



OFFICE OF THE PROSECUTOR

County of Atlantic

4997 Unami Boulevard

P.O. Box 2002

Mays Landing, NJ 08330

Damon G. Tyner

Prosecutor

(609) 909-7800 • Fax: (609) 909-7806

February 19, 2020

Ed

Opramachine.com

Re: Open Public Records Act Request #20-14

Dear Ed:

This letter is in response to your public records request under the Open Public Records Act and common law, received by this agency via email on February 12, 2020, seeking: "copies of all sentencing memos submitted to the court on behalf of Diaab Siddiq and Ameer Stephens in reference to ACPO file #1602746. Both defendants were sentenced on August 19, 2019."

Under the Open Public Records Act (OPRA), N.J.S.A. 47:1A-1 et seq., criminal investigatory records do not constitute government records and, hence, are not subject to disclosure. "A government record shall not include...criminal investigatory records[.]" N.J.S.A. 47:1A-1.1. To constitute a criminal investigatory record, the record "(1) must not be 'required by law to be made,' and (2) must 'pertain[] to a criminal investigation.'" North Jersey Media Group, Inc. v. Twp. of Lyndhurst, 229 N.J. 541, 564 (2017) (quoting N.J.S.A. 47:1A-1.1).

The documents you request are exempt from disclosure as criminal investigatory records. You also have not established your entitlement to those documents under common law. See North Jersey Media Group Inc. v. Bergen County Prosecutor's Office, 447 N.J. Super. 182, 210 (App. Div. 2016). In addition to a criminal investigatory record, any sentencing memorandums prepared by attorneys for the court are privileged against disclosure as attorney work product. See O'Boyle v. Borough of Longport, 218 N.J. 168, 188 (2014) ("Documents that satisfy the OPRA definition of government record are not subject to public access if they fall within the work-product doctrine.").

Very truly yours,

Melinda A. Harrigan
Assistant Prosecutor
Custodian of Records

Melinda Harrigan

From: Ed <opra+request-9513-83ce14b1@requests.opramachine.com>
Sent: Wednesday, February 12, 2020 10:19 AM
To: OPRA
Subject: OPRA request - Copy of sentencing memos

[EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.]

Dear Atlantic County Prosecutor's Office,

This is a request for public records made under OPRA and the common law right of access. I am not required to fill out an official form. Please acknowledge receipt of this message.

Records requested:

I respectfully request copies of all sentencing memos submitted to the court on behalf of Diaab Siddiq and Ameer Stephens in reference to ACPO file #16002746. Both defendants were sentenced on August 19th 2019.

Yours faithfully,

Ed

Please use deliver records electronically via email to the below UNIQUE address for all replies to this request:
opra+request-9513-83ce14b1@requests.opramachine.com

Is OPRA@acpo.org the wrong address for OPRA requests to Atlantic County Prosecutor's Office? If so, please contact us using this form:

https://opramachine.com/change_request/new?body=atlantic_county_prosecutors_office

Disclaimer: This message and any reply that you make will be published on the internet. Our privacy and copyright policies:

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View this OPRA request & responses online:

https://opramachine.com/request/copy_of_sentencing_memos

Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an OPRA custodian, please ask your web manager to link to us from your organisation's website.