



OFFICE OF THE PROSECUTOR

County of Atlantic

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Acting Prosecutor

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July 27, 2022

Erin

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Re: Open Public Records Act Request #22-72

Dear Erin:

This is a follow-up letter in response to your request under the Open Public Records Act (OPRA) and common law, received by this agency via email on July 17, 2022, seeking *"emails to and from public employee Lynn Heyer of the Prosecutor's Office, to and from All individuals in regards to defendant Jason Samaritano. This includes letters to and from Judges, Public Defenders and anyone associated with the defendant's cases."*

As stated previously, with the exception of the attached records, these records would be exempt from disclosure under OPRA; they would be criminal investigatory records, as they are not "required by law to be made," and they "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). Criminal investigatory records are not subject to disclosure under OPRA. See N.J.S.A. 47:1A-1.1 ("criminal investigatory records" are not government records for purposes of OPRA).

You are also not entitled to those records under common law. See, N. Jersey Media Group Inc. v. Bergen County Prosecutor's Office, 447 N.J. Super. 182, 210 (App. Div. 2016).

Accordingly, I must respectfully deny your request.

Very truly yours,

/s/Debra B. Albuquerque

Debra B. Albuquerque
Special Deputy Attorney General
Custodian of Records