



OFFICE OF THE PROSECUTOR

County of Atlantic

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William E. Reynolds
Prosecutor

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September 28, 2023

Erin

opra+request-53414-833095ce@requests.opramachine.com

Re: Open Public Records Act Request #23-69

Dear Madam:

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 September 26, 2023, seeking the following:

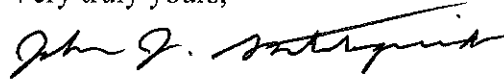
- 1) Emails to and from AP John Santoliquido regarding Jason Samaritano during December 1, 2022 through December 31, 2022 including TO, FROM, SUBJECT, TIME, COPIED INDIVIDUALS, and ALL ATTACHMENTS
- 2) Emails to and from Rick McKelvey regarding Jason Samaritano during December 1, 2022 and December 31, 2022 including TO, FROM, SUBJECT, TIME, COPIED INDIVIDUALS, and ALL ATTACHMENTS
- 3) Emails to and from AP Lynn Heyer regarding Jason Samaritano December 1, 2022 and December 31, 2022 including TO, FROM, SUBJECT, TIME, COPIED INDIVIDUALS, and ALL ATTACHMENTS

Pursuant to the Open Public Records Act (OPRA), criminal investigatory records do not constitute government records and, therefore, are not subject to public disclosure. N.J.S.A. 47:1A-1.1. Additionally, OPRA does not supersede any exemption of a public record from public access made pursuant to the Rules of Court. N.J.S.A. 47:1A-9a. Among those exemptions is attorney work product, which is not subject to case discovery. R. 3:13-3(d); R. 4:10-2(c). "Documents that fall within the scope of the work-product doctrine are also shielded from OPRA." O'Boyle v. Borough of Longport, 218 N.J. 168, 185 (2014). Furthermore, although you have not established your entitlement to the records under the common law right of access, see N. Jersey Media Group Inc. v. Bergen County Prosecutor's Office, 447 N.J. Super. 182, 210 (App. Div. 2016), the common law likewise recognizes discovery privileges. "The common law

right of access...does not abrogate privileges.” K.L. v. Evesham Twp. Bd. of Educ., 423 N.J. Super. 337, 360 (App. Div. 2011).

As the records you seek pertain to the investigation and prosecution of a criminal matter, I must respectfully deny your request.

Very truly yours,

A handwritten signature in black ink, appearing to read "John J. Santoliquido". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

John J. Santoliquido
Assistant Prosecutor
Custodian of Records