

From: Alan Keays <akeays@vtdigger.org>
Sent: Wednesday, March 27, 2019 4:41 PM
To: Donovan, Thomas <Thomas.Donovan@vermont.gov>
Cc: Diamond, Joshua <Joshua.Diamond@vermont.gov>
Subject: PRR appeal

March 27, 2019

Dear Vermont Attorney General TJ Donovan:

I am appealing a partial denial of records under Vermont's Public Records Act. The partial denial is attached below.

I am seeking:

--any and all documents, withheld or redacted, from my public records request, particularly relating to Max Misch. I am also asking that if the records continue to be withheld or redacted that the specific exemptions to Vermont's Public Records Act be cited for the withholding or redaction of each record.

Because this request is in the public interest, I request that you waive any fees for filling it. If fees are assessed, please notify me before proceeding. If, after that conversation, fees are charged, please provide a detailed receipt explaining the purpose of each fee charged.

If some of this material will take longer to provide than other portions, please provide any segments of the requested information as soon as it is available. If this information is available in electronic format, please provide it in that manner. If any or all of the information can be provided by email, please do so.

Please let me know if you have any questions about this request. I trust you will respond to my request for the records within the timeframe set out in the Public Records Act.

Should you deny access to any of the records I am requesting, please provide me with a list of those records, cite the specific exemption that applies to each record or portion of the record being withheld and provide a description of the material that has been withheld.

If a record has a portion that is exempt from disclosure, the law [1 VSA 318 (e)] requires that only the exempt portion be redacted, and that a copy of the rest of the document be released, together with a notation of the specific exemption that applies to the portion withheld.

Thank you for your assistance.

Alan J. Keays
VTDigger

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109 STATE STREET
MONTPELIER, VT
05609-1001

March 26, 2019

Mr. Mark Davis
Vermont Public Radio
365 Troy Avenue
Colchester, Vermont 05446

Mr. Alan J. Keays
VTDigger
26 State Street, Suite 8
Montpelier, Vermont 05602

Re: Public Records Request

Dear Mark Davis and Alan Keays,

Please find enclosed the audio requested as part of your public records request. It is our understanding that although VTDigger provided payment for these files, the files will be shared between you.

With minimal exception, the files include the totality of the audio statements made by Ruqaiyah "Kiah" Morris and James Lawton. As previously stated, Max Misch was arraigned on criminal charges which are currently pending. Consistent with 1 V.S.A. § 317(c)(5)(A)(ii), because some statements contain information that could deprive Max Misch of his right to a fair trial, we are obliged, at this stage, to exempt these statements from disclosure. Pursuant to 1 V.S.A. § 317(c)(3) disclosure could also violate duly adopted Vermont Rules of Professional Conduct. Additionally, pursuant to 1 V.S.A. § 317(c)(5)(A)(iii) some statements have been redacted in order to protect against a possible unwarranted invasion of personal privacy.

We thank you for your patience and understanding in meeting your request and abiding by our obligations under the Vermont Public Records Act.

To the extent you feel records have been wrongfully withheld, you may appeal to Deputy Attorney General Josh Diamond at the address noted above.

Sincerely,

A handwritten signature in black ink that reads "Molly R. Gray (S)". The signature is written in a cursive style with a large, stylized "M" and "G".

Molly R. Gray
Assistant Attorney General