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JUN 17 2011

To: Dr. Benson, M.D. Office of Medical Examiner
From: Donna Hockman 6600 Northside High School
Re: 2008 Autopsy Rd., Suite 100
Hello, Roanoke, Va 24019

On 1/28/08 you conducted an Autopsy on Dustin R. Stanley in regards to my arrest in July 2008. I am requesting the following information entitled to me under the Freedom of Information Act and to aid in my post conviction relief.

- 1) On page one you noted "Anatomic" and "Standard Anatomic position". would you please define what these mean?
- 2) On page one #2 you noted "Blunt force injuries" A two abraded contusions to right side of forehead. Can you tell me if these were caused by "falling on the floor" or "being struck"? were there any skull fractures caused by these contusions?
- 3) On page 2 you list the diameter of the entrance wound on each injury. Can you tell me based on the diameter size of each how far away the shooter was when the bullet entered the body?

You further state there is ~~no~~ soot or gun-powder stippling around the entrance wound for each shot. would you tell me what that means and can you determine the distance of the shooter?

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~~Can you tell me if Mr. Stanley was alive on each of the shots meaning did he have blood pressure? Can a person still have blood pressure and be deceased? Can a person still have little to no blood pressure and still be alive?~~

~~How long could a person with these injuries be expected to live?~~

Please photocopy this letter and mail with your response,

Respectfully,
Donna Hockman

Donna Hockman
FCW #1406180
PO Box 1000

Troy, VA
22974

EXHIBIT
NO. 147



COMMONWEALTH of VIRGINIA

Department of Health
Office of the Chief Medical Examiner
Western Division
6600 Northside High School Road
Roanoke, VA 24019-2836

CENTRAL DISTRICT:
400 E. Jackson St.
Richmond, Virginia 23219-3694
(804) 786-3174
800-447-1706
FAX (804) 371-8595

NORTHERN VA DISTRICT:
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800-856-6799
FAX (703) 764-4645

TIDEWATER DISTRICT:
401 A Colley Avenue
Norfolk, Virginia 23507
(757) 683-8366
800-395-7030
FAX (757) 683-2589

WESTERN DISTRICT:
6600 Northside High School Road
Roanoke, Virginia 24019-2836
(540) 561-6615
800-862-8312
FAX (540) 561-6619

June 20, 2011

Ms. Donna Hockman
FCCW #1406120
PO Box 1000
Troy, VA 22976

Dear Ms. Hockman:

This is in reply to your recent letter received on June 17, 2011, requesting answers to specific questions in regards to the autopsy of Dustin Stanley pursuant to the Virginia Freedom of Information Act ("FOIA").

Your request for release of the above information currently maintained by this Office is not subject to the FOIA mandatory disclosure requirements in accordance with Va. Code §§ 2.2-3704(A) ("Except as otherwise specifically provided by law..."). Since the above information generated by the Office of the Chief Medical Examiner are prepared by licensed physicians providing medical examination and diagnosis, it is a health record in accordance with Va. Code § 32.1-127.1:03(B) and its release is strictly governed by the provisions of the Health Records Privacy Act, Va. Code §§ 32.1-127.1:03 et seq..

Due to these reasons we are unable to comply with your FOIA request.

If you have further inquiry related to this request, please write to:

Howard M. Casway
Senior Assistant Attorney General
Office of the Attorney General
900 East Main Street
Richmond, Virginia 23219

Respectfully,

Tracie Cooper
Western District Administrator



Accredited by the National Association of Medical Examiners

EXHIBIT
NO. 146

To: Howard Casway 8/11/11
From: Donna Hockman
Re: FOIA request

CORRECTIONAL
AUG 12 2011
LITIGATION

On 8/11/11 I received a response to my letter requesting information under FOIA through the medical Examiners office in Roanoke.

I was denied by Tracie Cooper citing my denial under the Health Records Privacy Act, Va. Code § 8.1-129.1:03 et seq

What I requested was answers to questions on the medical Examiners findings on an autopsy conducted for Dustin Stanley on 11/20/08.

I am already familiar with the Autopsy report as it was provided to me through Discovery by my then court appointed attorney.

I am acting as my own attorney for post-conviction relief and feel I should be privy to receive answers on evidence pertaining to my conviction.

If I were a state bar approved attorney I would be able to receive this information.

would you please approve for my questions to be answered pertaining to the medical examiners findings?

Respectfully,
Donna Hockman
Donna Hockman
FCCW # 1406120
PO Box 1050
Troy, Va 22974

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AUG 15 2011

OFFICE OF THE ATTORNEY GENERAL
HEALTH SERVICES SECTION

Exhibit
147

I look forward to your compliance within 20 days of receiving this request.

Respectfully,
Donna Hookman

Donna Hookman
FCOW #1406120
PO Box 1000
Troy, Va 22974



COMMONWEALTH of VIRGINIA

Office of the Attorney General

Kenneth T. Cuccinelli, II
Attorney General

August 19, 2011



900 East Main Street
Richmond, Virginia 23219
804-786-2071
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Virginia Relay Services
800-828-1120
7-1-1

Ms. Donna Hockman
FCCW #1406120
P. O. Box 1000
Troy, Virginia 22974

Re: FOIA Request

Dear Ms. Hockman:

I represent the Office of the Chief Medical Examiner ("OCME"). Thank you for your letter dated August 7, 2011.

I have communicated with the OCME, and it is my understanding that OCME representatives are currently in the process of answering all of the questions about which you are entitled to receive information. Should you need further assistance, please do not hesitate to contact me again in the future.

With kind regards, I am

Very truly yours,

Ishneila I.G. Moore
Assistant Attorney General

cc: Tracie Cooper, OCME
Dr. Leah Bush, Chief Medical Examiner



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400 E. Jackson St.
Richmond, Virginia 23219-3694
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FAX (540) 561-6619

Answers to questions from Donna Hockman from Dr. Benson, OCME Western.

9/6/11

1. Anatomic position: the position the body is in on pages 5-7, 9-11 and 13 of the autopsy report.
2. The contusions could be from falling or being struck. There were no skull fractures.
3. The distance of the shooter is unable to be determined from a diameter of an entrance wound. The distance of the shooter is unable to be determined from a gunshot wound with no soot or stippling around the wound.
4. I can't tell from the autopsy if the injuries occurred while Stanley had blood pressure. There is no way for me to tell if the shots happened within a short time or a long time from each other.
5. Dead people do not have blood pressure.
6. It is not possible for me to tell how long Stanley lived after being shot.



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1 A. Yes, that's correct.

2 Q. Okay. And did you note any particular injuries
3 as to Commonwealth's Diagram 128A, your Diagram 5?

4 A. There's an abrasion on the right lower leg and
5 scars on the left knee and there's a bandage on the right
6 index finger overlying a healing wound.

7 Q. Dr. Benson, are you able to tell us whether or
8 not that abrasion is before or after death?

9 A. Not from the diagram.

10 Q. Okay.

11 MS. GARST: Commonwealth's Exhibit 129. We
12 can move that into evidence as 128A.

13 Q. 129 which is your Diagram 6.

14 MS. GARST: May I approach the witness?

15 COURT: You may approach.

16 MS. GARST: This is 129, if the bailiff
17 could be so kind. Thank you, sir.

18 Q. Dr. Benson, describe to this jury the injuries
19 that you note on this body diagram.

20 A. This is a body diagram that I made during the
21 autopsy as well. This shows injuries that are blunt
22 force injuries which are injuries that are caused by
23 either an impact or a scraping motion.

24 Q. And, Dr. Benson, tell us with the blunt force
25 injuries, again, are you able to tell, sir, whether these

CAN'T
TELL BY
DIAGRAM

?

1 were before or after death?

2 A. In my opinion these injuries occurred before
3 death.

4 Q. And, sir, in that regard are there other injuries
5 noted on the victim's body?

6 A. There's gunshot wounds.

7 MS. GARST: I'd move Commonwealth's Exhibit
8 129 in.

9 Q. Commonwealth's Exhibit 130, your Diagram 7, Dr.
10 Benson. You refer to wounds as gunshot A, is that
11 correct?

12 MS. GARST: May I approach the witness?

13 COURT: You may approach.

14 A. That's correct.

15 Q. Sir, referencing Commonwealth's Exhibit 130 or
16 Diagram 7 on your notes, would you show the jury what you
17 noted to be gunshot A or entrance A?

18 A. This, I'll point to where the entrance wound on
19 the diagram.

20 MS. GARST: And for the record he's noted
21 the upper left shoulder, top.

22 COURT: The record will so reflect.

23 Q. Now, sir, because that's noted in the back as
24 entrance A does that mean the bullet entered through the
25 back?

1 A. No other firearms.

2 Q. What else was recovered?

3 A. We recovered a pocket, a folding knife I should
4 say.

5 Q. Where was that recovered from?

6 A. It was in the bag with the victim's personal
7 effects which had been collected and placed in another
8 room of the house in a cabinet. It was in a plastic bag.

9 Q. No further questions. Thank you.

10 MS. GARST: Just a brief followup.

11

12 Re-Direct Examination by Ms. Garst:

13 Q. In addition to what you explained to Mr. Albertson
14 regarding the oral findings of the medical examiner in
15 Roanoke, did that medical examiner also mention the range
16 of which these shots to the back, the five shots to the
17 back were fired? Was it more than two feet or
18 approximate?

19 A. The medical examiner of course cannot stand and
20 tell anyone the certainty of the range of any firearm as
21 far as, there has to be additional testing performed which
22 he advised for us to do.

23 Q. But there was no contact wounds that were visible
24 in the victim's back?

25 A. We did not--no. There was no observations of

1 entrance wound is the trajectory would be downward with
2 the body in anatomic position like on the body diagrams.

3 Q. Now, Dr. Benson, were you able to tell whether
4 the victim had blood pressure at the time of this shot?

5 A. Yes. In my opinion he did.

6 MS. GARST: Commonwealth's Exhibit 150.
7 Move that into evidence at this time. Commonwealth's
8 Exhibit 151.

9 Q. Gunshot wound B, Commonwealth's Exhibit 151.
10 Likewise explain to the jury the significance of the rod
11 in this case.

12 A. The rod is the same rod that I used in the last
13 picture only in this one it's showing the attempt, in
14 attempt to show the trajectory of gunshot wound B.
15 And . . .

16 Q. Dr. Benson, were you able to opine as to the
17 trajectory?

18 A. Yes. The trajectory with the body in the
19 anatomic position again is back to front and upward.

20 Q. And, Dr. Benson, is that regard were you able to
21 tell whether the victim had blood pressure at the time of
22 this shot?

23 A. Yes.

24 Q. And, sir, did he have blood pressure?

25 A. Yes.

*opinion
not possible*

1 Q. Okay. And tell the jury what effect on the body
2 of Dustin Stanley gunshot wound B had.

3 A. Gunshot wound B caused perforation of the right
4 fourth rib and the right lung and a vein in the right
5 side of the chest called the brachiocephalic vein.

6 MS. GARST: Commonwealth's Exhibit 151
7 moved into evidence at this time. Commonwealth's Exhibit
8 152. May I approach the witness, Your Honor?

9 COURT: You may approach.

10 Q. Show you Commonwealth's Exhibit 152 and your
11 gunshot wound identified as C, is that correct, Dr.
12 Benson?

13 A. That's correct.

14 Q. And, sir, again the trajectory rod is used in
15 this?

16 A. That's correct.

17 Q. Were you able to determine what trajectory in
18 your expert opinion this bullet entered?

19 A. Yes.

20 Q. Tell the jury, please.

21 A. The trajectory in my opinion with the body in
22 standard anatomic position for this gunshot wound letter
23 C is upward and back to front.

24 Q. And, Dr. Benson, were you able to tell whether
25 the victim had blood pressure at the time of the injury?

1 A. Yes.

2 Q. Did he?

3 A. Yes.

4 Q. Okay. And, sir, what damage did gunshot wound C
5 do to the body of the victim, Dustin Stanley?

6 A. This gunshot wound caused perforation of the
7 right ninth rib, the right lung and the right
8 brachiocephalic vein.

9 Q. And what is the effect of that injury?

10 A. This causes bleeding internally inside the right
11 side of the chest that resulted in what is called
12 hemothorax and also a clot. Hemothorax is blood that has
13 collected in the space in between the chest wall and the
14 lung.

15 Q. Is that significant, Dr. Benson?

16 A. Yes.

17 Q. Blood in the hemothorax?

18 A. Yes. This . . .

19 Q. What does that cause?

20 A. Hemothorax not only causes internal blood loss
21 but also can cause compression of the lung on that side
22 of the chest and can lead to death.

23 Q. And does it make it difficult to breathe?

24 A. Yes.

25 MS. GARST: Commonwealth's Exhibit 152.

1 Q. Commonwealth's Exhibit 153, Dr. Benson. This is
2 your gunshot wound D, Commonwealth's Exhibit 153, where
3 you've inserted a modesty panel in that regard. Are you
4 familiar again using the trajectory rod were you able to
5 make an opinion as to the trajectory of the shot?

6 A. Yes.

7 Q. Tell the jury your opinion, Dr. Benson?

8 A. With the body in the anatomic position again as
9 on the diagrams the trajectory for gunshot wound (D) is
10 back to front, left to right and upward.

11 (4) Q. And again were you able to opine whether the
12 victim had blood pressure during this shot, Dr. Benson?

13 A. Yes.

14 Q. And did he?

15 A. Yes.

16 Q. And, Dr. Benson, what injury did gunshot D do to
17 the victim, Dustin Stanley?

18 A. Gunshot D injured organs both in the abdomen and
19 in the chest including the right kidney, the right
20 adrenal gland, the liver, the diaphragm, the right lung
21 and the right sixth rib.

22 MS. GARST: And I would move this in as
23 Commonwealth's Exhibit 153.

24 Q. Commonwealth's Exhibit 154, Dr. Benson.

25 Commonwealth's Exhibit 154. Again, did you insert a

18

Benson

1 trajectory rod to determine the trajectory of the bullet
2 as it entered the victim, Dustin Stanley?

3 A. Yes.

4 Q. Were you able to devise an opinion in that
5 regard?

6 A. As to the trajectory, yes.

7 Q. Yes. And what was your opinion?

8 A. The trajectory of this gunshot wound that's shown
9 in this picture, gunshot wound (E), is again given in the,
10 with the body in the ⁽¹⁾ anatomic position as on the diagrams
11 is left to right and slightly downward.

12 Q. And, Dr. Benson, did the victim had blood
13 pressure at this time?

14 ⁽⁴⁾ A. ~~In my opinion the victim had very little to no
15 blood pressure at this time.~~

16 ~~Q. And when you don't have blood pressure what does
17 that mean, Dr. Benson?~~

18 ~~A. It means that the heart is no longer beating to
19 move blood in the body.~~

20 MS. GARST: Commonwealth's Exhibit 154.

21 Q. And, Dr. Benson, what injury did that final shot
22 E do to the victim's body.

23 A. Gunshot wound E caused a perforation of the
24 sacrum which is the lowest bone in the back.

25 Q. And, Dr. Benson, could you describe to the jury

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1 how long the victim could have potentially lived with
2 these five gunshot wounds to the back?

3 A. With these gunshot wounds that the decedent
4 sustained I would expect the decedent to have lived no
5 longer than ten or fifteen minutes at most.

6 Q. Okay. And that's without treatment.

7 A. That's correct.

8 Q. Dr. Benson, in your medical, professional medical
9 opinion with treatment could the victim have survived
10 these injuries?

11 A. It's possible.

12 Q. What sort of death is experienced by these five
13 shots? What sort of shutdown of the body is expected
14 with these injuries?

15 A. Given the injuries that were caused by the
16 gunshot wounds the main lethal injuries being injuries to
17 the right side of the chest including the right lung,
18 these would lead to death that is caused by hemorrhage or
19 bleeding and death would be caused by loss of blood and
20 may also be hastened by compression of the right side or
21 the right lung inside the chest.

22 Q. And again that would affect the ability to
23 breathe.

24 A. That's right.

25 Q. Dr. Benson, in your medical opinion the cause of

1 death was what, sir?

2 A. The cause of death is multiple gunshot wounds.

3 Q. Answer any questions Defense Counsel Albertson or
4 Graves has.

5

6 Cross Examination by Mr. Albertson:

7 Q. Just as to the last wound, I think that was E
8 that you testified to?

9 A. Yes.

10 Q. And you testified that there was lack of blood
11 pressure?

12 A. Yes.

13 Q. Does that mean that the person can no longer
14 breathe at that point?

15 A. I would expect that to be the case, yes.

16 Q. Okay. And so you believe that that was after he
17 had taken his last breath?

18 A. Yes.

19 Q. Now, as far as the--and this may sound kind of
20 off the wall. You examined the whole body.

21 A. Yes.

22 Q. And did a gross examine I guess is what it's
23 called, correct?

24 A. Yes.

25 Q. You didn't notice anything unusual about the

inferred

*still
Breathing
unknown*

*before
Alive
Shot*

lie

1 genitalia, did you?

2 A. No, I did not.

3 Q. How can you determine whether there's lack of
4 blood pressure during the wound, when the wound is made?

5 A. When I examine the wound--wounds that have blood
6 pressure, well, wounds that occur when there is blood
7 pressure present have bleeding into the tissue around the
8 wound just like a bruise on the skin is bleeding
9 underneath the skin. As a gunshot wound is made there'll
10 be bleeding around the track of the bullet. And if
11 there's bleeding around the track of the bullet that
12 means to me that there was blood pressure when that
13 gunshot wound was made.

14 Q. But for all the remaining wounds there was that
15 hemorrhagic pressure?

16 A. Excluding E, that's correct.

17 Q. Right. Sir, thank you for answering my
18 questions.

19 COURT: Any followup?

20

21 Re-Direct Examination by Ms. Garst:

22 Q. You didn't do a perk on the victim that's
23 associated with sexual assault, did you, Dr. Benson?

24 A. I only collected a partial, one part of that kit.

25 Q. Which was the fingernail clippings.