

From: "Doyle, Ultan" <ultan.doyle@vermont.gov>

Date: March 20, 2019 at 5:04:24 PM EDT

To: "cwisniewski@benningtonbanner.com" <cwisniewski@benningtonbanner.com>

Subject: Public Records Request Response

Dear Ms. Wisniewski,

Please see the attached letter.

Sincerely,

Ultan Doyle
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609-1001
(802) 828-5512 (Phone)
(802) 828-2154 (Fax)

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March 20, 2019

VIA E-MAIL

Christine Wisniewski
The Bennington Banner
425 Main Street
Bennington, VT 05201

RE: March 6, 2019, Public Records Request

Dear Ms. Wisniewski:

I am writing in response to your request for records, which the Vermont Attorney General's Office ("AGO") received on March 6, 2019.

Request

You have requested records that the AGO has in connection with correspondence between Kiah Morris/James Lawton and the AGO, including discussions related to harassment by Max Misch, correspondence related to the Bennington Police Department's handling of cases involving Ms. Morris and Mr. Misch, and correspondence related to the word "dead dead" found on a computer at the Morris/Lawton home. You have also requested information regarding how many weapons were confiscated from Mr. Misch's home on February 7, 2019 and when these were purchased. And finally, you have requested information regarding Lisa Shapiro's credit card purchase at the Hillsdale, New Hampshire Runnings store and any correspondence relating to a decision not to charge her with a crime in connection with this purchase.

Response

The AGO has located records in its possession that appear responsive to your request. With regard to your request for correspondence between Ms. Morris/Mr. Lawton and the AGO, the AGO has located emails and text messages between Ms. Morris and the AGO and Mr. Lawton and the AGO. Some information within these records has been redacted pursuant to 1 V.S.A. §§ 317(c)(5)(A)(iii).

In addition, the AGO has in its possession emails and texts which were previously released to Bill Connover in response to a public records request on February 22, 2019 (see <https://ago.vermont.gov/wp-content/uploads/2019/02/2019-02-22-London-response-to-Connover-w-docs.pdf>).

In regard to your request for information pertaining to guns that were confiscated from Mr. Misch's home and when he purchased them, the AGO has no information on when Mr. Misch purchased these guns. The AGO has information on the guns that were confiscated. However, as you are aware, Mr. Misch was arraigned on criminal charges which are currently pending. Consistent with 1 V.S.A. §§ 317(c)3 and 317 (c)(5)(A)(ii), because the documentation you requested contains information that could deprive Mr. Misch of his right to a fair trial, we are obliged, at this stage, to exempt this information from disclosure.

Finally, with regard to your request for information related to Ms. Shapiro's credit card purchase at Runnings, the AGO has in its possession an affidavit of probable cause and search warrant affidavit that were filed in Vermont Superior Court, Criminal Division, Bennington County on or about February 7, 2019. Some information within these records has been redacted pursuant to 1 V.S.A. §§ 317(c)(5)(A)(iii).

Please be advised that because the materials covered by your request contain records that require review and redaction, we will require payment to cover the cost associated with this time, which we have calculated as follows:

1. Attorney review of records: 135 minutes @ .57/minute (\$76.95)
2. Staff time for redaction of records: 30 minutes @ .33/minute (\$9.90).

Pursuant to 1 V.S.A. § 316(c), the first 30 minutes of staff time are exempt from billing (\$9.90). Therefore, the total amount payable to process your request is \$76.95. Should you wish to proceed with your request, please send a check in that amount to our office made payable to the State of Vermont. As soon as this payment is received, we will finish processing your request.

Please be advised that to the extent this letter constitutes a denial of your request, you may appeal to the Deputy Attorney General. Any appeal should be in writing and addressed to:

Joshua Diamond
Deputy Attorney General
109 State Street
Montpelier, VT 05609-1001.

Sincerely,



Ultan Doyle
Assistant Attorney General