

From: [Farnsworth, Karen](#)
To: pbooth@keenesentinel.com
Cc: [Clark, Charity](#); [Mishaan, Jessica](#)
Subject: Response to 6/22/20 Public Records Request
Date: Thursday, June 25, 2020 5:02:59 PM
Attachments: [2020-06-25 Booth PRA Response.pdf](#)

Mr. Cuno-Booth:

Attached please find our response to your June 22, 2020 public records regarding Mark Triolo. Thank you.

Karen M. Farnsworth

Vermont Attorney General's Office
Criminal Division Paralegal
109 State Street
Montpelier, VT 05609-1001
(802) 828-5512
karen.farnsworth@vermont.gov

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109 STATE STREET
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June 25, 2020

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

Re: Public Records Request Regarding Mark Triolo

Dear Mr. Booth:

I am writing in response to your emailed request for records that was received on June 22, 2020, wherein you request the following:

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.

The Attorney General's Office has located a record that is responsive to your request, however said document contains the legal research, mental impressions, legal theories, conclusions, and opinions of the Attorney General's Office, and would therefore be exempt from disclosure as attorney work-product. *See* 1 V.S.A. § 317(c)(4) (exempting documents "that, if made public pursuant to this subchapter, 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."); *see also, Killington, Ltd. v. Lash*, 153 Vt. 628, 641-48 (1990) (recognizing that the attorney work-product privilege applies to public records requests).

Additionally, while you note that Mark Triolo has recently been sentenced in his federal case in the District of Vermont, please note that Mark Triolo is still being prosecuted in other jurisdictions for alleged criminal acts intricately related to the officer involved shooting and the now closed federal prosecution in Vermont. In the District of Kansas, Mark Triolo is being federally prosecuted for an allegation of Bank Robbery under

criminal docket number 5:18-CR-40051-HLT-1, alleged to have occurred on or about April 26, 2018. Additionally, Mark Triolo is the subject of an active arrest warrant issued by the Town Court of Queensbury, New York for an alleged First Degree Robbery occurring on or about April 30, 2018. Moreover, Mark Triolo is still pending resolution of a parole violation issued after allegedly absconding from Texas on or about April 25, 2018. As such, disclosure is further exempt pursuant to 1 V.S.A. § 317(c)(5)(A), which exempts from production records dealing with the investigation of a crime that “(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 you feel records have been wrongfully withheld, you may appeal to Deputy Attorney General Josh Diamond.

Sincerely,

/s/

John D.G. Waszak
Assistant Attorney General

Electronically Transmitted

From: Farnsworth, Karen <karen.farnsworth@vermont.gov>
Sent: Thursday, June 25, 2020 5:22 PM
To: Paul Cuno-Booth <pbooth@keenesentinel.com>
Cc: Clark, Charity <Charity.Clark@vermont.gov>; Mishaan, Jessica <Jessica.Mishaan@vermont.gov>
Subject: RE: Response to 6/22/20 Public Records Request

Mr. Cuno-Booth,

Our Chief of Staff, Charity Clark is on vacation until next week. I will let her respond to your further inquiry. You do have the right to appeal our determination to our Deputy Attorney General, Joshua R. Diamond, as stated in the letter.

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From: Paul Cuno-Booth <pbooth@keenesentinel.com>
Sent: Thursday, June 25, 2020 5:11 PM
To: Farnsworth, Karen <karen.farnsworth@vermont.gov>
Cc: Clark, Charity <Charity.Clark@vermont.gov>; Mishaan, Jessica <Jessica.Mishaan@vermont.gov>
Subject: Re: Response to 6/22/20 Public Records Request

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Hi Ms. Farnsworth,

Thank you for your response. So just to be clear: The AG's position is that its reasoning for why an officer-involved shooting is or is not justified will always be exempt from public disclosure as "attorney work product"?

Thanks,

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Paul Cuno-Booth
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