

**From:** Gray, Molly

**Sent:** Wednesday, February 27, 2019 3:46 PM

**To:** Keays, Alan <[akeays@vtdigger.org](mailto:akeays@vtdigger.org)>

**Cc:** Kranichfeld, Bram <[Bram.Kranichfeld@vermont.gov](mailto:Bram.Kranichfeld@vermont.gov)>; Silver, Natalie <[Natalie.Silver@vermont.gov](mailto:Natalie.Silver@vermont.gov)>

**Subject:** RE: VT Digger Response - PRA Request

Dear Alan,

As a follow-up to our initial response to your Public Records Act request, please find attached the cost estimate for the requested files.

Please do not hesitate to contact me should you wish to discuss the cost estimate or to amend the request.

Best regards,  
Molly

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February 27, 2019

Alan J. Keays  
VTDigger  
26 State Street, Suite 8  
Montpelier, Vermont 05602

Re: Public Records Request

Dear Alan Keays:

I write in further response to your Public Records Act request received by the Attorney General's Office via email on February 13, 2019.

You have requested, "any and all documents, communications, records and recordings relating to the investigation into racial harassment and other possible crimes against Kiah Morris" as well as "any and all documents, communications, records and recordings relating to the Bennington Police Department's handling of the Kiah Morris investigation."

The materials which are covered by the request may contain records which will require redaction and others which may be exempt from disclosure pursuant to provisions contained within 1 V.S.A. § 317. Specifically, and as you may be aware, Max Misch was arraigned on criminal charges which are currently pending. Consistent with 1 V.S.A. § 317(c)(5)(A)(ii), because the documentation you requested contains information that could deprive Max Misch of his right to a fair trial, we are obliged, at this stage, to exempt this information from disclosure. Additionally, there may be information that is exempt under 1 V.S.A. § 317(c)(5)(A)(iii) because the information could constitute an unwarranted invasion of personal privacy. Finally, there may also be information that is exempt under 1 V.S.A. § 317(c)(3) because disclosure would violate duly adopted Vermont Rules of Professional Conduct.

The materials available for disclosure include approximately 217 pages of electronic records and 7 hours of video/audio. The cost estimate:

- |  |                                 |
|--|---------------------------------|
| 1. Attorney review of records              | 3.6hrs @ .57/minute (\$123.69)  |
| 2. Attorney review of video/audio          | 7 hrs @ .57/minute (\$239.40)   |
| 3. Admin redaction of electronic records   | 10.8hrs @ .33/minute (\$213.84) |
| 4. Admin copy and redaction of video/audio | 14 hrs @ .33/minutes (\$277.20) |

We wanted to provide you with this cost estimate and confirm whether you are willing to pay these costs before we proceed further with processing your request. Should you wish for us to proceed with your request, please forward a check for the total estimated cost of \$854.13. If the actual cost to respond to your request is less than estimated, the difference will be refunded to you. If you would like to amend or further discuss your request, we would be pleased to discuss this with you.

To the extent you feel records have been wrongfully withheld, you may appeal to Deputy Attorney General Josh Diamond at the address noted above.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

/s/

Molly R. Gray  
Assistant Attorney General

Electronically Transmitted