



NEW JERSEY GOVERNMENT RECORDS COUNCIL

Administrative Complaint Disposition – No Records Responsive to Request Exist

Troy Swint
Complainant

GRC Complaint No. 2022-357

v.

Essex County Prosecutor's Office
Custodial Agency

Custodian of Record: Stephen A. Pogany
Request Received by Custodian: July 1, 2022
GRC Complaint Received: July 25, 2022

Complaint Disposition: The Custodian certified that he responded to the Complainant in writing within the statutorily mandated response time indicating that no records responsive to the OPRA request seeking "Essex County Prosecutor's Office Motion for an Extended Term dated March 12, 1998" related to State v. Swint, Ind. No. 96-10-03475-I exist.¹ Additionally, the Complainant failed to provide any evidence to contradict the Custodian's certification. Thus, this complaint shall be dismissed because the evidence of record reflects that no responsive records exist.

Applicable OPRA Provision: "'Government record' or 'record' means any paper, written or printed book, document, drawing, map, plan, photograph, microfilm, data processed or image processed document, information stored or maintained electronically or by sound-recording or in a similar device, or any copy thereof, that has been made, maintained or kept on file in the course of his or its official business . . ." N.J.S.A. 47:1A-1.1.

This is the final administrative determination in this matter. Any further review should be pursued in the Appellate Division of the Superior Court of New Jersey within forty-five (45) days. Information about the appeals process can be obtained from the Appellate Division Clerk's Office, Hughes Justice Complex, 25 W. Market St. PO Box 006, Trenton, NJ 08625-0006.

Effective Date of Disposition: February 18, 2025

Prepared By: Maria M. Rossi
Staff Attorney

Date: February 11, 2025

Distribution Date: February 20, 2025

¹ The Custodian certified in the Statement of Information that he contacted the Essex County Prosecutor's Office records storage facility and was informed they were unable to locate the file following a search.