

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Thomas Bolick, :
 :
 Petitioner :
 :
 v. : No. 2481 C.D. 2010
 : Submitted: May 6, 2011
 :
 Pennsylvania State Police, :
 :
 Respondent :

BEFORE: HONORABLE BONNIE BRIGANCE LEADBETTER, President Judge
HONORABLE P. KEVIN BROBSON, Judge
HONORABLE ROCHELLE S. FRIEDMAN, Senior Judge

OPINION NOT REPORTED

MEMORANDUM OPINION
BY SENIOR JUDGE FRIEDMAN

FILED: June 10, 2011

Thomas Bolick petitions for review of the July 12, 2010, order of the Office of Attorney General (OAG), which denied Bolick's request for a modification of his criminal history record pursuant to the Criminal History Record Information Act (CHRIA), 18 Pa. C.S. §§9101-9183. We affirm.

In 1981, Bolick pled guilty to a robbery charge and was sentenced to two-and-one-half to ten years in prison.¹ Since that time, Bolick has filed numerous appeals and petitions challenging that conviction in both state and federal courts. In March 2007, Bolick filed a petition to strike/open his 1981 judgment of sentence, which was denied by the Court of Common Pleas of Northumberland County (trial court) in May 2007. In June 2007, the trial court issued an order vacating the 1981

¹ Bolick's prison sentence has since expired.

robbery conviction. In November 2007, however, the trial court overturned the June 2007 order, noting that the prior order had been issued in error.

Bolick filed an appeal from the November 2007 order to the Pennsylvania Superior Court. On December 8, 2008, the Superior Court quashed Bolick's appeal and directed the trial court to issue a new order vacating both the June 2007 and November 2007 orders and reinstating the May 2007 order denying Bolick's petition to strike/open. Thereafter, Bolick filed a petition for allowance of appeal with the Pennsylvania Supreme Court, which was denied.

While his Superior Court appeal was pending, Bolick requested a copy of his criminal history record from the Pennsylvania State Police (PSP) pursuant to section 9151(a) of the CHRIA.² In October 2007, Bolick filed a petition with PSP challenging the accuracy of his criminal record, citing the trial court's June 2007 order vacating his 1981 conviction as the basis for his challenge. The PSP denied Bolick's challenge to his criminal record, and Bolick timely appealed to the OAG.³

By the time of the OAG's scheduled hearing on Bolick's appeal, the Superior Court had already issued its decision, which effectively reinstated Bolick's

² Section 9151(a) of the CHRIA provides that "[a]ny individual . . . has the right to review, challenge, correct and appeal the accuracy and completeness of his criminal history record information." 18 Pa. C.S. §9151(a).

³ Section 9152(e)(1) of the CHRIA provides that, if an individual's challenge to the accuracy of his or her record is denied, he or she "has the right to appeal the decision to the Attorney General within 30 days of notification of the decision by the criminal justice agency." 18 Pa. C.S. §9152(e)(1).

1981 conviction. On July 12, 2010, the OAG issued an order denying Bolick's appeal because Bolick's efforts to vacate his conviction ultimately failed. Bolick now petitions this court for review.

Bolick argues that the OAG erred in refusing to modify his criminal history record because the trial court lawfully vacated his criminal conviction in June 2007, and because the trial court lacked jurisdiction to rescind that order in November 2007, more than thirty days later. However, the Superior Court subsequently ordered the trial court to vacate both the June 2007 and November 2007 orders, leaving the criminal conviction intact, and the Supreme Court denied Bolick's attempt to further appeal the matter. Thus, we reject this argument.⁴

Accordingly, we affirm.

ROCHELLE S. FRIEDMAN, Senior Judge

⁴ Bolick challenges the validity of the trial court's November 2007 order on other grounds, but, again, the Superior Court ordered the trial court to vacate the June 2007 and November 2007 orders.

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| | : | |
| Pennsylvania State Police, | : | |
| | : | |
| Respondent | : | |

ORDER

AND NOW, this 10th day of June, 2011, the order of the Office of Attorney General, dated July 12, 2010, is hereby affirmed.

ROCHELLE S. FRIEDMAN, Senior Judge