

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

February 27, 2018

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

RE: RTK Request # 18-41

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 February 21, 2018, 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 as to the request for the Coroner's records. 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.

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.

Page Two

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,

A handwritten signature in cursive script that reads "Jacqueline Musto Carroll".

JACQUELINE MUSTO CARROLL, ESQUIRE
Luzerne County – Open Records Officer

*Revd
2/20/2018*

BARRY H. DYLLER, ESQ., Partner
Also admitted in New York
barry.dyller@dyllerlawfirm.com

SHELLEY L. CENTINI, ESQ., Partner
centini.s@dyllerlawfirm.com

THERON J. SOLOMON, ESQ., Associate
theron.solomon@dyllerlawfirm.com

DYLLER LAW FIRM

GETTYSBURG HOUSE
88 NORTH FRANKLIN STREET
WILKES-BARRE, PA 18701

Telephone: (570) 829-4860
Facsimile: (570) 825-6675
www.dyllerlawfirm.com

February 16, 2018

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

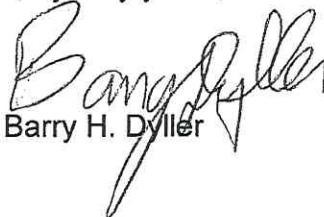
Dear Attorney Carroll:

Enclosed is a Right To Know Request Form with Exhibit A attached.

Please provide me with the identified documents as soon as possible.

If you have any questions, please feel free to call me.

Very truly yours,

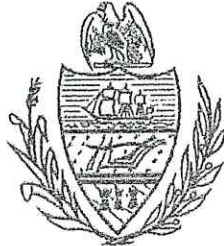

Barry H. Dyller

BHD/nr
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: Dyller Law Firm, 88 North Franklin Street
STREET / P.O. BOX

Wilkes-Barre PA 18701
CITY STATE ZIP CODE

PHONE # (570) 829-4860 FAX# (570) 825-6675

EMAIL ADDRESS: barry.dyller@dyllerlawfirm.com

SIGNATURE: *Barry Dyller* DATE: 2/16/18

RECORDS REQUESTED - Requesters MUST specify the document(s) sought. Please use additional pages if necessary.

All documents and/or materials identified on Exhibit A attached hereto

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

BARRY H. DYLLER, ESQ., Partner
Also admitted in New York
barry.dyller@dyllerlawfirm.com

SHELLEY L. CENTINI, ESQ., Partner
centini.s@dyllerlawfirm.com

THERON J. SOLOMON, ESQ., Associate
theron.solomon@dyllerlawfirm.com

DYLLER LAW FIRM

GETTYSBURG HOUSE
88 NORTH FRANKLIN STREET
WILKES-BARRE, PA 18701

Telephone: (570) 829-4860

Facsimile: (570) 825-6675

www.dyllerlawfirm.com

Exhibit A

A complete copy of any and all documents and things prepared by and/or maintained by the Luzerne County Correctional Facility (LCCF) relative to all of former inmate **HAILEY POSIVIL'S** incarcerations at LCCF at any time, and her subsequent hospitalization at Wilkes-Barre General Hospital from January 9, 2018 to the present, including but not limited to the following:

1. The entirety of **HAILEY POVISIL'S** Inmate file;
2. Incident report and affiliated documents relative to the incident which occurred on January 9, 2018, resulting in **HAILEY POVISIL's** death;
3. All healthcare records relative to medical, psychiatric and/or Psychological treatment and/or testing received by **HAILEY POVISIL** on or off the LCCF premises;
4. All medical records relative to medical, psychiatric and/or psychological treatment and/or testing received by **HAILEY POVISIL** at LCCF and/or Wilkes-Barre General Hospital;
5. All Investigative Reports in their entirety relative to the cause, manner and circumstances leading up to and surrounding the death of **HAILEY POVISIL**;
6. All photographs, videos and/or audio taping of **HAILEY POVISIL** taken by LCCF personnel or others at the LCCF and/or Wilkes-Barre General Hospital;
7. All photographs, videos and/or digital taping of **HAILEY POVISIL's** prison cell taken by LCCF personnel and/or others;

8. All photographs, videos and/or digital taping of the items(s) involved in the incident which occurred on January 9, 2018, resulting in **HAILEY POVISIL**'s death;
9. All item(s) involved in the incident which occurred on January 9, 2018 resulting in **HAILEY POVISIL**'s death;
10. All letters, notes, memoranda, emails and/or texts purportedly written by or to **HAILEY POVISIL**; and
11. All personal items of **HAILEY POVISIL** (Requestor will view and photograph such items at a mutually convenient time);
12. All intake documents and all suicide questionnaires taken relating to **HAILEY POSIVIL**'s incarceration at LCCF; and
13. Pursuant to the Coroner's Act, Section 1214 and Sections 1231-1260, a complete copy of any and all documents and things prepared by and/or for and maintained by the Luzerne County Coroner's Office relative to the cause, manner and circumstances leading up to and surrounding the death of **HAILEY POVISIL**, including but not limited to the following:
 - a. Certificate of Death;
 - b. Coroner's Report and all affiliated records;
 - c. Autopsy Report(s);
 - d. Toxicology Reports; and
 - e. Autopsy Photographs.