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April 28, 2009

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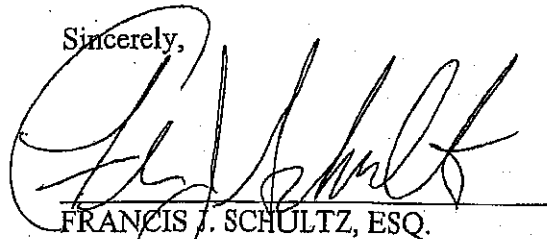
Re: Response to Right to Know Appeal

Dear Mr. Proper:

On April 2, 2009, we received your Right to Know request regarding information in the case of Commonwealth v. Justin Smith, CR 213-2005. On April 6, 2009, Right to Know Officer First Assistant District Attorney Paula C. DiGiacomo sent you a response denying your request. In that response you were informed that if you chose to file an appeal that you had to do so within 15 days of the mailing date of our response, which was April 6, 2009.

On April 27, 2009, my office received an appeal from you regarding Right to Know Officer DiGiacomo's response. It appears that your "appeal" is dated April 8, 2009 and is post marked April 24, 2009. It appears that you have not filed your appeal within the required 15 days of the mailing date of our response. Therefore, your appeal is denied.

Sincerely,



FRANCIS J. SCHULTZ, ESQ.
District Attorney - Appeals Officer

FJS/ml