



OFFICE OF THE PROSECUTOR

County of Atlantic

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Damon G. Tyner
Prosecutor

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November 4, 2020

"Resident"

opra+request-18124-8880a945@requests.opramachine.com

Re: Open Public Records Act Request #20-82

Dear Resident:

This letter is in response to your Open Public Records Act request dated, October 26, 2020 seeking: "All reports/documents/records pertaining to the following defendant. Please include any relevant arrests reports, activity reports, incident reports, case summary reports, complaint warrants, complaint summons, affidavits, indictments, criminal information forms, sentencing information: Robert O. Marshall (sentencing date: 3/5/1986)."

A search of our computer database indicates that there are no responsive documents for this request. Since this case is from 1986, the lack of any record indicates that the file has been destroyed. However, if the charges/conviction for the documents you seek are related to a homicide or a sexual assault, the actual paper file may be in storage at an off-site facility.

In the event the documents you seek are related to a homicide or sexual assault, the only documents you are entitled to under OPRA would be the complaint warrant/summons, arrest report and indictment, if we still have the file and those documents can be located. Because the other records you seek pertain to a criminal investigation and are not required by law to be made, maintained, or kept, those records are exempt from disclosure under OPRA as criminal investigatory records. See N.J.S.A. 47:1A-1.1 ("criminal investigatory records" are not government records for purposes of OPRA). Accordingly, if the file is in storage, I would have to respectfully deny your request for those records.

If the documents to seek pertain to a homicide or sexual assault, please advise.

Very truly yours,

/s/ Melinda A. Harrigan

Melinda A. Harrigan
Assistant Prosecutor
Custodian of Records