



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

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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: *Wm*

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

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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,

A handwritten signature in black ink, appearing to read "TC Carter", with a stylized flourish above the first name.

Timothy C. Carter
Sheriff

Encl.

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