

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Jay V. Yunik,

Petitioner

v.

Jeffrey Beard, Secretary, D.O.C.,
Coleman - Superintendent,
Susan Ballaglini, Cheryl George -
inmate accounts, Commonwealth of
Pennsylvania, James Corbett - Pa.
Attorney General,

Respondents

No. 491 M.D. 2010

PER CURIAM

ORDER

Now, August 3, 2010, upon consideration of respondents' preliminary objection in the nature of a demurrer and petitioner's answer thereto, the demurrer is sustained, and the petition for review is dismissed.

The Department of Corrections is statutorily authorized to deduct money from an inmate account for the collection of court-ordered costs, fines, and restitution; the law does not impose prior court authorization as a threshold condition; and an inmate is not entitled to a hearing on the issue of his ability to pay. Buck v. Beard, 879 A.2d 157 (Pa. 2005); George v. Beard, 824 A.2d 393 (Pa. Cmwlth. 2003). When the sentencing judge has authorized the imposition of costs, the Department of Corrections may collect those costs in the physical absence of the court order; the court commitment sheet is sufficient authorization. Richardson v. Dep't of Corrs., 991 A.2d 394 (Pa.

Cmwlth. 2010). Calculating the amount of costs imposed by the trial judge is ministerial and appropriate for the clerk of court. Id.

Petitioner acknowledges that a fine was imposed as part of his criminal sentence, and the sentencing order attached as exhibit A to the petition for review reflects that the sentencing judge also ordered him to pay the cost of prosecution. Petitioner fails to plead facts that if accepted would establish a right to the relief he requests.

Certified from the Record

AUG 0 4 2010

And Order Exit