

STEPHEN A. ZAPPALA, JR.  
DISTRICT ATTORNEY



OFFICE OF THE DISTRICT ATTORNEY

# County of Allegheny

436 GRANT STREET, 401 COURTHOUSE ♦ PITTSBURGH, PENNSYLVANIA 15219-2489  
PHONE (412) 350-4377 ♦ FAX (412) 350-3312

Elroy Layne  
#HY6645  
301 Institution Drive  
Bellefonte, PA 16823-1665

June 8, 2018

In re: Open Records Request

Dear Mr. Layne:

On June 5, 2018 I received your request in which you asked to be provided with the criminal case and Indictment number for your own case, the date of trial and conviction, the name and contact information of the Judge, Prosecutor, Commonwealth's DNA expert and doctor, lab and/or the person that conducted the DNA test, court stenographer, and public defender. You also wanted to know the date of the filing for your appeals and PCRA petition, and a list of felonies and misdemeanors with their year of conviction.

I retrieved the District Attorney's trial file in your case. I also accessed the Appellate and Post-Conviction Data Base maintained by our Office as well as the Criminal Court docket maintained by the Department of Court Records.

Initially, be advised that 65 P.S. §67.705 of the Right To Know Law provides:

#### Creation of Record

When responding to a request for access, an agency shall not be required to create a record which does not currently exist or to compile, maintain, format or organize a record in a manner in which the agency does not currently compile, maintain, format or organize the record.

The Criminal Docket and the print-outs of our Data Base contain the relevant information about your criminal indictment number, date of trial and conviction, date when appeals and any PCRA petition were filed and the list of felonies and convictions. I have attached those documents to this letter. The documents also have the name of the Trial Judge-the Honorable Donna Jo McDaniel. The prosecutor in

your case appears to have been Deputy District Attorney David Spurgeon. Mr. Spurgeon is no longer with the Office. He is now a Judge in the Court of Common Pleas and his new address is not contained in our file. As a suggestion, the Allegheny County Website contains the names and contact information for Judges of the Court of Common Pleas.

The Office does not possess its own copies of your trial transcripts so I cannot say for certain who the court stenographers were. Our data base indicates that Mary Spagnolo and Laurie Brennan may have been the reporters; but again, we never ordered our own copies. The Reporters' Office is located on the 4<sup>th</sup> Floor, County Office Building, 546 Forbes Avenue, Pgh. PA 15219. It appears that Mr. Robert Foreman might have been your trial counsel as his name is listed on correspondence, but I cannot confirm that based on our records, and I cannot confirm if Mr. Foreman represented you as a Public Defender or whether he was court appointed in a private capacity. At the time of your trial, Mr. Foreman had a private Office in addition to his Office at the Public Defender's Office. If it was Mr. Foreman, he is still employed by the Public Defender's Office: 400 County Office Building, 546 Forbes Avenue, Pgh. PA. 15219.

Without transcripts, I have no way of telling who actually testified at your trial. The DNA report that is in our file was signed by Thomas C. Meyers, Serology/DNA Manager. The Autopsy Report that is in our file was signed by Karl E. Williams, M.D. Medical Examiner and Todd Luckasevic, Associate Medical Examiner. I do not have their current contact information but suggest that you contact the Allegheny County Office of The Medical Examiner and Forensic Laboratory Division. That information is available on the County's website.

I have given you all the information that we actually possess in regards to your inquiry. Pursuant to 65 P.S. § 67.1101 you have 15 days to appeal to the Office of Open Records, 333 Market Street, 16<sup>th</sup> Floor, Harrisburg, PA 17101-2234.

Very Truly Yours,

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Michael W. Streily  
Deputy District Attorney