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FOIA Response #25-131

Response letter and Notice of Denial, July 3, 2025 — Delta County Prosecutor's Office

From: Lauren M. Wickman, Prosecuting Attorney and FOIA Coordinator
To: `REQUESTER NAME REDACTED`
Date: July 3, 2025
Re: FOIA Request #25-131
Determination: Granted in part; denied in part

Dear `REQUESTER NAME REDACTED`,

I acknowledge receipt of your Freedom of Information Act request dated June 26, 2025, received by the Delta County Prosecutor's Office on June 27, 2025.

Your request is granted in part with respect to the following documents:

> *Public records related to the May 2024 UPSET traffic stop on US-2 involving a Detroit-based suspect who was reportedly lodged at the Delta County Jail after being found with approximately 12 ounces of methamphetamine.*
>
> *Specifically I request:*
>
> - *Any case number(s) assigned by your office to this incident*
> - *Documentation of any charges filed, including the charge descriptions and corresponding statutes*
> - *The current status or final disposition of the case(s), including whether the case is still pending, has been dismissed, resulted in a plea deal, or went to trial.*

In response please find Complaint-Felony re Defendant Murray, Motion/Order of Nolle Prosequi re Defendant Murray, and Felony Information re Defendant Cane related to the matter. However, some of the items in the request have been redacted for the following reasons:

> *As the information is of a personal nature where public disclosure of the information would clearly constitute an unwarranted invasion of an individual's privacy, to include but not limited to: telephone numbers, dates of births, telephone numbers.*

Your request as to the following documents is denied as "the current status or final disposition of the case(s) including whether the case is still pending, has been dismissed, resulted in a plea deal, or went to trial" as to Defendant Cane. For the following reason:

> *The undersigned hereby certifies that, after a search for records and to the best of the undersigned's knowledge and belief, the public records requested do not exist within the records of the public body under the name nor any other name reasonably known to the public body.*

Records related to the current status of the matter involving Defendant Cane are court documents and are held by Judiciary and are exempt from FOIA under 15.232 (h) (iv). Contact the Court the case was heard in for details on how to obtain the documents. Circuit Court Clerk at 906-789-5105, District Court 906-789-5106, Probate Court 906-789-5112.

If you disagree with this decision, you may submit an appeal to the chairperson of the Delta County Board of Commissioners, or seek judicial review in the Delta County Circuit Court. If you prevail in Circuit Court, you may be entitled to receive attorney fees, costs, and disbursements as well as actual or compensatory damages, and punitive damages of $1,000.00.

I have also included the website utilized to find Freedom of Information Act (FOIA) Written Policies, Guidelines, and Forms as well as the FOIA Appeal Form.

If you have any questions or concerns, please contact me.

Best Regards,

SIGNATURE REDACTED

Lauren M. Wickman, Prosecuting Attorney
FOIA Coordinator

Encl.

Notice of Denial of FOIA Request

Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Request No.: 25-131 **Date of this Notice:** July 3, 2025

Received via: Fax

Name: REDACTED **Phone:** REDACTED

Street: REDACTED **City/State/ZIP:** REDACTED

Delivery method: Email to address above

Records requested: See attached copy of original request

Part of your request for records has been denied. Please refer to this form for an explanation.

Reason for Denial

☒ **1. Exempt from Disclosure. This item is exempt from disclosure under FOIA Section 13, Subsection** `(number left blank)` **because** `(explanation left blank)`

☒ **2. Record Does Not Exist. This item does not exist under the name provided in your request or by another name reasonably known to the County. A certificate that the public record does not exist under the name given is attached.**

☐ **3. Redaction.** Information had to be separated or deleted (redacted) as it is exempt under FOIA Section 13, Subsection `(number left blank)`

A brief description of the information that had to be separated or deleted: `(left blank)`

Transcriber's note — both boxes are checked. On the form as received, box 1 ("Exempt from Disclosure") and box 2 ("Record Does Not Exist") are both marked for the same item: the current status or final disposition of the matter involving Defendant Cane. The subsection number required by box 1 is blank. Box 3 ("Redaction") is not checked, and no description of redacted material is given anywhere on the form, even though the cover letter says material was redacted.

Notice of Requestor's Right to Seek Judicial Review

You are entitled under Section 10 of the Michigan Freedom of Information Act, MCL 15.240, to appeal this denial to the County Board of Commissioners or to commence an action in the Circuit Court to compel disclosure of the requested records if you believe they were wrongfully withheld from disclosure. If, after judicial review, the Court determines that the County has not complied with MCL 15.235 in making this denial and orders disclosure of all or a portion of a public record, you have the right to receive attorneys' fees and damages as provided in MCL 15.240.

Signature of FOIA Coordinator — SIGNATURE REDACTED Date: July 3, 2025

Form created by MIA, MAMA and CS&E. Enclosures included the FOIA Appeal Form and an excerpt of MCL 15.240.