

STEPHEN A. ZAPPALA, JR.
DISTRICT ATTORNEY



OFFICE OF THE DISTRICT ATTORNEY

County of Allegheny

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Mr. Charles Head
45494-112
FCI Cumberland
P.O. Box 1000
Cumberland, MD 21501-1000

January 9, 2020

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. Head and Open Records Officer McCarthy:

I am the Open Records Appeals officer for Allegheny County. Mr. Head has filed an appeal from the decision of the Allegheny County District Attorney's Office that partially granted his request for certain documents/information. Specifically, Mr. Head had requested:

1. any and all records your office has that are in any way able to be released under the PA Right to Know Law;

2. the criminal docket for the above listed docket number (CP-02-CR-009255-2013);
3. any court filings your office may have related to the above criminal docket number (public records);
4. the police report (number 20130612m0037) related to the above criminal docket number or, if unavailable under the law, the method whereby said police report may be obtained by the defendant in this criminal proceeding.

In denying the request in part, Mr. McCarthy explained why the documents were exempt from disclosure. His analysis is adopted herein and I attach his letter in support of my decision. I note that I also tried to access the docket sheet for this case and was unable to do so. I further must respond to Mr. Head's statement in support of production. Mr. Head complains that the police seized records from his mobile phone during the course of this criminal investigation and prosecution and that he wants them back. That type of material is definitely exempt as criminal investigative material under 65 P.S. §67.708(b)(16).

As a result, I must decline Mr. Head'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.

Very truly yours,

Michael W. Streily
Deputy District Attorney
Open Records Appeals Officer