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FOIA Response #25-132

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 #25-132
Determination: Granted 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:

> *Please provide all records and documentation reflecting the prosecutorial outcome for the Rapid River arrest that occurred on December 28, 2024, involving a parolee returning from Ohio who was reportedly found with approximately 1 pound of methamphetamine and 1 ounce of cocaine.*
>
> *Specifically, I request:*
>
> - *The case number(s) assigned by your office.*
> - *Documentation of any charges filed, including charge descriptions and the applicable statutes.*
> - *The final outcome or current status of the case(s) as of today's date, including whether the case is pending, dismissed, resolved by plea, or adjudicated by trial.*

In response please find Complaint-Felony, Motion/Order of Nolle Prosequi, and Felony Information 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.*

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.: 25-132 **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 (a)** (subsection number written by hand)

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

Transcriber's note — one box checked, and it is the right one. On the form as received, only box 3 ("Redaction") is marked, and "Part" is marked rather than "All." Boxes 1 and 2 are blank, and no certificate of nonexistence appears anywhere in the packet. The subsection number required by box 3 has been written in by hand as "(a)" rather than typed, and the line calling for "a brief description of the information that had to be separated or deleted" is blank. The cover letter's stated reason is a privacy rationale, but the letter never cites the statutory subsection it rests on; the only subsection reference in the whole response is the handwritten "(a)" on this form.

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 2, 2025

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