

DYLLER LAW FIRM

88 N. Franklin St.
Gettysburg House
Wilkes-Barre, PA 18701
570-829-4860
Fax: 570-825-6675

FAX COVER SHEET

FAX NUMBER TRANSMITTED TO: 570-820-6355

To: Jackie Musto Carroll, Esquire
Of: Luzerne County Right to Know Officer
From: Barry H. Dyller, Esquire
Client/Matter: Shaheen Mackey
Date: July 3, 2018

DOCUMENTS	NUMBER OF PAGES
	3

COMMENTS: Please see attachment.

* INCLUDING COVER SHEET. IF YOU DO NOT RECEIVE ALL PAGES, PLEASE TELEPHONE US IMMEDIATELY AT 570-829-4860.

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Also admitted in New York
barry.dyller@dyllerlawfirm.com

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July 3, 2018

VIA FACSIMILE AND REGULAR MAIL
570-820-6355

Jackie Musto Carroll, Esquire
Luzerne County Right To Know Officer
Luzerne County Office of Law
200 N. River Street
Wilkes-Barre, PA 18711

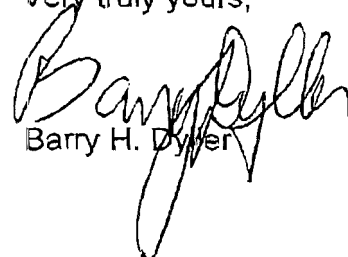
Re: Shaheen Mackey

Dear Attorney Carroll:

Enclosed is a Right To Know Request Form.

Please provide me with the identified documents as soon as possible. If there is any problem, please let me know.

Very truly yours,


Barry H. Dyller

BHD/tk
enclosure

RTK REQUEST NUMBER

DATE RECEIVED

5 DAY RESPONSE DATE



COUNTY OF LUZERNE

RIGHT TO KNOW LAW REQUEST FORM

NAME OF REQUESTER: Dyller Barry H.
(PLEASE PRINT CLEARLY) LAST FIRST MI

MAILING ADDRESS: 88 North Franklin Street
STREET / P.O. BOX

Wilkes-Barre PA 18701
CITY STATE ZIP CODE

PHONE # 570-829-4860 ext. 203 FAX# 570-825-6675

EMAIL ADDRESS: barry.dyller@dyllerlawfirm.com

SIGNATURE: *Barry Dyller* DATE: 7/3/18

RECORDS REQUESTED - Requesters MUST specify the document(s) sought. Please use additional pages if necessary.
All documents, video, audio, including but not limited to any security or surveillance tapes of any cells, cell blocks, dayrooms, hallways, incident reports, intake records, administrative file, medical file, psychiatric or psychological file, grievance file, misconduct file, witness statements, autopsy reports, and security file concerning Shaheen Mackey.

PLEASE CHECK ONE OF THE FOLLOWING:

- I AM ONLY REQUESTING ACCESS TO THE DOCUMENT(S)
- I AM REQUESTING A HARD COPY OF THE DOCUMENT(S) (PAPER, CD, etc...)
- I AM REQUESTING AN E-FILE OF THE DOCUMENT(S) (IF AVAILABLE) (PDF, EXCEL SPRDSHT, etc...)

PLEASE NOTE: LUZERNE COUNTY IS NOT 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

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

July 9, 2018

Barry Dyller, Esquire
Dyller Law Firm
88 N. Franklin St.
Wilkes-Barre, PA 18701
Email: barry.dyller@dyllerlawfirm.com

RE: RTK Request # 18-131

Dear Attorney Dyller:

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 July 5, 2018, I received a request for documents from you described in the attached Right to Know request. Your request is denied.

Your request for the autopsy report is denied in that the autopsy was performed by Gary Ross, M.D. on June 8, 2018. He has not yet provided said report to the Luzerne County Coroner's Office.

Luzerne County does not maintain 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".

Please check back with the Coroner's Office to find out if said report has been filed. Once it has, you may request the report directly from them. The costs for the documents are as follows: Coroner's Report: \$50.00; Toxicology Report - \$50.00; and Autopsy Report - \$100.00. Please make a check payable to the Luzerne County Coroner and mail or drop off at the Coroner's Office at 20 North Pennsylvania Ave., Wilkes-Barre, PA 18711. If you pick them up in person, please call Mary Wallace at 570-825-1664 to make an appointment.


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The rest of the request is denied since the matter was the subject of both a criminal and civil investigation. Pursuant to Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.708(b) **Exceptions**. Except as provided in Subsection (c) and (d), the following are exempt from access by a requestor under this Act: (16) A record of an agency relating to or resulting in a criminal investigation (ii) Investigative materials, notes, correspondence, videos and reports" and 65 P.S. §§ 67.708(b) Section 17 "A record of an agency relating to a non-criminal investigation, including "(ii) Investigative materials, notes, correspondence and reports."

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.

Very truly yours,



JACQUELINE MUSTO CARROLL, ESQUIRE
Luzerne County – Open Records Officer



pennsylvania

OFFICE OF OPEN RECORDS

STANDARD RIGHT-TO-KNOW REQUEST FORM

DATE REQUESTED: 7-9-18

REQUEST SUBMITTED BY: E-MAIL U.S. MAIL FAX IN-PERSON

REQUEST SUBMITTED TO (Agency name & address):

Luzerne County Purchasing
20 North Pennsylvania Avenue, Suite 203
Wilkes-Barre, PA 18711

NAME OF REQUESTER : Mike Redmond

STREET ADDRESS: 400 SW 7th St

CITY/STATE/COUNTY/ZIP(Required): Stuart FL, 34994

TELEPHONE (Optional): 1-800-785-5165 EMAIL (optional): mredmond@constructionjournal.com

RECORDS REQUESTED: **Provide as much specific detail as possible so the agency can identify the information.
Please use additional sheets if necessary*

Please provide the bid tabulation or apparent low bidders for this Rebid?

Window Replacement – 54 West Union Street

DO YOU WANT COPIES? NO

DO YOU WANT TO INSPECT THE RECORDS? NO

DO YOU WANT CERTIFIED COPIES OF RECORDS? NO

DO YOU WANT TO BE NOTIFIED IN ADVANCE IF THE COST EXCEEDS \$100? NO

**** PLEASE NOTE: RETAIN A COPY OF THIS REQUEST FOR YOUR FILES ****
**** IT IS A REQUIRED DOCUMENT IF YOU WOULD NEED TO FILE AN APPEAL ****

FOR AGENCY USE ONLY

OPEN-RECORDS OFFICER:

I have provided notice to appropriate third parties and given them an opportunity to object to this request

DATE RECEIVED BY THE AGENCY:

AGENCY FIVE (5) BUSINESS DAY RESPONSE DUE:

***Public bodies may fill anonymous verbal or written requests. If the requestor wishes to pursue the relief and remedies provided for in this Act, the request must be in writing. (Section 702.) Written requests need not include an explanation why information is sought or the intended use of the information unless otherwise required by law. (Section 703.)*