

**IN THE SUPREME COURT OF PENNSYLVANIA  
MIDDLE DISTRICT**

|                                   |   |                                      |
|-----------------------------------|---|--------------------------------------|
| WILLIAM H. O'ROURKE               | : | 121 MAP 2006                         |
|                                   | : |                                      |
|                                   | : |                                      |
|                                   | : |                                      |
| v.                                | : | Appeal from the Order of the         |
|                                   | : | Commonwealth Court dated October 24, |
|                                   | : | 2006, at No. 71 MD 1997.             |
|                                   | : |                                      |
| PENNSYLVANIA DEPARTMENT OF        | : |                                      |
| CORRECTIONS, MARTIN F. HORN,      | : |                                      |
| COMMISSIONER, PENNSYLVANIA        | : |                                      |
| DEPARTMENT OF CORRECTIONS,        | : |                                      |
| DAVID H. LARKINS, SUPERINTENDENT, | : |                                      |
| STATE CORRECTIONAL INSTITUTION-   | : |                                      |
| DALLAS, THOMAS STACHELEK,         | : |                                      |
| DEPUTY SUPERINTENDENT, STATE      | : |                                      |
| CORRECTIONAL INSTITUTION AT       | : |                                      |
| DALLAS, CAPTAIN THOMAS MARTIN,    | : |                                      |
| JOHN DOCKNOVITCH, MARK RAPSON,    | : |                                      |
| AND SAMUEL ZAMBETO,               | : |                                      |
|                                   | : |                                      |
|                                   | : |                                      |
| APPEAL OF: COMMONWEALTH OF        | : |                                      |
| PENNSYLVANIA, DEPARTMENT OF       | : |                                      |
| CORRECTIONS, JOHN DOCKNOVITCH     | : |                                      |
| AND MARK RAPSON                   | : |                                      |

**ORDER**

**PER CURIAM**

**DECIDED: October 16, 2007**

The Order of the Commonwealth Court is affirmed.