

From: Doyle, Ultan <ultan.doyle@vermont.gov>
Sent: Thursday, April 22, 2021 10:04 AM
To: cunninghamcook@cvglawoffice.com
Cc: Mishaan, Jessica <Jessica.Mishaan@vermont.gov>
Subject: RE: Public Records Request - Officer-Involved Shooting of Michael Goodnough

Dear Ms. Cunningham-Cook

In response to your public records request, please see the attached letter.

Thank you,

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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STATE OF VERMONT
OFFICE OF THE ATTORNEY GENERAL
109 STATE STREET
MONTPELIER, VT
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April 22, 2021

VIA E-MAIL

To: Zoe Cunningham-Cook
Law Clerk
Costello, Valente & Gentry, P.C.
PO Box 483
Brattleboro, VT 05302

RE: April 12, 2021, Public Records Request

Dear Ms. Cunningham-Cook:

I am writing in response to your request for records, which the Vermont Attorney General's Office ("AGO") received on April 12, 2021.

Request

You have requested "a copy of the report from the Vermont Attorney's General's review of an investigation regarding Mr. Goodnough's shooting."

Response

The report that you requested is not available for inspection or disclosure pursuant to the following statutory exceptions:

1 V.S.A. § 317(c)(3) - Records which, if made public pursuant to the PRA, would cause the custodian to violate duly adopted standards of ethics or conduct for any profession regulated by the State. Please see

Rules 1.1 (Competence), 3.6 (Trial Publicity), and 3.8 (Special Responsibilities of a Prosecutor) of the Vermont Rules of Professional Conduct.

1 V.S.A. § 317(c)(4) - Records which, if made public pursuant to the PRA, would cause the custodian to violate any statutory or common law privilege other than the common law deliberative process privilege as it applies to the General Assembly and the Executive Branch agencies of the State of Vermont. Please see Rule 502 (Lawyer-Client Privilege) and Rule 510 (Waiver of Privilege and Work-Product by Disclosure) of the Vermont Rules of Evidence. Please see Rule 26(b)(4)-(6) of the Vermont Civil Rules of Procedure and Rule 16(d)(1) of the Vermont Rules of Criminal Procedure (Attorney Work-Product Privilege/Doctrine).

1 V.S.A. § 317(c)(5)(A)(i) - Records dealing with the detection and investigation of crime that could reasonably be expected to interfere with enforcement proceedings.

1 V.S.A. § 317(c)(5)(A)(ii) - Records dealing with the detection and investigation of crime that would deprive a person of a right to a fair trial or an impartial adjudication.

Please be advised that to the extent that 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