



MADISON COUNTY BOARD OF SUPERVISORS

JOHN M. BECKER
Chairman
MARK SCIMONE
County Administrator
CINDY URTZ
Clerk

138 N. Court St., PO Box 635
Wampsville, NY 13163
Phone: 315/366-2201
Fax: 315/366-2502

August 12, 2020

Elena Sassower
Center for Judicial Accountability, Inc.
10 Stewart Place, Apt 2D-E
White Plains, NY 10603
elena@judgewatch.org

Dear Ms. Sassower:

In response to your request received on July 27, 2020 under the New York State Freedom of Information Law (FOIL) requesting "(1) the functioning and performance of the Madison County district attorney's office with respect to public corruption complaints filed with it by members of the public" each year from 2016 to the present and "(2) access to the Madison County grand jury so that it can discharge its duty pursuant to Article I, §6 of the New York State Constitution and Criminal Procedure Law Article 190, unobstructed by the Madison County district attorney", please note that your request is denied.

In relation to part (1) of your request, any public corruption complaints or other reports of official misconduct would have been filed with the Madison County Court. Therefore, you will need to file a separate FOIL request and submit that request to the Madison County Court. The Madison County Board of Supervisors is under no obligation to create a record that it does not possess.

In relation to part (2) of your request, denial is pursuant to Section 190.40(4)(a) of the Criminal Procedure Law which states in relevant part that "grand jury proceedings are secret". Additionally, Section 190.25(g) of the Criminal Procedure Law states that "the legal advisors of the grand jury are the court and the district attorney, and the grand jury may not seek or receive legal advice from any other source". These provisions, taken together, prevent any "access" to the Madison County grand jury per your request.

If you believe the denied records are releasable, appeals of decisions regarding requests for Madison County records can be addressed to:

John Becker, Appeals Officer
Madison County Board of Supervisors
PO Box 635
Wampsville, NY 13163

If you have any questions, please contact me.

Sincerely,


Samantha Field
Records Access Officer