

Isenberg, Kelly

From: Mark S. Smith, Esquire <MSmith@centreda.org>
Sent: Wednesday, February 01, 2017 4:58 PM
To: Isenberg, Kelly
Subject: Attestation with Supporting Documents Re: Docket #AP 2017-0120
Attachments: Attestation with Supporting Documents for Docket #AP 2017-0120.pdf

Please find attached the Attestation with Supporting Documents for Docket #AP 2017-0120.

A copy has been sent to the Requestor at:
Hobson McKown, Inmate # 16-1028
Centre County Correctional Facility
700 Rishel Hill Road
Bellefonte, PA 16823-8440

Thank you.

Mark

Mark S. Smith, Esquire
First Assistant District Attorney
District Attorney's Office
Courthouse, Room 404
102 South Allegheny Street
Bellefonte, PA 16823-1986

814 355-6735
814 355-6756 Fax

MSmith@CentreDA.org



County of Centre



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE DISTRICT ATTORNEY

STACY PARKS MILLER
District Attorney

MARK S. SMITH
First Assistant District Attorney

102 S. Allegheny St.
Courthouse, Room 404
Belleville, PA 16823

Telephone (814) 355-6735
Victim/Witness (814) 548-1107
FAX (814) 355-6756

ATTESTATION

Name of Requester: Hobson McKown

Appeal Caption: Docket #AP 2017-0120

- Records Requested:**
- A) the two-page private criminal complaint by Hobson Lyle McKown dated 09/25/2016, accusing one Denny Nau of two misdemeanors in office, (having been submitted to the Office of the District Attorney of Centre County via first class mail from the Centre County Correctional Facility on 09/25/2016,)
 - B) the one-page letter to the District Attorney, Stacy Parks Miller, Esq., from Hobson McKown, with the enclosed two-page private criminal complaint aforementioned in item A, sent via certified mail and having been signed for by (illegibly) "/s/J----B-----" on or about November 7, 2016,
 - C) any journal/log noting the receipt or processing or status of the above mailpieces/complaints/letters, by any person of the Office of the District Attorney or any other county employee,
 - D) any record evidencing that Stacy Parks Miller herself viewed the letter or either copy of the criminal complaint, or the envelopes containing those documents,
 - E) any regulation, rule, statement of policy, or other record, ("Policies") regarding the handling of private criminal complaints, including those Policies that co-extend to the handling of police criminal complaints,
 - F) any Policies regarding the handling of mail or documents received from one Hobson McKown,
 - G) and records regarding a pre-approval complaint inquiry and/or any record regarding inquiry status

I, **Mark S. Smith**, Esquire, Centre County First Assistant District Attorney assigned to be the Open Records Officer for this request, hereby declare, pursuant to 18 Pa.C.S.A. § 4904, that the following statements are true and correct based upon my personal knowledge information and belief:

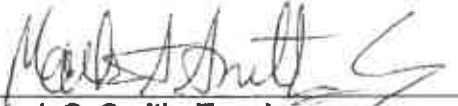
1. I serve in this request as the Open Records Officer for the CENTRE COUNTY DISTRICT ATTORNEY'S OFFICE ("Judicial Agency"). The Centre County District Attorney's Office considers itself a "judicial Agency" and thus appeal of our determinations would go to the Court of Common Pleas. This very question is pending before the Pennsylvania Supreme Court and should be resolved shortly. In the meantime, for this particular Requester, we are responding without waiving our opportunity to object to Office of Open Record's jurisdiction.
2. I am responsible for responding to this Right-to-Know request filed with this Office.
3. In my capacity as the Open Records Officer, I am familiar with the records of the Agency.
4. On January 3, 2017, the Agency received an envelope from Hobson McKown, Inmate 16-1028, Centre County Correctional Facility, 700 Rishel Hill Road, Bellefonte, Pa, 16823-1488. The envelope contained a letter, dated December 25, 2016, and requested the records set forth above. (See attachment)
5. On January 5, 2017, the Agency received a second envelope from Hobson McKown, Inmate 16-1028, Centre County Correctional Facility, 700 Rishel Hill Road, Bellefonte, Pa, 16823-1488. This envelope contained a Standard Right-To-Know Request Form, dated December 31, 2016. (See attached) The form contained the following statement: ***"Please see reverse side of this paper. Request is substantially the same as the request issued by letter, dated December 25, 2016. This request is now provided on the uniform form, 65 P.S. § 67.505, to ensure compliance with the Right-To-Know Law, and to preserve right to appeal, if necessary."***
6. Based on the Requester's statement, the Agency believed that the Standard Right-To-Know Request Form, dated December 31, 2016, was intended to supersede the letter dated December 25, 2016. Since the Standard Right-To-Know Request Form was received January 5, 2017, the Agency determined that its 5 business day response was due on January 12, 2017.
7. On January 12, 2017, the Agency sent a letter to the Requester stating that it was unable to provide an answer within 5 days because, pursuant to Section 902 of the Right-To-Know Law, a legal review was necessary to determine whether any requested documents that may exist satisfy his requests under the Right-To-Know Law. (See attached)
8. Requester's determination of there being a deemed denial is incorrect because

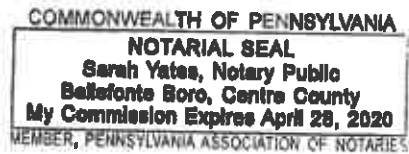
the Agency responded to his Standard Right-To-Know Request Form within 5 business days.

WHEREFORE, this appeals officer should find that the determination of a deemed denial is incorrect, and dismiss this appeal as premature.

Date: February 1, 2017

Signature:


Mark S. Smith, Esquire
Open Records Officer
Centre County District Attorney's Office



Hobson McKean 16-1028
Centre County Correctional Facility
700 Rishel Hill, Road
Bellefonte, Pa. 16823-1488

JOHNSTOWN PA 150

30 DEC 2016 PM 2.1



Office of the District Attorney of Centre County
Centre County Courthouse, 4th Floor Room 404
102 South Allegheny Street
Bellefonte, Pa. 16823-1986

Received
JAN 03 2016
District Attorney

1582381986



Open Records officer

Hobson McKown 6-1028
Centre County Correctional Facility
700 Rishel Hill Road
Bellefonte, Pennsylvania 16823-1488

December 25, 2016

Open Records Officer
Office of the District Attorney of Centre County
Centre County Courthouse, Fourth Floor, Room 404
102 South Allegheny Street
Bellefonte, Pennsylvania 16823-1986

Dear Open Records Officer, of the Office of the District Attorney of Centre County:

This following letter represents separately both a Pennsylvania Right-to-Know Law request and a common law records request. I hereby request the following records:

- A) the two-page private criminal complaint by Hobson Lyle McKown dated 09/25/2016, accusing one Denny Nau of two misdemeanors in office, (having been submitted to the Office of the District Attorney of Centre County via first class mail from the Centre County Correctional Facility on 09/25/2016,)
- B) the one-page letter to the District Attorney, Stacy Parks Miller, Esq., from Hobson McKown, with the enclosed two-page private criminal complaint aforementioned in Item A, sent via certified mail and having been signed for by (illegibly) "/s/J----- B-----" on or about November 7, 2016,
- C) any journal/log noting the receipt or processing or status of the above mailpieces/complaints/letters, by any person of the Office of the District Attorney or any other county employee,
- D) any record evidencing that Stacy Parks Miller herself viewed the letter or either copy of the criminal complaint, or the envelopes containing those documents,
- E) any regulation, rule, statement of policy, or other record, ("Policies") regarding the handling of private criminal complaints, including those Policies that co-extend to the handling of police criminal complaints,
- F) any Policies regarding the handling of mail or documents received from one Hobson McKown,
- G) any records regarding a pre-approval complaint inquiry and/or any record regarding inquiry status.

As to the Right-to-Know Law request, I foremost request copies, but also desire to inspect; I do not yet desire certified copies; notify me if the cost is to exceed \$100. "A written request need not include any explanation of the requester's reason . . . unless otherwise required by law." 65 P.S. § 67.703.

As to the common law records request, it is not expected that this request will significantly burden this Office. The records are not fragile. The aforementioned criminal complaint and its substance is already public or of public record. The records are not rare, unusual, or stored outside of the Office. The requestor has multiple purposes for which he seeks these records; please note whether any provided records are limited in use by the scope of the request. The requestor seeks to A) verify that the District Attorney's Office is properly receiving and processing mail, B) validate compliance with Pa.R.Crim.P., Rule 506, C) ascertain the basis, if any, for appeal to the Court of Common Pleas under Rule 506 and 16 P.S. § 1405(b), D) speak and/or print on the proceedings of these branches of government, and on the official conduct of officers or persons in public capacity, and such other matters proper for public investigation or information, and E) transmit such records to duly accredited press, so that they may report on the ongoing crime problem in Centre County, Pennsylvania.

Sincerely,





pennsylvania

OFFICE OF OPEN RECORDS

STANDARD RIGHT-TO-KNOW REQUEST FORM

DATE REQUESTED: 12/31/2016

REQUEST SUBMITTED BY: E-MAIL U.S. MAIL FAX IN-PERSON

REQUEST SUBMITTED TO (Agency name & address): Open Records Officer, Centre Co. District Attorney Ofc, Courthouse Rm. 404, 102 S Allegheny St, Bellefonte, PA 16823-1986

NAME OF REQUESTER: Hobson McKown

STREET ADDRESS: Inmate 16-1028, Centre Co. Correctional Facility, 700 Rishel Hill Rd

CITY/STATE/COUNTY/ZIP(Required): Bellefonte, PA, County of Centre, 16823-1488

TELEPHONE (Optional): _____ EMAIL (optional): _____

RECORDS REQUESTED: **Provide as much specific detail as possible so the agency can identify the information. Please use additional sheets if necessary*

Please see reverse side of this paper. Request is substantially the same as the request issued by letter, dated December 25, 2016. This request is now provided on the uniform form, 65 P.S. § 67.505, to ensure compliance with the Right-To-Know Law, and to preserve right to appeal, if necessary.

DO YOU WANT COPIES? YES NO

DO YOU WANT TO INSPECT THE RECORDS? YES NO

DO YOU WANT CERTIFIED COPIES OF THE RECORDS? YES NO

DO YOU WANT TO BE NOTIFIED IN ADVANCE IF THE COST EXCEEDS \$100 YES NO

**** PLEASE NOTE: RETAIN A COPY OF THIS REQUEST FOR YOUR FILES ****
**** IT IS A REQUIRED DOCUMENT IF YOU WOULD NEED TO FILE AN APPEAL ****

FOR AGENCY USE ONLY

OPEN-RECORDS OFFICER:

I have provided notice to appropriate third parties and given them an opportunity to object to this request

DATE RECEIVED BY THE AGENCY:

AGENCY FIVE (5) BUSINESS DAY RESPONSE DUE:

***Public bodies may fill anonymous verbal or written requests. If the requestor wishes to pursue the relief and remedies provided for in this Act, the request must be in writing. (Section 702.) Written requests need not include an explanation why information is sought or the intended use of the information unless otherwise required by law. (Section 703.)*

A) the two-page private criminal complaint by Hobson Lyle McKown dated 09/25/2016, accusing one Denny Nau of two misdemeanors in office, (having been submitted to the Office of the District Attorney of Centre County via first class mail from the Centre County Correctional Facility on 09/25/2016,)

B) the one-page letter to the District Attorney, Stacy Parks Miller, Esq., from Hobson McKown, with the enclosed two-page private criminal complaint aforementioned in item A, sent via certified mail and having been signed for by (illegibly) "/s/J--
--- B-----" on or about November 7, 2016,

C) any journal/log noting the receipt or processing or status of the above mailpieces/complaints/letters, by any person of the Office of the District Attorney or any other county employee,

D) any record evidencing that Stacy Parks Miller herself viewed the letter or either copy of the criminal complaint, or the envelopes containing those documents,

E) any regulation, rule, statement of policy, or other record, ("Policies") regarding the handling of private criminal complaints, including those Policies that co-extend to the handling of police criminal complaints,

F) any Policies regarding the handling of mail or documents received from one Hobson McKown,

G) any records regarding a pre-approval complaint inquiry and/or any record regarding inquiry status.

HOPSON, MICHAEL 16-1028
CENTRE COUNTY CORRECTIONAL FACILITY
700 RISWELL HILL ROAD
BELLEFONTAINE, PA 16823-1468

JOHNSTOWN PA 159
03 JAN 2017 PM 2 T

FOREVER
USA

Bent Snallow

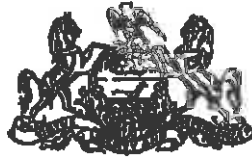
OPEN RECORDS OFFICER
CENTRE COUNTY DISTRICT ATTORNEY'S OFFICE
CENTRE COUNTY COURTHOUSE, Room 404
102 S ALLEGHENY ST
BELLEFONTAINE, PA 16823-1986

Received
JAN 05 2017
District Attorney

16823-1986



County of Centre



COMMONWEALTH OF PENNSYLVANIA OFFICE OF THE DISTRICT ATTORNEY

STACY PARKS MILLER
District Attorney

MARK S. SMITH
First Assistant District Attorney

102 S. Allegheny St.
Courthouse, Room 404
Belleville, PA 16823

Telephone (814) 355-6735
Victim/Witness (814) 848-1107
FAX (814) 355-6756

January 12, 2017

Hobson McKown – Inmate #16-1028
Centre County Correctional Facility
700 Rishel Hill Road
Belleville, PA 16823-1488

Re: Right to Know Request Dated 12/31/16

To Whom It May Concern:

Thank you for writing to the District Attorney's Office with your request for information pursuant to the Pennsylvania Right-To-Know law.

On January 5, 2017, I became aware you made seven requests:

- 1) The two page private criminal complaint by Hobson Lyle McKown dated 9/25/2016, accusing one Denny Nau of two misdemeanors in office, (having been submitted to the Office of the District Attorney of Centre County via first class mail from the Centre County Correctional Facility on 9/25/2016).
- 2) The one page letter to the District Attorney, Stacy Parks Miller, Esq., from Hobson McKown, with the enclosed two page private criminal complaint aforementioned in item A, sent via certified mail and having been signed for by (illegibly), "/s/ J— B—" on or about November 7, 2016.
- 3) Any journal/log noting the receipt or processing or status of the above mail pieces/complaints/letters, by any person of the Office of the District Attorney or any other county employee.
- 4) Any record evidencing that Stacy Parks Miller herself viewed the letter or either

copy of the criminal complaint, or the envelopes containing those documents.

- 5) Any regulation, rule, statement of policy, or other record, ("Policies") regarding the handling of private criminal complaints, including those policies that co-extend to the handling of police criminal complaints.
- 6) Any policies regarding the handling of mail or documents received from one Hobson McKown.
- 7) Any records regarding a pre-approval complaint inquiry and/or any record regarding inquiry status.

Your requests are being reviewed.

I am unable to provide an answer within five (5) days because, pursuant to Section 902 of the Right to Know law, a legal review is necessary to determine whether any requested documents that may exist satisfy your requests under the Right to Know law.

Respectfully,


Mark Smith, Esquire

Centre County First Assistant District Attorney

MS/sy



January 23, 2017

Via First Class Mail only:

Hobson McKown, 16-1028
Centre County Correctional Facility
700 Rishel Hill Road
Bellefonte, PA 16823

Via E-Mail only:

Stacy Parks Miller, Esquire
Open Records Officer
County of Centre
Office of the District Attorney
102 S. Allegheny Street
Courthouse, Room 404
Bellefonte, PA 16823
spmiller@centreda.org

RE: OFFICIAL NOTICE OF APPEAL – DOCKET #AP 2017-0120

Dear Parties:

Please review this information carefully as it affects your legal rights.

The Office of Open Records (“OOR”) received this appeal under the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101, *et seq.* on January 23, 2017. This letter describes the appeal process. A binding Final Determination will be issued pursuant to the timeline required by the RTKL. In most cases, that means within 30 calendar days.

OOR Mediation: This is a voluntary, informal process to help parties reach a mutually agreeable settlement on records disputes before the OOR. To participate in mediation, both parties must agree in writing. If mediation is unsuccessful, both parties will be able to make submissions to the OOR, and the OOR will have 30 calendar days from the conclusion of the mediation process to issue a Final Determination.

Note to Parties: Statements of fact must be supported by an affidavit or attestation made under penalty of perjury by a person with actual knowledge. Any factual statements or allegations submitted without an affidavit will not be considered. The agency has the burden of proving that records are exempt from public access (*see* 65 P.S. § 67.708(a)(1)). **To meet this burden, the agency must provide evidence to the OOR.** The law requires the agency position to be supported by sufficient facts *and* citation to all relevant sections of the RTKL, case law, and OOR Final Determinations. An affidavit or attestation is required to show that records do not exist. Blank sample affidavits are available on the OOR’s website.

Submissions to OOR: Both parties may submit information and legal argument to support their positions by 11:59:59 p.m. seven (7) business days from the date of this letter. *Submissions sent via postal mail and received after 5:00 p.m. will be treated as having been received the next business day.* The agency may assert exemptions on appeal even if it did not assert them when the request was denied (*Levy v. Senate of Pa.*, 65 A.3d 361 (Pa. 2013)).

Isenberg, Kelly

From: Eilers, Blake
Sent: Tuesday, January 24, 2017 4:16 PM
To: John McKown
Cc: blsampsel@centrecountypa.gov; spmiller@centreda.org
Subject: Inquiry in McKown v. Centre Co. DA, 2017-0120 and McKown v. Centre Co. Sheriff, 2017-0121, 0122
Attachments: Hobson McKown appeal dockets
Follow Up Flag: FollowUp
Due By: Tuesday, January 24, 2017 4:40 PM
Flag Status: Flagged

Ms. McKown,

Thank you for your e-mail. The Requester's appeal of the denial of his December 25th Request, which seeks records related to a private criminal complaint, has been docketed at No. 2017-0120; the appeal of the denial of the Request dated December 31, 2016, seeking recordings and communications with the District Attorney, has been docketed at No. 2017-0121; and his appeal of his December 25th Request for recordings and communications with the District Attorney has been docketed at No. 2017-0122.

Please note that Appeals Officer Kelly Isenberg will be handling No. 2017-0120. She can be contacted at kisenberg@pa.gov.

Sincerely,



Blake Eilers, Esq.
Appeals Officer
Office of Open Records
Commonwealth Keystone Building
400 North Street, Plaza Level
Harrisburg, PA 17120-0225
(717) 346-9903 | bellers@pa.gov
<http://openrecords.pa.gov> | [@OpenRecordsPA](https://twitter.com/OpenRecordsPA)

Confidentiality Notice: This electronic communication is privileged and confidential and is intended only for the party to whom it is addressed. If received in error, please return to sender.

Include the docket number above on all submissions related to this appeal. Also, any information you provide to the OOR must be provided to all parties involved in this appeal. Information shared with the OOR that is not also shared with all parties will not be considered.

Agency Must Notify Third Parties: If records affect a legal or security interest of an employee of the agency; contain confidential, proprietary or trademarked records of a person or business entity; or are held by a contractor or vendor, **the agency must notify such parties of this appeal immediately and provide proof of that notice to the OOR within seven (7) business days from the date on this letter.** Such notice must be made by (1) providing a copy of all documents included with this letter; and (2) advising that interested persons may request to participate in this appeal (*see* 65 P.S. § 67.1101(c)).

Commonwealth Court has held that “the burden [is] on third-party contractors ... to prove by a preponderance of the evidence that the [requested] records are exempt.” (*Allegheny County Dep’t of Admin. Servs. v. A Second Chance, Inc.*, 13 A.3d 1025, 1042 (Pa. Commw. Ct. 2011)). **Failure of a third-party contractor to participate in an appeal before the OOR may be construed as a waiver of objections regarding release of the requested records.**

Law Enforcement Records of Local Agencies: District Attorneys must appoint Appeals Officers to hear appeals regarding criminal investigative records in the possession of a local law enforcement agency. If access to records was denied in part on that basis, the Requester should consider filing a concurrent appeal with the District Attorney of the relevant county.

If you have any questions about the appeal process, please contact the assigned Appeals Officer (contact information is enclosed) – and be sure to provide a copy of any correspondence to all other parties involved in this appeal.

Sincerely,



Erik Arneson
Executive Director

Enc.: Assigned Appeals Officer contact information
Entire appeal as filed with OOR

REQUEST TO PARTICIPATE BEFORE THE OOR

Please accept this as a Request to Participate in a currently pending appeal before the Office of Open Records. The statements made herein and in any attachments are true and correct to the best of my knowledge, information and belief. I understand this statement is made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsifications to authorities.

NOTE: The requester filing the appeal with the OOR is a named party in the proceeding and is NOT required to complete this form.

OOR Docket No: _____ Today's date: _____

Name: _____

IF YOU ARE OBJECTING TO THE DISCLOSURE OF YOUR HOME ADDRESS, DO NOT PROVIDE THE OFFICE OF OPEN RECORDS WITH YOUR HOME ADDRESS. PROVIDE AN ALTERNATE ADDRESS IF YOU DO NOT HAVE ACCESS TO E-MAIL.

Address/City/State/Zip _____

E-mail _____

Fax Number: _____

Name of Requester: _____

Address/City/State/Zip _____

Telephone/Fax Number: _____ / _____

E-mail _____

Name of Agency: _____

Address/City/State/Zip _____

Telephone/Fax Number: _____ / _____

E-mail _____

Record at issue: _____

I have a direct interest in the record(s) at issue as (check all that apply):

- An employee of the agency
- The owner of a record containing confidential or proprietary information or trademarked records
- A contractor or vendor
- Other: (attach additional pages if necessary) _____

I have attached a copy of all evidence and arguments I wish to submit in support of my position.

Respectfully submitted, _____ (must be signed)

Please submit this form to the Appeals Officer assigned to the appeal. Remember to copy all parties on this correspondence. The Office of Open Records will not consider direct interest filings submitted after a Final Determination has been issued in the appeal.



pennsylvania
OFFICE OF OPEN RECORDS

APPEALS OFFICER:

Kelly Isenberg, Esquire

CONTACT INFORMATION:

**Commonwealth of Pennsylvania
Office of Open Records
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg, PA 17120-0225**

PHONE:

(717) 346-9903

FACSIMILE:

(717) 425-5343

E-MAIL:

kisenberg@pa.gov

**Preferred method of contact
and submission of information:**

EMAIL

**Please direct submissions and correspondence related
to this appeal to the above Appeals Officer. Please include the case
name and docket number on all submissions.**

**You must copy the other party on everything you submit
to the OOR.**

The OOR website, <http://openrecords.pa.gov>, is searchable and both parties
are encouraged to review prior final determinations involving similar records
and fees that may impact this appeal.

JAN 23 2017

RIGHT-TO-KNOW LAW ("RTKL") APPEAL OF DEEMED DENIAL

OFFICE OF OPEN RECORDS

Date: 2017-01-19**Recipient of Appeal:** Office of Open Records, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA, 17120-0225; tel#717-346-9903, fax#717-425-5343, email:openrecords@pa.gov**Requester:** Hobson McKown, Inmate ID 16-1028, Centre County Correctional Facility, 700 Rishel Hill Road, Bellefonte, Pennsylvania, 16823-1488**Request submission means/date:** via jail institutional mail circa 2016-12-26 23:34, to US mail**Agency:** Centre County District Attorney's Office, Centre County Courthouse, Room 404, 102 South Allegheny Street, Bellefonte, Pennsylvania, 16823; tel#814-355-6735, fax#814-355-6756**Response submission means/date:** no response received**Denied access to following records:** All records as requested, on the attached copy of this Requester's RTKL request.**Agency reponse:**

None received. This appeal is issued to the OOR rather than the appeal officer designated by the District Attorney because the records requested are not criminal investigative records. *RTKL § 503(d)(2)*.

Concise statement addressing denial:

The records requested include:

- 1) private criminal complaints, specifically excluded from criminal investigative records exemption, § 708(b)(16)(i), as well as a letter associated with the same to compel a response to the complaint per Pa.R.Crim.P., Rule 506(A),
- 2) evidence of processing status of those incoming mail and documents,
- 3) rules, regulations, and/or policies of the Office,
- 4) evidence of status of complaint processing which would allow a complainant to find reasons or lack thereof for a lack of approval or disapproval of a private criminal complaint.

A written request, by letter, addressing the Open Records Officer of the Agency, containing required information, was provided to the Agency. Accord *Com. v. OOR, 628 Pa. 163, 103 A3d 1276 (2014)*.

In all cases, Agency can be expected to comply with the RTKL and this request by grant in whole, or, in part, by redaction of documents which consist of nonpublic portions, if any.

Notice of additional pleas: Please perform *in camera* inspection of records, if necessary. Make a recommendation of civil penalty, (\$1,500 suggested,) for deemed denial in bad faith, as lack of response can be understood only to frustrate access to records, and therefore the private criminal complaint process as well as public acknowledgement thereof.

Concise assertion of legitimacy:

The Request for records was sufficiently specific; the public records are in the possession, custody or control of the Agency; each record is not A) exempted under *RTKL § 708*, (subject to any redaction under *RTKL § 706*,) B) exempt from being disclosed under any other Federal or State law or regulation or judicial order or decree, or C) protected by a privilege; the Requester makes this statement to the best of his knowledge, or information and belief; the Requester hereby appeals.

So signed,



2017-01-19

Hobson McKown 16-1028
Centre County Correctional Facility
700 Rishel Hill Road
Bellefonte, Pennsylvania 16823-1488

December 25, 2016

Open Records Officer
Office of the District Attorney of Centre County
Centre County Courthouse, Fourth Floor, Room 404
102 South Allegheny Street
Bellefonte, Pennsylvania 16823-1986

Dear Open Records Officer, of the Office of the District Attorney of Centre County:

This following letter represents separately both a Pennsylvania Right-to-Know Law request and a common law records request. I hereby request the following records:

- A) the two-page private criminal complaint by Hobson Lyle McKown dated 09/25/2016, accusing one Denny Nau of two misdemeanors in office, (having been submitted to the Office of the District Attorney of Centre County via first class mail from the Centre County Correctional Facility on 09/25/2016,)
- B) the one-page letter to the District Attorney, Stacy Parks Miller, Esq., from Hobson McKown, with the enclosed two-page private criminal complaint aforementioned in item A, sent via certified mail and having been signed for by (illegibly) “/s/J---- B----” on or about November 7, 2016,
- C) any journal/log noting the receipt or processing or status of the above mailpieces/complaints/letters, by any person of the Office of the District Attorney or any other county employee,
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Sincerely,



Henry, Faith

From: Microsoft Outlook
To: spmiller@centreda.org
Sent: Monday, January 23, 2017 3:54 PM
Subject: Relayed: McKown v. Centre County District Attorney's Office: OOR Dkt 2017-0120

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

spmiller@centreda.org (spmiller@centreda.org)

Subject: McKown v. Centre County District Attorney's Office: OOR Dkt 2017-0120



McKown v. Centre
County Distri...

Henry, Faith

From: DC, OpenRecords
Sent: Monday, January 23, 2017 3:53 PM
To: 'spmiller@centreda.org'
Subject: McKown v. Centre County District Attorney's Office: OOR Dkt 2017-0120
Attachments: 2017-0120_McKown_CentreCountyDistrictAttorney.pdf

Good Afternoon,

Please see the attached appeal that has been filed with the Office of Open Records. This matter has been assigned to an Appeals Officer (see page 4 of attachment for contact information). Please forward all future correspondence directly to the Appeals Officer and all other parties. Thank you!



Faith Henry

Administrative Officer
Office of Open Records
Commonwealth Keystone Building
400 North Street, Plaza Level
Harrisburg, PA 17120-0225

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