content/Description
----------------------	------------	---------------------

Date of Remand of Record:

BRIEFING SCHEDULE

DOCKET ENTRIES

Filed Date	Docket Entry/Document Name	Exit Date	Party Type	Filed By
June 12, 2003	Petition for Review Filed		Petitioner	Dean, Michael F.
June 12, 2003	Application to Proceed In Forma Pauperis		Petitioner	Dean, Michael F.
June 16, 2003	Transfer	6/17/2003		Per Curiam
	This case is transferred to the Court of Common Pleas of Clearfield County.			
July 10, 2003	Transfer to Court of Common Pleas Clearfield County.			Commonwealth Court Filing Office

Docket Number: 398 MD 2003
Page 3 of 3
July 10, 2003



SESSION INFORMATION

Journal Number:
Consideration Type:
Date Listed/Submitted:

DISPOSITION INFORMATION

Related Journal Number:		Judgment Date:	6/16/2003
Disposition Category:	Disposed Before Decision	Disposition Author:	Per Curiam
Disposition:	Transfer	Disposition Date:	6/16/2003

Dispositional Comments: This case is transferred to the Court of Common Pleas of Clearfield County.

Dispositional Filing: Author:
Filed Date:

REARGUMENT/RECONSIDERATION/REMITTAL

Reargument/Reconsideration Filed Date:
Reargument Disposition: Date:
Record Remitted: