



Michael C. O'Malley
CUYAHOGA COUNTY PROSECUTOR

February 14, 2024

Re: [REDACTED] *Garrity* Review

Dear Recipient:

On February 5, 2024, the Cuyahoga County Prosecutor's Office received 27 documents from Cuyahoga County Sheriff's Department Detective Darryl Day, Badge No. 342 in conjunction with the request for review pursuant to *Garrity v. New Jersey*, 385 U.S. 493, 87 S.Ct. 616, 17 L. Ed. 2d 562 (1967). These documents pertain to the shooting death of Robert James Perkin during a January 17 and 18, 2024 incident in Cuyahoga County, involving among others, two members of the Cleveland Division of Police: Patrol Officer [REDACTED] and Patrol Officer [REDACTED].

On February 8-9, 2024, I conducted a *Garrity* review of these documents to determine whether they contain any compelled statement made by either Officer [REDACTED] or Officer [REDACTED] or any reference to such a statement. I conclude that the documents submitted to this office do not contain any such statement or reference.

The Documents

I reviewed the 27 documents submitted. These documents consisted of: (1) daily duty logs, assignments, and reports, (2) incident reports and crime scene reports attached to several different RMS numbers, (3) internal email correspondence, (4) assigned unit chronology and ShotSpotter information, (5) internal affairs documentation, and (6) witness statements. None of these documents included or referred to compelled statements made by either Officer Meadows or Officer Miller.

Access

In addition to me, from the Cuyahoga County Prosecutor's Office, Appeals Unit Paralegal Mary Wright has had access to the documents submitted for review. During this review, I have spoken generally about the review process with APA Kristen Sobieski, APA Daniel Van, and APA Anthony Miranda. Aside from myself, I am not aware of another prosecutor who has had access to the submitted documents.

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Conclusion

Following my review, I determined that the submitted documents contain no compelled statement and no reference to a compelled statement by either Officer [REDACTED] or Officer [REDACTED]. Accordingly, it was not necessary to redact any of the documents.

Sincerely,

/s/ Chauncey Keller

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**Please sign and date below to acknowledge your receipt of this letter and the file, which does not contain any redactions.*

Acknowledgement:

_____ Date