

**From:** Padula, Domenica  
**Sent:** Wednesday, April 12, 2023 5:02 PM  
**To:** Johnson, Kerrie <[Kerrie.Johnson@vermont.gov](mailto:Kerrie.Johnson@vermont.gov)>  
**Subject:** PRA Request

Attorney Johnson,

I hope this e-mail finds you well. Attached you will find correspondence regarding your recent Public Records Act request.

Sincerely,  
Domenica

Domenica Padula  
Chief, Criminal Division  
Office of the Attorney General  
109 State Street  
Montpelier, Vermont 05609  
802-595-5161

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STATE OF VERMONT  
OFFICE OF THE ATTORNEY GENERAL  
109 STATE STREET  
MONTPELIER, VT  
05609-1001

April 12, 2023

Kerrie Johnson, Esq.  
Officer of Defender General  
6 Baldwin St.  
4th Floor  
Montpelier, Vermont 05655  
e-mail: [kerrie.johnson@vermont.gov](mailto:kerrie.johnson@vermont.gov)

Re: Public Records Request dated April 7, 2023.

Dear Attorney Johnson,

I write in response to your public record act request dated April 7, 2023.

You have asked for policies, procedures, guidance, and memorandums that are currently in effect or were issued during the last calendar year, that guide or govern the provision of discovery by AGO staff to opposing counsel during civil and criminal litigation, including CHINS/TPR proceedings. Your request includes documents describing the AGO's internal process for ensuring that opposing counsel receives timely and complete disclosure of exculpatory, mitigating, and impeachment evidence in criminal cases and CHINS/TPR proceedings, including any guidance, directives, or memorandums issued to other state agencies to facilitate the preservation and production of such evidence.

There are two known categories of potentially responsive records described below.

- (1) Assistant Attorneys General regularly participate in and attend AGO Continuing Legal Education courses. These trainings and materials provided as part of the trainings have covered various generally applicable topics, including discovery and litigation holds. These trainings and the materials provided as part of the trainings are not available to the public and are considered attorney client and work product privileged records.
- (2) The Medicaid Fraud and Residential Abuse Unit, MFRAU, has an internal "Policy and Procedures Manual" that is required by provisions governing that specialized Unit. The Manual applies only to MFRAU. It references administrative procedures associated with discovery, including some naming and organizational conventions for saving discovery internally. It also includes a section instructing a lead prosecutor to comply with disclosure and discovery requirements pursuant to the Vermont Rules of Criminal Procedure and directs them to Rule 16. The detailed contents of the

approximately 140-page internal procedure manual are not available to the public and are considered attorney client and work product privileged information.

To the extent the above-described records are responsive to your request, they are withheld pursuant to 1 V.S.A. § 317(c)(1), (3) and (4).

If you wish, you may appeal the denial of your request to Deputy Attorney General Robert McDougall.

We hope the above information is helpful to you.

Sincerely,

*/s/ Domenica Padula*

Domenica Padula  
Assistant Attorney General  
Chief of the Criminal Division