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June 13, 2016

Bobbie Hodges  
1200 Rabbit Court  
Hagerstown, MD 21740

RECEIVED

JUN 16 2016

OFFICE OF OPEN RECORDS

RE: Right-to-Know Appeal of Bobbie Hodges, OOR Dkt. AP2016-0871

Dear Bobbie Hodges:

I am the duly appointed Right-to-Know Appeals Officer for the Franklin County District Attorney's Office. Your appeal of the Mercersburg Borough Police Department's denial of your request for certain records has been transferred to me by the Pennsylvania Office of Open Records as spelled out in their Final Determination issued by Appeals Officer Benjamin Lorah, Esq. from that office.

The Borough Police Department is a local law enforcement agency. The OOR does not have jurisdiction to hear appeals related to criminal investigative records held by a local law enforcement agency. Accordingly, the OOR transferred the case to me.

On May 11, 2016 you submitted a Right-to-Know request to the Mercersburg Police requesting the following records **"MPD-2015-1043 filed by Skyler Vincenti against me personally. Request all the evidence of my facebook account pages, the one email sent to him and the statements he filed as well as the charges he was seeking."** I have reviewed an exemption log describing the withheld records as part of a criminal investigation. I also found that the documents referenced in the Exemption log were verified by the affidavits of Dawn Scheller, the Mercersburg Borough's Open Records Officer and John Zechman, the Borough Police Chief. They both attested that the responsive records relate to a criminal investigation.

Despite the OOR's lack of jurisdiction, I find the OOR's analysis of the records sought to be instructive. Officer Lorah opines that "the Borough has demonstrated that the requested records relate to a criminal investigation."

Wherefore the undersigned affirms the ruling by Borough Open Records Officer. The records sought from the Mercersburg Borough Police Department are exempt from disclosure as they relate to or result in a criminal investigation.

Sincerely,



Timothy D. Wilmot, Esq.

Franklin County Assistant District Attorney

Cc:

Stephen Coccorese, Esq.;

Dawn Scheller

Benjamin Lorah, Esq