

COMMONWEALTH COURT OF PENNSYLVANIA

Sean Burton v. John E. Wetzel (Secretary of Corrections)

No. 130 M.D. 2021 (Pa. Commw. Ct. Feb. 10 2022) (Commonwealth Court of Pennsylvania 2022) · No. No. 130 M.D. 2021 · Decided February 10, 2022

SUMMARY

The Pennsylvania Commonwealth Court sustained the Secretary of Corrections’ preliminary objection and dismissed Sean Burton’s petition challenging deductions from his inmate account for court-ordered restitution. The court held that a request to modify or terminate a restitution obligation must be directed to the sentencing court, and dismissal was appropriate because the proper criminal-case party was not named.

CASE DETAILS

COURT	Commonwealth Court of Pennsylvania
WRITING FOR THE COURT	Anne E. Covey; Renée Cohn Jubelirer; Christine Fizzano Cannon
JURISDICTION	Pennsylvania
DECIDED	February 10, 2022
DOCKET	No. 130 M.D. 2021
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner filed a petition for review in the Commonwealth Court's original jurisdiction seeking termination of a restitution order and reimbursement of deductions from his inmate account. The Secretary of Corrections filed a preliminary objection asserting that any request to modify the restitution obligation had to be directed to the sentencing court.
STANDARD OF REVIEW	On preliminary objections in the nature of a demurrer, the court accepts as true all well-pleaded material allegations and reasonable inferences, but not legal conclusions, unwarranted inferences, argumentative allegations, or opinions. The objection is sustained only when it is certain that the law will not permit recovery; the court confines its analysis to the petition and may consider documents attached to it.
PRECEDENTIAL VALUE	Nonprecedential unpublished memorandum opinion
PARTIES	Sean Burton v. John E. Wetzel, Secretary of Corrections

TOPICS

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QUESTIONS PRESENTED

1. Whether a prisoner may use a civil petition for review seeking an injunction against the Department of Corrections to terminate or modify a restitution obligation imposed as part of a criminal sentence.
2. Whether the Commonwealth Court should transfer the petition to the sentencing court under 42 Pa.C.S. § 5103(a) when the proper criminal-party representative, the District Attorney, is not named in the petition.

HOLDINGS

1. A request by an inmate to end Act 84 deductions by removing or modifying a financial obligation imposed in the original criminal sentence must be presented to the sentencing court, not pursued as a civil action seeking injunctive relief against the Department of Corrections.
2. The Commonwealth Court must dismiss, rather than transfer, a petition seeking modification of a criminal restitution order when the proper party to the criminal matter is not named in the petition.

KEY QUOTATIONS

“[I]f an inmate seeks to end [what is commonly known as] Act 84 deductions by removing financial obligations from his original sentence, the request to modify sentence should be heard by the common pleas court regardless of the place of confinement.” (3)

FACTUAL BACKGROUND

A jury found Sean Burton guilty of first-degree murder on March 21, 2011, and the Delaware County Court of Common Pleas sentenced him to life imprisonment without parole on May 24, 2011. The sentencing court ordered Burton to pay \$8,254.79 in restitution to Cathy Stropas, the victim's mother, for funeral expenses. Stropas died on January 13, 2015, but the Department of Corrections began deducting money from Burton's inmate account on May 13, 2015, including family gifts and inmate pay, to satisfy the restitution obligation.

PROCEDURAL HISTORY

A Delaware County jury convicted Burton of first-degree murder, and the Delaware County Court of Common Pleas sentenced him to life imprisonment without parole and ordered him to pay restitution. After Burton learned that the restitution recipient had died, he filed an original-jurisdiction petition in the Commonwealth Court seeking to terminate the restitution order and recover deducted funds. The Commonwealth Court sustained the Secretary's preliminary objection and dismissed the petition rather than transferring it because the proper criminal-party representative, the District Attorney, was not named in the caption.

DISPOSITION

dismissed

CASES CITED

- Torres v. Beard, 997 A.2d 1242, 1245 (Pa. Cmwlth. 2010)
- Allen v. Department of Corrections, 103 A.3d 365, 369 (Pa. Cmwlth. 2014)
- Foxe v. Pennsylvania Department of Corrections, 214 A.3d 308, 311 n.1 (Pa. Cmwlth. 2019)
- Commonwealth v. Parella, 834 A.2d 1253, 1256 (Pa. Cmwlth. 2003)
- Commonwealth v. Lyons, 830 A.2d 663, 665 (Pa. Cmwlth. 2003)
- Commonwealth v. Burke, 801 A.2d 1257 (Pa. Super. 2002)
- Commonwealth v. Jury, 636 A.2d 164 (Pa. Super. 1993)
- Borsello v. Colleran, 833 A.2d 1213, 1215 (Pa. Cmwlth. 2003)

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