



August 23, 2021

VIA U.S. MAIL

Merced County Sheriff's Business and Records Office
670 W. 22nd Street
Merced, CA 95340

Re: Public Records Request

Dear Public Records Officer:

Pursuant to the California Public Records Act, Cal. Gov't Code §§ 6250 et seq., American Oversight makes the following request for records.

Requested Records

American Oversight requests that the Merced County Sheriff's Office produce the following records within ten days:

- 1) All email communications (including email messages, complete email chains, email attachments, calendar invitations, and calendar invitation attachments) sent by Sheriff Vernon Warnke containing any of the key terms below.

Key Terms:

- | | |
|---|---------------------------------------|
| i. Minuteman | xx. Capitol |
| ii. Minutemen | xxi. "Stop the steal" |
| iii. Posse | xxii. "Rally to Revival" |
| iv. Posses | xxiii. Storm |
| v. Paramilitary | xxiv. Congress |
| vi. Tyranny | xxv. DC |
| vii. Tyrannical | xxvi. D.C. |
| viii. Rhodes | xxvii. Washington |
| ix. Shirley | xxviii. "Our House" |
| x. "Constitutional
Sheriffs and Peace
Officers Association" | xxix. MAGA |
| xi. "CSPOA" | xxx. "great again" |
| xii. "Stephen Alexander" | xxxi. Caravan |
| xiii. Mack | xxxii. Parler |
| xiv. Bushman | xxxiii. Gab |
| xv. Benson | xxxiv. Militia |
| xvi. Dalton | xxxv. Militias |
| xvii. Corbin | xxxvi. Combat |
| xviii. President | xxxvii. Leesburg |
| xix. Biden | xxxviii. "constitutional
sheriffs" |
| | xxxix. "Oath Keeper" |



xl. “Oath Keepers”

Please provide all responsive records from November 1, 2020, through the date of the search.

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited Item 1 of its request to communications sent by Sheriff Vernon Warnke. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means, for example, both Sheriff Vernon Warnke’s response to an email containing one of the listed key terms and the initial received message are responsive to this request and should be produced.

Please note that American Oversight does not seek, and that this request specifically excludes, the initial mailing of news clips or other mass-distribution emails. However, subsequent communications forwarding such emails are responsive to this request. In other words, for example, if Sheriff Warnke received a mass-distribution news clip email containing one of the listed key terms, that initial email would not be responsive to this request. However, if Sheriff Warnke forwarded that email to another individual with his own commentary, that subsequent message, even if it did not itself contain a key term, would be responsive to this request and should be produced.

- 2) All text messages or messages on messaging applications similar in form to text messages (such as Signal, WhatsApp, Facebook Messenger, Twitter DMs, etc.) sent or received by Sheriff Vernon Warnke containing any of the key terms listed in Part 1, above.

Please provide all responsive records from November 1, 2020, through the date of the search.

American Oversight requests complete text threads/conversations. This means, for example, if Sheriff Warnke sent or received a text message containing any of the key terms listed above, the complete text thread/conversation for the timeframe listed above should be produced, and not just the message containing the key term.

Please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fee.

Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics. For instance, if the request seeks “communications,” please search all locations likely to contain communications, including relevant hard-copy files, correspondence files, appropriate locations on hard drives and shared drives, emails, text messages or other direct messaging systems (such as iMessage, WhatsApp, Signal, or Twitter direct messages), voicemail messages, instant messaging systems such as Lync or ICQ, and shared messages systems such as Slack.
- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages.
- If any records are withheld in full or in part, please demonstrate that the record(s) in question are exempt under the express provisions of the California Public Records Act or that the public interest served by not disclosing the record(s) clearly outweighs the public interest served by disclosure of the record(s).¹
- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records.² If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.
- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight to discuss this request. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and

¹ Cal. Gov’t Code § 6255(a).

² *Id.* § 6253(a).

your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

Conclusion

American Oversight is a 501(c)(3) nonprofit with the mission to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.³

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Taylor Stoneman at records@americanoversight.org or (202) 848-1319.

Sincerely,

/s/ Taylor Stoneman
Taylor Stoneman
on behalf of
American Oversight

³ American Oversight currently has approximately 15,650 page likes on Facebook and 107,600 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Aug. 12, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Aug. 12, 2021).