

From: [Paul Cuno-Booth](#)
To: [AGO - Info](#)
Subject: Public record request: Triolo shooting investigation
Date: Monday, June 22, 2020 4:00:36 PM
Attachments: [VT AGO 22 June 2020 Triolo shooting investigation.pdf](#)
[AGO response to Triolo request 31 Jan 2019.pdf](#)
[43 TrioloJudgment.pdf](#)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hi,

Please find attached a public-records request, as well as two supporting documents which I reference in my request.

Best,

--

Paul Cuno-Booth
Assistant Local News Editor/Senior Reporter
Keene Sentinel
217-418-4298 (c)
[@PCunoBoothKS](#)

Vermont Office of the Attorney General
Public Records Act Request
109 State Street
Montpelier, VT 05609

June 22, 2020

To whom it may concern:

Pursuant Vermont's Public Records Act, I am requesting access to the following records related to the investigation into the May 4, 2018 officer-involved shooting of Mark Triolo in Brattleboro:

1. Any report, memo, narrative or similar document summarizing the Vermont Office of the Attorney General's review of the shooting and/or the reasons for resolving the matter without charges.

In response to a similar request I submitted in January 2020, the Attorney General's Office said it deemed those records "presently exempt" due to two statutory exemptions related to the fact that Mr. Triolo's criminal case was still pending in U.S. District Court in Vermont.

Mr. Triolo pleaded guilty in U.S. District Court in Burlington on Jan. 24, 2019, to three counts of interference with commerce by threat or violence. On Feb. 12, 2020, he was sentenced to 75 months' imprisonment by District Court Judge Christina Reiss. The PACER docket page for that case indicates it was considered closed as of Feb. 12, 2020. With the resolution of that case, the office's previously stated reasons for nondisclosure no longer apply.

If you expect there to be any fees associated with this request, please provide an estimate before proceeding. However, as the public has a strong interest in viewing these records and I am submitting this request in my capacity as a professional journalist, I would ask that any fees be waived.

Please let me know if you have any questions.

Regards,

Paul Cuno-Booth
Assistant Local News Editor
The Keene (N.H.) Sentinel
pbooth@keenesentinel.com
217-418-4298

From: Kranichfeld, Bram
Sent: Thursday, January 31, 2019 3:31 PM
To: 'pbooth@keenesentinel.com' <pbooth@keenesentinel.com>
Subject: FW: Attached Image

Mr. Cuno-Booth,

Attached is our response to your January 28, 2019 records request.

Sincerely,

Bram Kranichfeld
Assistant Attorney General
Office of the Attorney General
Division Chief, Criminal Division
109 State Street
Montpelier, VT 05609
(802) 828-5517 (phone)
bram.kranichfeld@vermont.gov

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THOMAS J. DONOVAN, JR.
ATTORNEY GENERAL

TEL: (802) 828-3171
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JOSHUA R. DIAMOND
DEPUTY ATTORNEY GENERAL

<http://www.ago.vermont.gov>

WILLIAM E. GRIFFIN
CHIEF ASST. ATTORNEY
GENERAL



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

January 31, 2019

Paul Cuno-Booth
Reporter, Keene Sentinel
pbooth@keenesentinel.com
603-355-8566
60 West St.
Keene, NH 03431

Re: Public Records Request of January 28, 2019

Dear Mr. Booth:

Thank you for your public records request regarding the May 4, 2018 shooting of Mark Triolo, received by our office on January 28, 2019, wherein you requested the following:

1. Any memo, report, email, letter or other document summarizing the Vermont Office of the Attorney General's review of the shooting and/or the reasons for resolving the matter without charges.
2. The materials received from Vermont State Police related to the shooting and used in the Office of the Attorney General's investigation. Such materials were referenced in an Aug. 30, 2018 statement from the Office of the Attorney General and the Windham County State's Attorney.

We have determined the responsive records in our possession are presently exempt from disclosure under the following statutory exemptions:

1. 1 V.S.A. § 317(c)(3), which applies to records "which, if made public...would cause the custodian to violate duly adopted standards of ethics or conduct for any profession regulated by the State," (Rules of Professional Conduct 3.6 and 3.8 apply given the pending federal case); and

2. 1 V.S.A. § 317(c)(5)(A), which provides that records dealing with the investigation of a crime are exempt from production where production “(i) could reasonably be expected to interfere with enforcement proceedings; (ii) would deprive a person of a right to a fair or an impartial adjudication; (iii) could reasonably be expected to constitute an unwarranted invasion of personal privacy”.

To the extent that this constitutes a denial of your request, you can submit a written appeal of this decision to:

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

Sincerely,



Bram Kranichfeld
Assistant Attorney General

Electronically Transmitted

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

UNITED STATES DISTRICT COURT

District of Vermont

2020 FEB 12 PM 1:59

UNITED STATES OF AMERICA)

v.)

MARK TRIOLO)

JUDGMENT IN A CRIMINAL CASE

BY  DEPUTY CLERK

Case Number: 2:18-cr-064-1

USM Number: 12191-082

David McColgin, AFPD
Defendant's Attorney

THE DEFENDANT:

pleaded guilty to count(s) 1s, 2s, 3s of the Superseding Information

pleaded nolo contendere to count(s) _____
which was accepted by the court.

was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

| <u>Title & Section</u> | <u>Nature of Offense</u> | <u>Offense Ended</u> | <u>Count</u> |
|----------------------------|--------------------------|----------------------|--------------|
| 18:1951(a) | Robbery | 5/1/2018 | 1s |
| 18:1951(a) | Robbery | 5/4/2018 | 2s |
| 18:1951(a) | Robbery | 5/4/2018 | 3s |

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s) _____

Count(s) 1 is are dismissed on the motion of the United States.

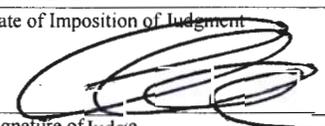
It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

2/11/2020

Date of Imposition of Judgment

JUDGMENT ENTERED ON DOCKET

DATE: 2/12/2020


Signature of Judge

Christina Reiss, U.S. District Judge

Name and Title of Judge

2/12/2020

Date

DEFENDANT: MARK TRIOLO
CASE NUMBER: 2:18-cr-064-1

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of: 75 months on each count, concurrent, and concurrent to any undischarged term of imprisonment, for a total term of 75 months of imprisonment

The court makes the following recommendations to the Bureau of Prisons: that the defendant be incarcerated at a Federal Medical Facility to address his stage 4 liver cirrhosis and any other medical conditions that resulted from the gunshot wounds he sustained.

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at _____ a.m. p.m. on _____

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on _____

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: MARK TRIOLO
CASE NUMBER: 2:18-cr-064-1

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of:

3 years

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
 - The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: MARK TRIOLO
CASE NUMBER: 2:18-cr-064-1

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines, based on your criminal record, personal history characteristics, that you pose a risk to another person (including an organization), the probation officer, with the prior approval of the Court, may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: MARK TRIOLO
CASE NUMBER: 2:18-cr-064-1

ADDITIONAL SUPERVISED RELEASE TERMS

You must comply with the standard conditions of supervision set forth in Part G of the presentence report. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

You must make restitution payments in an amount of at least 10% of your gross monthly income until the financial obligation is paid in full. You must notify the Court immediately of any material change in your economic circumstances that might affect your ability to pay financial penalties.

You must not incur new credit charges or open any additional lines of credit without approval of the probation officer until the financial obligation is paid in full.

You must provide the probation officer with access to any requested financial information and authorize the release of any financial information. The probation office may share financial information with the U.S. Attorney's Office for the purpose of collecting outstanding financial penalties.

You must participate in a mental health program approved by the United States Probation Office. You shall contribute to the cost of services rendered in an amount to be determined by the probation officer based on ability to pay or the availability of third party payment.

You must submit your person, property, house, residence, vehicle, papers, computers (as defined in 18 U.S.C. Section 1030(e)(1)), other electronic communications or data storage devices or media, or office, to a search conducted by a United States probation officer. Failure to submit to a search may be grounds for revocation of release. You must warn any other occupants that the premises may be subject to searches pursuant to this condition. An officer may conduct a search pursuant to this condition only when reasonable suspicion exists that you have violated a condition of supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.

You must participate in substance abuse treatment, which may include a substance abuse assessment with a licensed substance abuse provider and abide by any programmatic treatment recommendations. This program may include testing to determine whether you have reverted to the use of drugs or alcohol. You shall contribute to the cost of services rendered based on ability to pay or the availability of third-party payment. You must refrain from the use of alcohol and other intoxicants during and after treatment.

DEFENDANT: MARK TRIOLO
 CASE NUMBER: 2:18-cr-064-1

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

| | | | | | |
|---------------|-------------------|--------------------|-------------|-------------------------|--------------------------|
| | <u>Assessment</u> | <u>Restitution</u> | <u>Fine</u> | <u>AVAA Assessment*</u> | <u>JVTA Assessment**</u> |
| TOTALS | \$ 300.00 | \$ 7,470.42 | \$ | \$ | \$ |

- The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.
- The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

| <u>Name of Payee</u> | <u>Total Loss***</u> | <u>Restitution Ordered</u> | <u>Priority or Percentage</u> |
|-----------------------------|----------------------|----------------------------|-------------------------------|
| Small City Market | | \$5,608.42 | |
| Ascutney Sunoco Gas Station | | \$1,200.00 | |
| Allen Brothers Farm Stand | | \$662.00 | |

| | | | | |
|---------------|----------|------|----------|----------|
| TOTALS | \$ _____ | 0.00 | \$ _____ | 7,470.42 |
|---------------|----------|------|----------|----------|

- Restitution amount ordered pursuant to plea agreement \$ 7,470.42
- The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- The court determined that the defendant does not have the ability to pay interest and it is ordered that:
 - the interest requirement is waived for the fine restitution.
 - the interest requirement for the fine restitution is modified as follows:

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.
 ** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.
 *** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: MARK TRIOLO
CASE NUMBER: 2:18-cr-064-1

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A Lump sum payment of \$ 7,770.42 due immediately, balance due
 - not later than _____, or
 - in accordance with C, D, E, or F below; or
- B Payment to begin immediately (may be combined with C, D, or F below); or
- C Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:
You must make restitution payments in an amount of at least 10% of your gross monthly income until the financial obligation is paid in full.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

| Case Number Defendant and Co-Defendant Names (including defendant number) | Total Amount | Joint and Several Amount | Corresponding Payee, if appropriate |
|---------------------------------------------------------------------------------|--------------|-----------------------------|----------------------------------------|
|---------------------------------------------------------------------------------|--------------|-----------------------------|----------------------------------------|

- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) A/V/A assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVTA assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.