

To: Police Department / Sheriff's Office

From: Donna Hockman

Re: Documents under FOIA

Please send copy of this letter with your reply

Hello,

I am requesting the following under the Freedom of Information Act.

- 1) Arrest records for Dustin Ray Stout Stanley.
- 2) All criminal complaints filed against Dustin Ray Stout Stanley.
- 3) Criminal record of Dustin Ray Stout Stanley.
- 4) Arrest photos of Dustin Ray Stout Stanley.
- 5) Pictures of assaulted victims of Dustin Ray Stout Stanley.
- 6) Contact information to retrieve EOC 911 calls for service.
- 7) All police notes / reports on all arrests or calls for service against Dustin Ray Stout Stanley.

I am needing this information to go with my grounds for post conviction relief. To expedite mark "legal mail" when replying.

Yartime is appreciated in this matter,

Donna Hockman

Donna Hockman, Fccw #1406120
PO Box 1000 Thru Va 22974



Sheriff Timothy C. Carter
SHENANDOAH COUNTY SHERIFF'S OFFICE

109 West Court Street • Woodstock, Virginia 22664
(540) 459-6100 FAX (540) 459-6114 Email: sheriff@shencosheriff.com
www.shencosheriff.com



21 June 2011

Donna Hockman #1406120
P.O. Box 1000
Troy, VA 22974

RE: FOIA Request

Dear Ms. Hockman:

As you may be aware, requests for records of and information in the possession of the Commonwealth, its agencies and political subdivisions is governed by the Virginia Freedom of Information Act (FOIA), §2.2-3700 *et. seq.* of the *Code of Virginia*. §2.2-3703 C. of the Code of Virginia allows this Office to prohibit the release of records to a person incarcerated in a state, local, or federal facility. However, it does not allow the prevention of a person to exercise their constitutional rights during a criminal prosecution. After reading your request several times, I am not certain that your request has to deal with your prosecution and sentencing, instead the attempt to lessen the sentence that has already been imposed. However, having made note of this position, I will provide some of the documentation that you have requested. You asked for the following information and I will address each topic separately.

1. Arrest records and reports of arrests of Dustin Ray Stout Stanley.

2003-00010011	Assault and Battery and Disorderly Conduct	06/23/2003
2003-00013703	Property Destruction	08/20/2003
2003-00012980	Civil Contempt Capias	08/08/2003 (3 rd party warrant)
2004-00000458	Assault and Battery	01/08/2004 (3 rd party warrant)
2004-00006530	Assault and Battery	04/14/2004
2004-00012877	Civil Contempt FTA	07/21/2004 (3 rd party warrant)
2004-00015177	Disorderly Conduct	08/24/2004
2005-00002748	Assault and Battery	02/08/2005
2006-00023100	Civil Contempt Capias	09/24/2004 (3 rd party warrant)
2007-00025268	Assault and Battery FM	08/01/2007 (3 rd party warrant)
2008-00001920	Civil Contempt FTA	01/15/2008 (3 rd party warrant)
2008-00022883	Annoying Phone Calls	06/18/2008 (3 rd party warrant)

Note that in those instances where I have outlined that the arrest was a "3rd party warrant," this Office does not have a case file or police report of the incident, only a document that shows when the arrest warrant or paper was served. The Virginia FOIA does not require that I send you non-felony (misdemeanor or civil charges) arrest information, but I am sending

EXHIBIT

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you all arrest information regarding Mr. Stanley that I have on file. These records do not include any juvenile arrest records. The VA State Code §16.1-301 C (6) specifically requires a court order for me to release law enforcement records of juveniles to the juvenile, parent, guardian, etc.

2. Criminal Complaints filed against Dustin Ray Stout Stanley.

Criminal complaints are court records and the custodian of those records is the applicable court.

3. Criminal record of Dustin Ray Stout Stanley.

VA State Code §19.2-389 prohibits me from releasing a person's criminal record. The custodian of these records is the Virginia State Police.

4. Arrest Photos of Dustin Ray Stout Stanley

2003/06/23

2003/08/08

2004/01/06

2004/07/21

2004/08/24

2005/02/10

2006/09/24

2006/10/05

2007/08/01

2008/01/15

Note that the arrest photos are of the times that Mr. Stanley was booked into our jail.

5. Photos of Assault victims of Dustin Ray Stout Stanley

In accordance with the Code of Virginia, please be notified that these materials you are seeking are part of the criminal investigatory records of the Shenandoah County Sheriff's Office. Criminal investigative files, and their contents, are exempt from mandatory disclosure pursuant to § 2.2-3706 of the Freedom of Information Act. That section makes no differentiation between open or closed investigations and it is the Sheriff's Office's policy not to release these investigative records or their contents.

6. Contact Information to retrieve E911 calls for service is: 911

Debbie Francis
600 North Main Street Suite 109
Woodstock, VA 22664

7. All police reports/notes on all arrests and calls for service against Dustin Ray Stout Stanley

EXHIBIT

Again, in accordance with the Code of Virginia, please be notified that these materials you are seeking are part of the criminal investigatory records of the Shenandoah County Sheriff's Office. Criminal investigative files, and their contents, are exempt from mandatory disclosure pursuant to § 2.2-3706 of the Freedom of Information Act. That section makes no differentiation between open or closed investigations and it is the Sheriff's Office's policy not to release these investigative records or their contents. Furthermore, the FOIA statute (§ 2.2-3706) pertains to "criminal incident information." Those records that do not pertain to such information are not part of this correspondence.

I hope this information is helpful. Please contact this Office if you have additional questions.

Sincerely,



Timothy C. Carter
Sheriff

Encl.

EXHIC
NIN 140