

LUZERNE COUNTY
OFFICE OF LAW
ROMILDA P. CROCAMO, ESQUIRE
CHIEF COUNTY SOLICITOR



LUZERNE COUNTY
COUNTY MANAGER
C. DAVID PEDRI, ESQUIRE

COUNTY of LUZERNE
P E N N S Y L V A N I A
ESTABLISHED 1786

September 19, 2017

Michael Curtis Reynolds
Reg. 10671023
P. O. Box 600
Federal Correctional Institute, Gilmer
Glennville, WV 26351

RE: RTK Request # 17-159

Dear Mr. Reynolds:

Thank you for writing to Luzerne County with your request for information pursuant to the Pennsylvania Right-To-Know law. My email is Jackie.Carroll@luzernecounty.org.

On September 15, 2017, I received a request for documents from you described in the attached Right to Know request. Your request is granted and denied.

It is granted in regard to the incident report from EMA and the 911 response log. The records are attached.

The request is denied in that Luzerne County does not maintain all the records requested by you, therefore, your request is denied pursuant to §705 of the RTKL. §705 of the RTKL states that “when responding to a request for access, an agency shall not be required to create a record which does not currently exist or to compile, maintain, format or organize a record in a manner in which the agency does not currently compile, maintain, format or organize the record”.

You have a right to appeal this denial of information in writing to Office of Open Records, Commonwealth Keystone building, 400 North Street, 4th Floor, Harrisburg, PA 17120.

If you choose to file an appeal for any reason, you must do so within 15 business days of the mailing date of the agency’s response. Section 1101. If you have further questions, please contact me. Please be advised this correspondence will serve to close this request with our office as permitted by law.

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Very truly yours,


JACQUELINE MUSTO CARROLL, ESQUIRE
Luzerne County – Open Records Officer


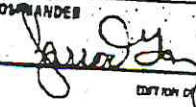
Sir/Madam/Miss,

This office was involved in an inc at 346 Scott Street on April 23, 200 a handgrenade separated by Sgt Cody US Army Ordnance.

I wish to obtain a ~~copy~~ copy of all and all related reports in reference this non-functional grenade and any post-legal action by State.

Respectfully,

M. Keprale

EXPLOSIVE ORDNANCE INCIDENT REPORT		1. UNIT NUMBER	2. CONTROL NUMBER	3. UNUSUAL
For Use of this form, see FM 7-16; the proposed agency is US Army Training and Doctrine Command.		756-60-05	63-39-85	
4. NONTIME				
SECTION A: INITIAL INFORMATION				
8. DATE/TIME REPORTED		9. INCIDENT LOCATION		11. ITEM(S) REPORTED 1 ea. Grenade
9. REPORTED BY Steve McConich		346 Scott St Wilkes-Barre, Pa 18705		
7. PHONE NUMBER 570-819-4923		10. POINT OF CONTACT Steve McConich		
6. ADDRESS Luzerne County EMA 101 Water ST, Wilkes-Barre, Pa 18705		570-819-4923		
SECTION B: ACTION BY EOD				
12. PERSONNEL DISPATCHED		13. DATE/TIME		14. TRAVEL DATA
SSG Bergen		A. DPOY 23 April 05/ 1600		
SGT Burgess		B. ARR 23 April 05/ 1730		15. WORK HOURS
		C. COMPL 23 April 05/ 2145		
16. CONFIRMED IDENTIFICATION		17. DISPOSITION		
1 ea MK II Grenade with canon fuse inside the body.		RSP/ SCRAP		
18. INCIDENT NARRATIVE (INCLUDE ALL SIGNIFICANT DETAILS AND PROBLEMS)				
An individual in Wilkes-Barre, Pa had his house searched by the Luzerne County EMA on Saturday the 23 of April 2005. Upon the search the EMA found a MK II grenade lying on a desk inside the individuals house. The grenade contained a small amount of black powder and canon fuse in the inside. The Grenade was taken to a local vacant park and the fuse was separated from the grenade body by remote procedures. The grenade at that time posted no and was put in a scrap pile.				
EXPLOSIVES USED:				
Cart Impulse Elec., 50 cal M174 Low PXX-92K001-015 1EA				
 Bergen Cdy 4 SSG		Burgess Bruce SGT		
SECTION C: AUTHENTICATION				
19. NAME AND GRADE AND SIGNATURE OF UNIT COMMANDER		20. TELEPHONE NO.		21. DATE
Lampier Jarrod CPT, 		717-861-2617		25 DEC 05

In a discussion at Trial, July, 2007, SFC Cody Bergen, who was called in to the 'live' grenade, (Count 1 originally, Count 5 after the superceding indictment discusses the finding that the grenade was harmless, this lead to dismissal as ur at Trial of Count 5. This knowledge of the harmless grenade was known, as proven second series of questions, on April 23, 2005, eight months prior to the arrest i charge, (Count 1 then), of possession of an unregistered 'live grenade'. This mea Larry Whitehead, Joseph Noone, and John Gurganus all knew the initial arrest was thus any and all evidence obtained through use of that serarch warrant was illeg

SFC CODY BERGEN, US ARMY EXPLOSIVES EXPERT'S TRIAL TESTIMONY

It's not a hazard, and there wasn't enough left there for u
deem it necessary to gather it.

Q. Was there a very small amount inside the grenade?

A. There was hardly any left inside the grenade once we v
done.

Q. And it was such a little amount, you didn't even think
should be tested?

A. We don't test it. It would have to be tested by the
police department or whoever is there.

Q. You just discarded it?

A. Yes, sir.

SFC CODY BERGEN, US ARMY EXPLOSIVES EXPERT'S REPORT TESTIM

Q. You have in -- Paragraph 18 of your report is entitl
"Incident Narrative", right?

A. Yes, sir.

Q. And read the last sentence, please.

A. "The grenade at the time posed no hazard and was put
the scrap pile."

MR. O'BRIEN: Thank you.

THE COURT: All right.

MR. GURGANUS: That's fine.