



**DISTRICT ATTORNEY OF MERCER  
COUNTY**

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February 14, 2022

Via email only: [venestakirk@msn.com](mailto:venestakirk@msn.com)

Vanesta Kirk

Re: Vanesta Kirk v. Sharon City  
Right to Know Request appeal

Dear Ms. Kirk:

As you are aware from the PA Office of Open Records (OOR) Final Determination of February 3, 2022 of the above referenced matter (OOR Docket No. 2021-2684), you requested the following:

1. Police report for incident occurring on July 20, 2021 involving Justin Norris at 1298 Stambaugh Ave., Sharon, Pa;
2. Names of responding jurisdictions, police departments/law enforcement agencies;
3. Dispatcher statements to police and 911 call on July 20, 2021; and
4. Police response protocol for law enforcement/responding law enforcement agencies.

On page 4 of its Final Determination, OOR concluded that the City has demonstrated that the record responsive to Item 1 could relate to a criminal investigation. OOR then transferred your appeal as to Item 1 to the Appeals Officer for the Mercer County District Attorney's Office to determine if the records relates to a criminal investigation. I am that appeals officer.

On the date in question, I was contacted by Sharon Police Chief Edward Stabile while the incident was in progress and Chief Stabile and I concluded that the police should not cause a breach of the residence at 1298 Stambaugh Avenue, but rather pull back, file a citation with the Magisterial District Judge and cause a summons to be issued for a hearing. That in fact occurred, Mr. Norris appeared at that hearing and the matter was then resolved.

Shortly after the event in question, pursuant to standard protocol, Sharon Police Department forwarded to my office a copy of the incident report and related documentation for the underlying criminal investigation and criminal charges. I reviewed that documentation upon

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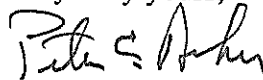
arrival. That documentation was entered into this office's Prosecution Management System. Today I again reviewed that documentation.

I believe the transfer of your appeal as to Item 1 by OOR was proper. After further review I have concluded that Item 1 of your request is in fact records which relate to a criminal complaint and are thus exempt from production under the Right to Know Law (RTKL) 65 P.S. Section 67.708(b)(16). The requested records clearly relate to a criminal investigation (Commonwealth v. Justin Norris, MJ Docket No. MJ 35201-CR-243, OTN R 157665-4.

Within 30 days of the mailing date of this determination, any party may appeal to the Court of Common Pleas of Mercer County, Pennsylvania, 65 P.S. Section 67.1302(a). All parties are being served with notice of appeal including OOR.

Thank you for your consideration of these matters.

Very truly yours,



Peter C. Acker, Esquire  
District Attorney

cc: Lyle Hartranft, Esq.  
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