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DISTRICT ATTORNEY



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Mr. Jared Moore
#HR 2763
175 Progress Drive
Waynesburg, PA 15370

July 10, 2017

Mr. Kevin McCarthy, Esquire
Open Records Officer
Office of District Attorney
401 Courthouse
436 Grant Street
Pittsburgh, PA 15219

In re: Right to Know Law Appeal

Dear Mr. Moore and Attorney McCarthy:

I am the Open Records Appeals officer for Allegheny County. On June 26, 2017 I received an appeal from Mr. Moore. Mr. Moore had sought various documents from Mr. McCarthy in regards to cases filed at Nos. CP-02-CR 18117-2003 and 03215-2004 (See Exhibit 1 attached to Mr. Moore's present appeal). On June 13, 2017 Mr. McCarthy wrote a letter in which he stated that he had searched for the District Attorney trial file at No. CC 200403215 and was unable to locate the file. As to the requested documents at No. CC 200318117, Mr. McCarthy stated that he located the file for that case number, but that the file did not contain the requested documents. As an aside, Mr. McCarthy noted that even if the documents had been in the file, he would have been unable to furnish Mr. Moore with a copy of

the requested information regarding disclosures of “how often, and for how long on each occasion, has Randall Stoddard been interviewed in connection with Docket No. CP-02-CR-200318117 by prosecutors and the Allegheny County Police Department,” because those materials would be exempt under 65 P.S. §67.708(b)(16) (See Exhibit 1 attached to Mr. Moore’s present appeal).

I have considered Mr. Moore’s argument that disclosure is compelled under *Coley v. Philadelphia District Attorney’s Office*, 77 A.3d 694 (Pa.Cmwlth. 2013). With all respect to the requester, I do not find that case controlling in a situation where an Agency does not possess the requested items.

As a result, I must decline Mr. Moore’s request and affirm Allegheny County’s denial of access. Please be advised that pursuant to Section 65 P.S. §67.1302 the parties have 30 days to appeal my decision to the Court of Common Pleas of Allegheny County.

Very truly yours,

Michael W. Streily
Deputy District Attorney
Open Records Appeals Officer