

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

December 13, 2017

Jeremiah Smith
#MW/9412
P. O. Box 945
Marienville, PA 16239
RE: RTK Request # 17-229

Dear Mr. Smith:

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 December 8, 2017, the Luzerne County Office of Law received a request for documents from you described in the attached Right to Know request. Your request is granted and denied

It is granted as to your request for the Informations and Sentencing Orders for Criminal Informations #2630 and #2733 of 2016. It is also GRANTED as to the sentencing transcripts for both Criminal Informations. This information is attached.

It is denied as to your request for preliminary hearing transcripts. Luzerne County does not maintain this type of transcript. If a court reporter was present at the preliminary hearings in both cases cited, you will need to contact that reporter directly to request that he/she transcribe the notes of testimony. Please note that not all preliminary hearings have court reporters present.

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”.

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.

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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: 11/25/17

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

REQUEST SUBMITTED TO (Agency name & address): Clerk of Courts @ Luzerne County
Courthouse; 200 North River Street, Wilkes Barre, Pa. 18711

NAME OF REQUESTER: Jeremiah Smith, #MW/9412; *Jeremiah Smith*

STREET ADDRESS: P.O. BOX--945; Marienville, Pa. 16239

CITY/STATE/COUNTY/ZIP(Required): same as above;

TELEPHONE (Optional): n/a EMAIL (optional): n/a

RECORDS REQUESTED: **Provide as much specific detail as possible so the agency can identify the information. Please use additional sheets if necessary:* This Legal Communication is most important:

I am requesting that you or your office, provide this Petitioner with the following legal documents; 1. Preliminary Hearing Transcripts; 2. Sentencing Transcripts; 3. Sentencing Order; in all matters relevant in the Case of Com. v. Smith @ CP/0002733-CT1/2016 @ Information #2630, 2733 of 2016. ~~These~~ requests are made pursuant to the RTK Law and Pa.R.Crim. P. 113(a) and Com.v. Long @ 922 A.2d @ 892, 898 (Pa. 2007); and any other rule of law or procedure that meets the functional and jurisdictional equivalent of any matters sought and outlined in this Right to Know Request. ... I thank you in advance, for your time in this matter, and any consideration to same. ...

DO YOU WANT COPIES? YES or NO
DO YOU WANT TO INSPECT THE RECORDS? YES or NO
DO YOU WANT CERTIFIED COPIES OF RECORDS? YES or 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

RIGHT TO KNOW OFFICER:
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.)*