

STEPHEN A. ZAPPALA, JR.
DISTRICT ATTORNEY



OFFICE OF THE DISTRICT ATTORNEY

County of Allegheny

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Mr. Jayquon Massey
#HW 6337
1 Kelley Drive
Coal Township, PA 17866

February 11, 2020

Jerry Tyskiewicz, Director
Open Records Officer
Department of Administrative Services
202 Courthouse
436 Grant Street
Pittsburgh, PA 15219

In re: Right to Know Law Appeal

Dear Mr. Massey and Open Records Officer Tyskiewicz:

I am the Open Records Appeals officer for Allegheny County. As you know, I had sought more information from Mr. Massey concerning the documents he had requested. He has responded to my communication and indicated that he sought production of the following:

1. The name and caliber of shell casings that was found at the scene of the crime on 11/21/07;

2. The name and caliber of bullet that was removed from the deceased (Cheryl Wilds), along with what type of firearm that could have fired that projectile;
3. A copy of any/all reports under the aliases (sic) of (Dorothy Jackson[]), DOB: 1/1/60.

See letter dated February 4, 2020 authored by Mr. Wilford E. Scales on Mr. Massey's behalf.

The requested items are classic examples of criminal investigative materials that are exempt from disclosure under 65 P.S. §67.708(b)(16) which provides in relevant part:

- (16) A record of an agency relating to or resulting in a criminal investigation, including:
 - (i) Complaints of potential criminal conduct other than a private criminal complaint.
 - (ii) Investigative materials, notes, correspondence, videos and reports.
 - (iii) A record that includes the identity of a confidential source or the identity of a suspect who has not been charged with an offense to whom confidentiality has been promised.
 - (iv) A record that includes information made confidential by law or court order.
 - (v) Victim information, including any information that would jeopardize the safety of the victim.
 - (vi) A record that if disclosed, would do any of the following:
 - (A) Reveal the institution, progress or result of a criminal investigation, except the filing of criminal charges.
 - (B) Deprive a person of the right to a fair or an impartial adjudication.
 - (C) Impair the ability to locate a defendant or codefendant.
 - (D) Hinder an agency's ability to secure an arrest, prosecution or conviction.
 - (E) Endanger the life or physical safety of an individual.

As a result, I must decline Mr. Massey's request and affirm the 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. I want to thank all parties for their cooperation.

Very truly yours,

Michael W. Streily
Deputy District Attorney
Open Records Appeals Officer