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FORMAL COMPLAINT

FORMAL COMPLAINT TO KENNETH CUCCINELLI DATED 11/30/2011

Dear Mr. Cuccinelli: November 30th, 2011

At the bottom is a copy of the letter sent to your office dated August 25, 2011 that your office forwarded to the Criminal Division of the U.S. Department of Justice.

When I received the response from the U.S. Department of Justice dated October 15, 2011, ^(Ex. 199) they stated they could not investigate due to lack of a federal crime being committed. It is my understanding that altering, manipulating and destroying vital evidence pertaining to a 1st degree murder conviction, could in fact be defined as "obstruction of justice" under the R.I.C.O Act, thereby constituting a federal crime warranting an investigation.

Once I received the letter from the U.S. Department of Justice I wrote a third letter to the Virginia State Bar requesting again that they launch an investigation into Marsha Garst and her misconduct. On November 2, 2011 I received a response denying my request a third time. (Exhibit 192) Previously I received denials of my request for an investigation. (Exhibit 159)

If the Virginia State Bar's job is to investigate "MISCONDUCT" (see 8.4 Misconduct) by public officials/attorneys then why do my requests with black and white proof continue to go on deaf ears?

Marsha Garst has violated the rules as stated below:

8.4 Misconduct

1. She has advised/influenced C.M. Hess, Rockingham County Sheriffs Office to deny my F.O.I.A. requests for public records pertaining to my pre-trial, trial, or post-conviction relief efforts.
(Exhibit 145 and 173)
2. She has advised/influenced Judge James Lane, of Rockingham County Circuit Court to deny my requests and the requests of Jean Litten, my mother, for public records pertaining to my pre-trial, trial, or post-conviction relief efforts.
(Exhibit 164 and 191)
3. She advised/influenced the Electronic Communications Center not to provide me or Jean Litten, my mother, copies of all 911 calls for service made from my home, 1553 Grassland Lane Harrisonburg, Va 22801.
(Exhibit 5,6,7,8,171 and 172)
4. She has deliberately denied my request for Brady material stating she gave it to my court appointed trial attorney, Bruce Albertson through Discovery, when I received a copy of my entire file from him and the items as stated below, they were not part of the file. She further states that I have no obligation to these materials despite the fact that these exculpatory items would have changed the outcome of my trial.
(Exhibit 170 and 174)

5. She has deliberately called Warden Hobbs at this facility and had me removed from the Honor Wing and dog program which I earned for my "infraction free" and "exceptional behavior", in retaliation for my letter to her publicly on a website created by my family.
(Exhibit 11 and 178)

6. She has advised/influenced Warden Hobbs at this facility and had me mail out my legal material on Compact Disks on the same day that I was removed from the Honor Wing, that would have proved her office illegally altered, fabricated, manipulated and destroyed vital information that would have aided in my defense.

7. She has deliberately misrepresented facts through out the course of my trial pertaining to how the deceased was killed misleading the jury, despite the reports from the Medical Examiner contradicting what she fabricated to my jury, that your office intervened and ask that the Medical Examiner must reply to my questions pertaining to his autopsy report and his testimony at my trial.
(Exhibit 146, 147, and 168)

8. She has advised/influenced Judge James Lane in denying, to accept my Habeas Exhibits and Supplement by Jean Litten, my mother on September 23, 2011, stating it was not timely filed, in which my mother had to get the Innocence Project of UVA School of Law involved.
(Exhibit 194 and 195)

9. She has advised/influenced Sprint not to release F.O.I.A. information pertaining to cell phone accounts where I was the person on the billing account.
(Exhibit 114,115,116,117 and 118)

Prayer for Relief

I ask that your office, with whom I know is in a conflict of interest because of your representation of the state officials, appoint me a special prosecutor or investigative agency to explore my complaint(s) to reach the ends of justice.

Rule 8.4 Misconduct

It is professional misconduct for a lawyer to:

- (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through acts of another;
- (b) commit a criminal or deliberately wrongful act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer;
- (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation which reflects adversely on the lawyer's fitness to practice law;
- (d) state or imply an ability to influence improperly or upon irrelevant grounds any tribunal, legislative body, or public official; or
- (e) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.

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

August 25, 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 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 Sencidiver 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