

LETTER TO KENNETH CUCCINELLI DATED 08/26/2011

To: Kenneth Cuccinelli,
Attorney General of Virginia,
From: Donna Hockman
Re: Denials of FOIA requests for my Habeas Corpus Petition

August 26, 2011

Dear Mr. Cuccinelli:

I am preparing a Habeas Corpus petition to be mailed out in September 2011. I filed a Motion for injunction in 2010 in Fluvanna Circuit Court, case # CL-1163, to force F.C.C.W. to grant me access to legal material that was sent here on compact disk and tapes, by Bruce Albertson, my then, court appointed trial counsel. As of today's date a decision has not been made by the judge in Fluvanna Circuit Court. In the interim of awaiting a decision I was forced by Wendy Hobbs, F.C.C.W. Warden, to mail out this material on July 6, 2011.

This material was mailed and received by Michael Caudill on July 29, 2011. Michael Caudill the F.C.C.W. institutional attorney, met with me on August 11, 2010 where we discussed the material that he received. I advised him that I needed him to listen to the 911 ECC original CD that was sent here to me in December 2010 by Operations Manager, Dee Dee Sencindiver. In attempt to know the contents on this ECC CD I asked Jean Litten, my mother, to write the ECC and request a copy of it under FOIA so she could tell me about the third call for service that was made from my home. My mother received a letter back from Jim Junkins, the ECC Director, who stated that he would not be allowed to send it to her due to Marsha Garst stating there was a pending investigation. I wrote a letter

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back to Dee Dee Sencindiver requesting a copy of the IBR report for this 911 call made from my home on April 23, 2008. She wrote back stating that I would need to contact the police department in my county. I wrote Dee Dee Sencindiver back asking that she provide the dates to me of the ECC calls she placed on the CD she had sent to me. She stated in her later, dated August 11, 2011 that she searched the CAD records and indicated that the call for service she sent to me was for April 23, 2008, and that she provided this data previously. I wrote the Rockingham County Police Department to ask for a copy of this IBR report, and again was denied by C.M. Hess stating the denial was of the opinion of Marsha Garst, the prosecutor. I have made other requests to agencies for FOIA information and am being denied due to Marsha Garst and a so called "investigation". I wrote Marsha Garst on August 4, 2011 as a second request for information including the ECC audio 911 call and IBR report that she did not provide to my attorney through discovery. I received my entire case file from Bruce Albertson in 2009 and the items I requested were not in the case file. The items are identified as:

1. Witness statement [REDACTED]
2. Supoena of witness [REDACTED]
3. Criminal record of the deceased, Dustin Ray Stout Stanley.
4. IBR report of ECC call for service made from my home on April 23, 2008.
5. Sprint invoice of material sent to Captain Wittig detailing all evidence that was preserved and placed on CD for cell phones 540-975-1223 and 540-325-0344 which belonged to me and monthly bills paid for by me.

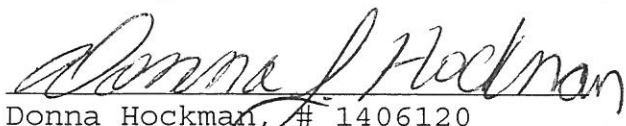
She wrote me back on August 23, 2011 stating that she did provide these and other items I requested to my attorney through discovery. She further states she is unable to provide these items pursuant to the provisions of Virginia Code Section 2.2-3706, Code of Virginia, 1950, as amended. Today I received mail from Michael Caudill dated August 12, 2011 stating that he listened to all of the recordings I sent to him twice. He further states he only heard two calls for service on the disk provided by the ECC Operations Manager, Dee Dee Sencindiver.

I write you today and ask that you contact ECC and have them mail a copy of all three calls for service for 1553 Grassland Lane, Harrisonburg, Va. to my mother Jean Litten, 14767 Senedo Rd., Edinburg, Va 22824. I further ask that your office contact Marsha Garst and ask her to kindly send the material I twice requested which she claims to have sent to Bruce Albertson, my trial attorney. And my final request is that Marsha Garst no longer deny my FOIA requests from other agencies.

I am unable to provide you with photocopies of the above-referenced letters due to financial difficulties.

Respectfully, I ask that you respond to this letter and state your position on the issue(s).

Sincerely,



Donna Hockman, # 1406120
5C Fluvanna Correctional Center
P. O. Box 1000
Troy, Va. 22974