

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2015-62**

May 14, 2015

Marcus K. Winstead

RE: FOIA Appeal 2015-62

Dear Mr. Winstead:

This letter responds to the administrative appeal you filed with the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 ("DC FOIA"). In your appeal, you assert that the Metropolitan Police Department ("MPD") improperly withheld records you requested under the DC FOIA.

On February 4, 2015, you sent the MPD a request for any statements made to detectives in criminal case # 97-004943, Form PD-252 dated June 15, 1997, an investigative report dated June 16, 1997, and any media articles concerning criminal case # 97-004943.

The MPD responded to your request on April 13, 2015, stating that it conducted a search for responsive documents but was unable to locate any pertaining to your request.

You appealed the MPD's decision claiming that you were made aware by the MPD that your requested information was in its possession when you were sent a list of the information titled "Privilege Log #101227-004." The privilege log, which you attached to your appeal, lists certain documents and describes them but does not contain information about why the log was prepared. You maintain that the MPD's decision conflicts with the privilege log, which indicates that certain information exists but is being withheld.

The MPD provided this office with a response to your appeal on May 13, 2015, stating that upon receipt of your appeal it conducted another search and located responsive documents. MPD further indicated that it will now process your request and apologizes for any inconvenience caused by the late discovery of the documents.

Based on the MPD's representation that it is processing your request and will provide you with a response, we consider this matter to be moot and dismiss it; however, the dismissal shall be without prejudice to you to assert any challenge, by separate appeal, to the MPD's response.

This shall constitute the final decision of this office. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with the DC FOIA.

Sincerely,

/s Melissa C. Tucker

Melissa C. Tucker
Associate Director
Mayor's Office of Legal Counsel

cc: Ronald B. Harris, Deputy General Counsel, MPD (via email)