

J-S99001-23

IN RE: SEALED ARREST WARRANTS  
PURSUANT TO PA.R.CRIM. 513.1

IN THE SUPERIOR COURT  
OF PENNSYLVANIA

Westmoreland Co. Criminal  
Division  
No. 801 MD 2022

APPEAL OF: THE HERALD STANDARD-  
UNIONTOWN NEWSPAPERS. INC, MON  
VALLEY INDEPENDENT., AND OBSERVER  
REPORTER

No. 21 WDA 2023

BEFORE: STABILE, DUBOW, KING, JJ.

**ORDER**

AND NOW, this 26th day of January, 2023, upon receipt of the trial court's January 18, 2023 Opinion and Order of Court Pursuant to Pa.R.A.P. 1925(a), the trial court is hereby directed to file a supplemental opinion addressing the application of its orders of November 6 and 7, 2022 to the Common Pleas and Magisterial District Court dockets in the case of ***Commonwealth v. Keven Van Lam***.

In its original order, the trial court has stated only that "good cause has been shown" in support of the Commonwealth's request to seal the arrest warrant. Order, 11/6/22. In its opinion and order disposing of the Appellant media parties, the trial court stated that "sealing the arrest warrant, as requested, served a compelling state interest in maintaining the integrity and confidentiality of the Commonwealth's ongoing investigation," and that "denying the Commonwealth's motion to invoke Pa.R.C.P. 513.1 would significantly compromise the ongoing investigation and community safety." Opinion and Order, 12/14/22, at 1-2. Despite our previous order, the trial court has not addressed the sealing of any docket.

When the trial court orders the sealing of documents pursuant to Pa.R.Crim.P. 513.1, "the record shall contain an articulation of the factors taken into consideration" in the trial court's decision. ***Commonwealth v.***

***Fenstermaker***, 530 A.2d 414, 4231 (Pa. 1987). To comply, the trial court's supplemental opinion must answer the following questions. (1) What dockets exist and are any dockets sealed? (2) If so, are they sealed in whole or in part? (3) What is the court's rationale for sealing the docket(s) or any portions thereof? Further, the trial court shall transmit to this court, under seal, the Common Pleas and Magisterial District Court records, including any under seal, pertaining to ***Commonwealth v. Keven Van Lam*** for an *in camera* review by this Court. Without detailed answers to these questions, and without the underlying records, this Court is unable to conduct meaningful appellate review.

The trial court shall file its supplemental opinion and transmit the records, under seal, within three days of the date of this order.

PER CURIAM