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Justice Building
1162 Court Street NE
Salem, Oregon 97301-4096
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January 3, 2014

Martin Allen Johnson
OSP 5410056
Death Row Cell #3
2605 State Street
Salem OR 97310

Re: Petition for Public Records Disclosure Order
Oregon State Police
DOJ File No. 257001-GA0138-13

Dear Mr. Johnson,

This letter is the Attorney General's order in response to your petition asking our office to direct the Oregon State Police (OSP) to disclose records to you under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition relates to an undated letter you sent to Dr. Craig Nelson of OSP. In its entirety, the letter reads:

> 1. In my PCR [trial] that was held on June 18, 2012, to June 22, 2012 the State of Oregon Attorney [G]eneral listed you as an expert witness for the state but the Attorney General did not call you as a witness.
> 2. Do you know why the Attorney General did not call you as a witness?
> 3. Did you have any opinions about the death of Heather Fraser as to cause of death?
> 4. Did you review any of the PCR counsel's expert medical reports or did the AG's office provide them to you or discuss Heather Fraser's [d]eath with you?
>
> Dr[.] James Ferris[,] April 7, 2012, of 6 pages,
> Dr[.] James Ferris, May 13, 2012, of 8 pages,
> Dr[.] Robert M Julien, December 16, [2011,] of 3 pages,
> Dr[.] Janice J Ophoven, February 24, 2012[,] of 7 pages[.]
>
> 5. If you would like I can send you photocopies of the reports for your review.

6. Do you agree with the expert medical reports that Heather Fraser's death resulted from or was caused by a fatal drug overdose and was not from drowning and was not from strangulation?
7. Did you review any tissue slides in this case at all?
8. What is you[r] phone number so I can call you to ask you any questions or provide you with information or reports, transcripts [etc.] for the case to get your opinion[?]
9. Would you like to see the PCR transcripts for the testimony of the above expert witnesses and the state's one expert witness on drugs?

Nothing in that letter seeks public records from OSP. The public records law does not require OSP to answer questions of the sort posed in your letter. We have no authority to compel OSP to respond to those questions. Your petition is respectfully denied.

Sincerely,

FREDERICK M. BOSS
Deputy Attorney General

MCK:tmt/4887210
cc via email only:
Rebecca David, OSP