

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Chris Maximus Armenti,	:
Appellant	:
	:
v.	: No. 13 C.D. 2025
	: Submitted: April 13, 2026
Chester County District	:
Attorney's Office	:

BEFORE: HONORABLE MICHAEL H. WOJCIK, Judge
HONORABLE CHRISTINE FIZZANO CANNON, Judge
HONORABLE STACY WALLACE, Judge

OPINION NOT REPORTED

MEMORANDUM OPINION
BY JUDGE WALLACE

FILED: September 28, 2026

Chris Maximus Armenti (Requester) appeals the December 6, 2024 order (Order) of the Court of Common Pleas of Chester County (trial court), which affirmed the Final Determination of the Chester County District Attorney's Office (DA's Office) Appeals Officer (Appeals Officer) denying Requester's request for records under the Right-to-Know Law¹ (RTKL). After review, we affirm.

BACKGROUND

On November 15, 2023, Requester submitted a written request (Request) to the Agency Open Records Officer (Records Officer) for Chester County (County) seeking:

¹ Act of February 14, 2008, P.L. 6, 65 P.S. §§ 67.101–67.3104.

Electronic/recorded video/photographs from all street lamps, traffic lights, commercial/residential surveillance/security cameras covering or in vicinity of the Old Chester County Court House & High St. and/or at the intersections of High & Gay Sts. & High & Market Sts. on 1/22/23 between 1:00 a.m. & 3:00 a.m. Any recorded/written accounts of events taken from all witnesses including Chris Maximus Armenti (Max), Jacob Victors, Ivon Bennett, Andonis Butler, Dandre Butler, Bennie Howard, Christopher Saint Hilaire, Matthew Altamirando, Hunter Wilson on 1/22/23 & relating to the assault on Max Armenti & to Comm v. Vaughn Yanko No. 0999-23. Identity of police officers who saw the assault on Max Armenti. Identity /address of any female who claimed to have been assaulted in the borough West Chester on 1/22/23. Any information about box cutters, pocket knives [sic], guns, and/or weapon on any person who was taken into custody on 1/22/23 relating to or involved in the attack on Max Armenti.

Reproduced Record (R.R.) at 1a. On November 27, 2023, the Records Officer responded denying the Request “pursuant to Section 708(b)(16) of the [RTKL (criminal investigation exemption)] as records relating to a criminal investigation (65 P.S. § 67.708).” *Id.* at 2a. Additionally, the Records Officer noted the records were not publicly available because they were protected by the Criminal History Record Information Act (CHRIA).² *Id.*

On December 13, 2023, Requester appealed the denial to the Office of Open Records (OOR). *Id.* at 11a. On December 15, 2023, the OOR transferred Requester’s appeal to the Appeals Officer for the DA’s Office stating as follows:

The County is a local law enforcement agency. The OOR does not have jurisdiction to hear appeals related to criminal investigative records held by local law enforcement agencies. *See* 65 P.S. § 67.502(d)(2). Instead, appeals involving records alleged to be criminal investigative records held by a local law enforcement agency are to be heard by an appeals officer designated by the local district attorney. *See id.* Accordingly, the appeal is hereby transferred to the Appeals Officer for

² 18 Pa.C.S. §§ 9101-83.

the [DA's] Office . . . to determine whether the records relate to a criminal investigation.

Original Record (O.R.), at 221-22.³

The County submitted the attestation of the Records Officer, who indicated the following:

8. After analyzing the Request, . . . my understanding was that it sought records from the [DA's Office] relating to a criminal investigation or criminal prosecution, *i.e.*, *Commonwealth v. Yanko*. Accordingly, I sent the Request to [the DA's Office] and directed it to conduct a search for records responsive to the Request.

9. The DA's [O]ffice responded and indicated that it had responsive records, but that they were related to a criminal investigation or criminal prosecution, *i.e.*, *Commonwealth v. Yanko*.

R.R. at 13a-14a. The Appeals Officer issued a Final Determination, explaining that based "on the evidence provided, the [County] . . . met its burden of proof as to what documents it possesse[d], and that they [were] criminal investigative records and exempt from disclosure." *Id.* at 22a. Specifically, the Appeals Officer indicated:

It is fair to state that all information sought directly relates to the incident that resulted in criminal charges to Vaughn Yanko. The request for "any recorded video/photographs from street lamps, traffic lights, commercial/residential surveillance/security cameras" is exempt from disclosure as it pertains to a criminal investigation [T]he records Requester seeks were not in the possession of the police until after the criminal incident, and were [compiled] and assembled in response and in part of a criminal investigation. Thus, these records are exempt from disclosure.

Further, the request for "any record/written accounts of events taken from all witnesses falls under the exemption . . . for witness statements and interviews compiled as part of a criminal investigation, and under investigative materials, while Requester's desire for the identity and

³ References to the original record reflect electronic pagination.

address of possible crime victims directly goes against 65 P.S. § 67.708(b)(16)(v) which prohibits the release of victim information.

The release of the requested documents also violates CHRIA, which prohibits “investigative information” “assembled as a result of the performance of any inquiry, formal or informal, into a criminal incident” from disclosure. 18 Pa.C.S.[] §[]9102 There is sufficient evidence to support the determination that the documents requested are criminal investigative records and exempt from disclosure.

Id. at 39a-40a. Thus, the Appeals Officer denied Requester’s appeal.

Requester appealed to the trial court. The trial court explained the

plethora of information requested by [Requester] clearly relates to an ongoing criminal investigation. The Commonwealth, in the form of the [DA’s Office] conducted an investigation into the events of January 22, 2023. Virtually every single piece of evidence requested by [Requester] was no doubt prepared and/or relied upon during that investigation. The requested materials are therefore, on their face, exempt from production under the RTKL.

Id. at 77a. Additionally, concluding the “information requested here was clearly assembled as a result of the performance of any inquiry, formal or informal, into a criminal incident[,]” the trial court concluded it was also exempt from production under CHRIA. *Id.* at 78a. Regarding the specific requests, the trial court noted any surveillance or traffic camera footage, “while not necessarily always used for criminal investigation, clearly captured a criminal incident in this instance, which makes any such video (if it exists) exempt from disclosure.” *Id.* Moreover, the trial court indicated any witness statements or other information “were prepared and compiled *directly* as a result of this investigation and are precisely the type of investigative materials that are exempt here.” *Id.* Accordingly, the trial court affirmed the Appeals Officer’s Final Determination.

Requester now appeals to this Court. The sole issue before this Court is whether the trial court properly denied Requester's appeal of the Appeal's Officer's Final Determination.⁴

⁴ In his brief, Requester lists the following questions for review:

1. Did the [trial court] err when it upheld [the DA's Office's] improper denial of [Requester's] RTKL request and right to access criminal investigation information including the identity of his assailant, which imped[ed] his ability to pursue his due process right to bring a private criminal complaint and/or civil action against a man who physically assaulted him and caused him serious bodily injury, given that [the DA's Office] blocked [Requester's] request by improperly applying [the criminal investigation exemption] when [Requester] was legally entitled to access this information, as a crime victim . . . because [those laws] superseded [the RTKL's criminal investigation exemption] by means of the conflict of laws provision of the RTKL, § 67.3103.1[] which specifically states that where there is a conflict of law between other Federal and State laws and the RTKL, the provisions of the RTKL-including its exemptions, do not apply?

SUGGESTED ANSWER: YES

2. If this Honorable Court finds . . . [Requester] was not entitled to all the information he sought in his . . . [Request] then, nonetheless, was [the DA's Office] legally entitled to block access to all the information sought by [Requester] based on . . . the criminal investigation exemption; was it permissible for [the DA's Office] to have applied the . . . exemption as way to affect a blanket denial given that the Courts have held that [the criminal investigation exemption] does not apply to all information e.g., it does not apply to recorded information which might otherwise be seen by an ordinary bystander or to information which is not being gathered for a criminal sting operation?

SUGGESTED ANSWER: NO

3. Did [the DA's Office] act in bad faith and for self-serving political motives thereby entitling [Requester] to penalties and attorney's fees pursuant to §§ 67.1304(a) and 67.1305(a) given that [the DA's Office] used . . . the [criminal investigation exemption] as a pretext when in this instance [sic] case, the exemption was superseded by the conflict of laws provision of § 67.3101.1 and, did [the DA's Office] act in bad faith to block access to information to protect their selective prosecution of Yanko (a Caucasian male who shot a Black male) for attempted first

(Footnote continued on next page...)

DISCUSSION

When a case under the RTKL reaches this Court from a court of common pleas, we review to determine whether findings of fact are supported by competent evidence, or whether the lower court committed an error of law or abuse of discretion in reaching its decision. *Kaplin v. Lower Merion Twp.*, 19 A.3d 1209, 1213 n.6 (Pa. Cmwlth. 2011). In cases arising under the RTKL, we are mindful that the RTKL is “remedial legislation designed to promote access to official government information in order to prohibit secrets, scrutinize the actions of public officials, and make public officials accountable for their actions.” *Bowling v. Off. of Open Recs.*, 990 A.2d 813, 814 (Pa. Cmwlth. 2010), *aff’d*, 75 A.3d 453 (Pa. 2013). Therefore, we liberally construe its provisions in an effort to effectuate this purpose. *Levy v. Senate of Pa.*, 65 A.3d 361, 381 (Pa. 2013).

degree murder in an obvious self- defense case and by not charging [Requester’s] assailant (also Black) because [the DA’s Office] had been sued by the first Black Chief of Detectives in Chester County for racial discrimination and had settled the case months before the Yanko incident; can it be inferred by the evidence that [the DA’s Office] tried to redeem itself politically within the Black community in an election year through a highly publicized case, by ‘throwing the book’ at Yanko and impeding [Requester’s] access to information to block him from bringing a private criminal complaint and/or civil action which if published to a jury at the Yanko trial, might have given credence to Yanko’s self-defense claim by showing that the seven men who ran up and surrounded them intended to inflict serious bodily harm on them both, and because they justifying [sic] their nonfeasance by stating falsely that there was insufficient evidence to charge anyone for the “alleged” assault on [Requester], while withholding evidence of the identity of [Requester’s] assailant from him?

SUGGESTED ANSWER: YES

Requester’s Br. at 11-12.

Under Section 301 of the RTKL, agencies must provide copies of all public records upon request. 65 P.S. § 67.301. The RTKL defines a “public record” as “[a] record, including a financial record, of a Commonwealth or local agency that: (1) is not exempt under Section 708; (2) is not exempt from being disclosed under any other Federal or State Law . . . ; or (3) is not protected by a privilege.” Section 102 of the RTKL, 65 P.S. § 67.102. The term “record” is defined as:

Information, regardless of physical form or characteristics, that documents a transaction or activity of an agency and that is created, received or retained pursuant to law or in connection with a transaction, business or activity of the agency. The term includes a document, paper, letter, map, book, tape, photograph, film or sound recording, information stored or maintained electronically and a data-processed or image-processed document.

Id. A record in the possession of an agency is presumed to be a public record unless it is exempt under Section 708 of the RTKL. Section 305 of the RTKL, 65 P.S. § 67.305.

Turning to the exemptions, the agency has the burden of proving that a record is exempt from public access by a preponderance of the evidence. 65 P.S. § 67.708(a)(1). The “preponderance of the evidence standard, the lowest evidentiary standard, is tantamount to a more likely than not inquiry.” *Off. of Gen. Couns. v. Bumsted*, 247 A.3d 71 (Pa. Cmwlth. 2021) (quotation and citations omitted). To satisfy its burden to prove an exemption, an agency may provide a sworn affidavit or statement made under penalty of perjury. *Sherry v. Radnor Twp. Sch. Dist.*, 20 A.3d 515, 520 (Pa. Cmwlth. 2011).

Section 708(b)(16) of the RTKL exempts, in relevant part, the following from access by a requester:

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 trial 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.

65 P.S. § 67.708(b)(16). The Pennsylvania Supreme Court has provided that the term “criminal investigation” under the RTKL “clearly and obviously refers to an official inquiry into a possible crime.” *Pa. State Police v. Grove*, 161 A.3d 877, 898 (Pa. 2017). Police incident reports, as well as criminal investigative reports, are investigative materials and fall within the RTKL’s criminal investigation exemption. *Pa. State Police v. Off. of Open Recs.*, 5 A.3d 473, 479 (Pa. Cmwlth. 2010). Because investigative materials fall within the exemption, investigative materials are not public records and, therefore, are not subject to disclosure. *Id.* at 479; *see also Hunsicker v. Pa. State Police*, 93 A.3d 911, 913 (Pa. Cmwlth. 2014) (“[N]o matter what is contained in an incident report, incident reports are considered investigative materials and are covered by the [criminal investigation] exemption.”). Further, where the criminal investigation exemption applies, the entire investigative report

falls under the exemption and is not subject to public disclosure. *Id.* “To withhold a record under [the RTKL’s criminal investigation exemption], [the agency] only need[s] to show that the record related to a criminal investigation, period.” *Castillo v. Pa. State Police*, 310 A.3d 831, 835 (Pa. Cmwlth. 2024). Importantly, this Court has held that criminal investigative records “remain exempt from disclosure under the RTKL even after the investigation is completed.” *Barros v. Martin*, 92 A.3d 1242, 1250 (Pa. Cmwlth. 2014).

This Court has addressed, on numerous occasions, the applicability of the RTKL’s criminal investigation exemption. In *Barros*, 92 A.3d at 1243, a requester sought a criminal complaint file, forensic lab reports, confessions, a polygraph test, records of emergency calls, an internal police “wanted” notice, arrest reports of an individual mistakenly apprehended, and signed witnesses statements from a district attorney’s office, and this Court concluded “if a record, on its face, relates to a criminal investigation, it is exempt under the RTKL.” *Id.* at 1250 (quotation and citation omitted). Thus, we held because the requested records related to a criminal investigation, they were exempt from disclosure. *Id.* In *Hunsicker*, this Court considered a request to the Pennsylvania State Police for “Any/All available reports regarding” its criminal investigation into the death of an individual, concluding the records were exempt under the RTKL’s criminal investigation exemption. 94 A.3d at 912-13. Similarly, in *Soto v. Pennsylvania State Police* (Pa. Cmwlth., No. 1119 C.D. 2017, filed May 7, 2018), slip op. at 1,⁵ a requester sought State Police records relating to testing of a liquid substance that a trooper had confiscated from the

⁵ Unreported decisions of this Court issued after January 15, 2008, may be cited as persuasive authority pursuant to Section 414(a) of this Court’s Internal Operating Procedures, 210 Pa. Code § 69.414(a). The unreported cases herein are cited for their persuasive value.

requester. There, we held that because the lab report was prepared by the State Police Laboratory in conjunction with an open and ongoing criminal investigation, the requested record was exempt from disclosure. *Id.*, slip op. at 2-3. Likewise, in *Souffrant v. Pennsylvania State Police* (Pa. Cmwlth., No. 1008 C.D. 2024, filed November 20, 2025), a requester sought laboratory reports generated in the course of a criminal investigation. Again, this Court held the reports were exempt from disclosure under the criminal investigation exemption. *Id.*

Furthermore, this Court has rejected requesters' arguments asserting their entitlement to criminal investigation records under legal authorities other than the RTKL. For example, in *Souffrant*, in response to the requester's assertion that he was entitled to the laboratory reports because they were *Brady*⁶ materials, this Court explained that once the State Police established that the requested reports related to a criminal investigation, those reports were exempt from disclosure under the RTKL and, to the extent the requester believed he was entitled to those records under any other theories, those claims were to be raised in a separate matter. *Id.* In *Coley v. Philadelphia District Attorney's Office*, 77 A.3d 694 (Pa. Cmwlth. 2013), a requester sought witness statements that were compiled by the District Attorney during a criminal investigation that resulted in a murder conviction. The requester argued he was entitled to the statements under various constitutional provisions and *Brady*. This Court rejected the requester's reliance argument because that legal argument had "no bearing or relevance to whether the requested records [were] public records under the [RTKL]." *Coley*, 77 A.3d at 696 n.5. We noted the requester's alleged *Brady* violation was not the question before the Court and confirmed that, in a RTKL

⁶ See generally *Brady v. Maryland*, 373 U.S. 83, 87 (1963), in which the United States Supreme Court held that the prosecution's withholding of evidence favorable to the defendant violated due process.

case, “the only question is whether materials in an investigative file of the District Attorney are ‘public records’ that must be disclosed under the [RTKL].” *Id.*

Moreover, while criminal investigative records are not public records subject to disclosure under the RTKL’s criminal investigation exemption, a record is also not a “public record” if it is “exempt from being disclosed under any . . . Federal or State law[.]” 65 P.S. § 67.102. Relevant to this appeal, one such state law is CHRIA. CHRIA governs the collection, maintenance, dissemination, and use of criminal history record information in Pennsylvania. 18 Pa.C.S. §§ 9101-83. CHRIA provides: “Investigative and treatment information shall not be disseminated to any department, agency or individual unless the department, agency or individual requesting the information is a criminal justice agency[.]” 18 Pa.C.S. § 9106(c)(4). “Investigation information” includes “[i]nformation 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.

Here, Requester requested videos and photographs from the area of the assault, recorded or written accounts from witnesses relating to the assault, the identity of the police officers who witnessed the assault, the identity and address of the female who claimed to have been assaulted, and information about any weapons possessed by any person taken into custody following the assault, which is all information that would have been compiled by the DA’s Office in the course of its criminal investigation into the Yanko assault. Therefore, these materials are, on their face, materials related to the DA’s Office’s criminal investigation. Requester’s own request makes clear that the requested records are investigative materials or information as he specifically states that he is seeking materials “*relating to the*

assault . . . [the] Identity of police officers who saw the assault . . . [the] Identity /address of any female who claimed to have been assaulted . . . Any information about box cutters, pocket knives [sic], guns, and/or weapon on any person who was taken into custody . . . relating to or involved in the attack on Max Armenti.” R.R. at 1a. Accordingly, Requester’s Request seeks “investigative materials,” which are exempt from disclosure under the RTKL’s criminal investigation exemption, Section 708(b)(16) of the RTKL. 65 P.S. § 67.708(b)(16). Furthermore, the materials constitute “investigative information,” which cannot be disseminated to a private individual and, therefore, are exempt from disclosure under CHRIA. *See* 18 Pa. C.S. § 9106(c)(4).

Insofar as Requester argues he is entitled to this information as part of civil discovery or his alleged status as a crime victim, that is not the legal question before this Court. The only question before this Court is whether the requested information must be disclosed under the RTKL. “The status of the individual requesting the record and the reason for the request, good or bad, are irrelevant . . . to whether a document must be made accessible[.]” *Hunsicker*, 93 A.2d at 913 (citing 65 P.S. § 67.301(b) (stating that an agency “may not deny a requester access to a public record due to the intended use of the public record by the requester unless otherwise provided by law”)).

CONCLUSION

The records requested by Requester are protected from disclosure under both the RTKL and CHRIA because the records “relat[e] to . . . a criminal investigation” and are “investigative information.” *See* 65 P.S. § 67.708(b)(16); 18 Pa. C.S. § 9106(c)(4). Therefore, the trial court did not err or abuse its discretion

by denying Requester's appeal and affirming the Appeals Officer's Final Determination. Accordingly, the trial court's Order is affirmed.⁷

STACY WALLACE, Judge

⁷ Additionally, upon consideration of Requester's motion to supplement the record on appeal (Motion), the DA's Office's response, and Requester's amended praecipe to attach an exhibit to his Motion (Praecipe), we deny Requester's Motion and his Praecipe. In his Motion, Requester seeks to have this Court supplement the Original Record in this case with the following items: (1) a trial transcript from the *Commonwealth v. Yanko* trial, (2) a letter from the DA's Office dated April 9, 2024, regarding the investigation, (3) body camera video footage offered as an exhibit at the *Commonwealth v. Yanko* trial, and (4) a victim's restitution claim form and impact statement offered in the *Commonwealth v. Yanko* case. See Motion ¶1. In his Praecipe, Requester seeks to have a letter dated February 7, 2025, which his attorney sent to the court stenographer requesting the *Commonwealth v. Yanko* transcript, attached to his Motion. Praecipe, at 1.

Under Pa.R.A.P. 1921, the record on appeal in all cases shall include the "original papers and exhibits filed in the lower court, paper copies of legal papers filed with the prothonotary by means of electronic filing, the transcript of proceedings, if any, and a certified copy of the docket entries prepared by the clerk of the lower court." This Court may only consider facts which have been duly certified in the record on appeal. See *Commonwealth v. Young*, 317 A.2d 258, 264 (Pa. 1974). Here, the transcript of the *Yanko* criminal trial, the letter from the DA's Office about its investigation, the body camera video footage, and a victim's restitution claim form and impact statement do not appear in this matter's Original Record and have no bearing on the issues raised in this appeal, namely, whether the records requested by Requester are exempt from disclosure under the RTKL and whether disclosure would violate CHRIA. Moreover, the letter Requester seeks to have appended to the Motion post-dates the trial court's final order in this case and, thus, could not have been considered by the trial court in deciding this matter. See *Krenzel v. Southeastern Pennsylvania Transp. Authority*, 840 A.2d 450, 453-54 (Pa. Cmwlth. 2003) (denying a motion to supplement the appellate record with pleadings and transcripts from federal court proceedings that post-dated the proceeding in the trial court). Accordingly, we deny Requester's Motion and Praecipe.

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Chris Maximus Armenti,	:
Appellant	:
	:
v.	: No. 13 C.D. 2025
	:
Chester County District	:
Attorney's Office	:

ORDER

AND NOW, this 28th day of September 2026, Chris Maximus Armenti's February 25, 2025 "Motion to Supplement the Certified Record on Appeal Pursuant to Pa.[R.A.P.] 1926[(b)(1) and Pa.[R.A.P. 1921]" and his March 3, 2025 "Praecipe to Attached [sic] as an Exhibit to Appellant's Motion to Supplement the Record" are **DENIED**. The December 6, 2024 order of the Court of Common Pleas of Chester County is **AFFIRMED**.

STACY WALLACE, Judge