

UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

EDWARD DEAN HOHNER, Pro se,  
United States Penitentiary  
3901 Klein Blvd.  
Lompoc, CA 93436

Plaintiff,

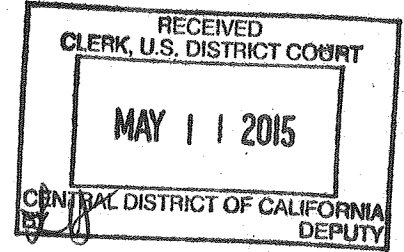
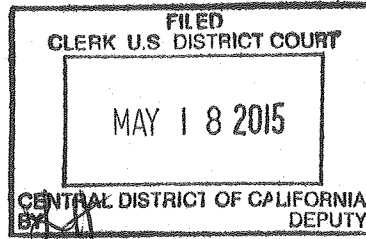
v.

U.S. DEPARTMENT OF JUSTICE  
Office of Information Policy  
1425 New York Avenue, NW, Suite 11050  
Washington, DC 20530-0001

and

U.S. DEPARTMENT OF JUSTICE  
Federal Bureau of Information  
170 Marcel Drive  
Winchester, VA 22602-4843

Defendants.



CV 15 - 03750 CAS (AGR)

CIN

COMPLAINT FOR RELIEF

1. This is an action under the Freedom of Information Act, 5 U.S.C. § 552, for injunctive and other appropriate relief and seeking the disclosure and release of agency records improperly withheld from plaintiff by defendant U.S. Department of Justice ("DOJ") and its components Federal Bureau of Investigation ("FBI") and Office of Information Policy ("OIP").

JURISDICTION AND VENUE

2. This court has both subject matter jurisdiction over this action and personal jurisdiction over the parties pursuant to 5 U.S.C. § 552(a)(4)(B). This court also has jurisdiction over this action pursuant to 28 U.S.C. § 1331. Venue lies in this district under 5 U.S.C. § 552(a)(4)(B).

3. Plaintiff Edward Dean Hohner ("Hohner") has a personal interest in the disclosure and release of agency records improperly withheld from plaintiff by defendant DOJ and its components FBI and OIP. In THE PEOPLE OF THE STATE OF CALIFORNIA v. EDWARD DEAN HOHNER, CASE NO. SCD216918, Hohner was convicted of 2X PC187(a)

and 2X PC190.2(a) counts with no physical evidence—no bodies, no DNA, and no gun—only the testimony of drug addicts and a paid government informant. Hohner believes the improperly withheld records are exculpatory and/or impeachment material.

4. Defendant DOJ is a Department of the Executive Branch of the United States Government, and includes component entities FBI and OIP. The DOJ is an agency within the meaning of U.S.C. § 552(f).

**Government Agencies' Failure to Release Any and All Information Concerning Cellular Phone Number 619-787-9199 During the Month of February 1997.**

5. On or about April 30, 2012, Hohner was convicted of COUNT 1: PC187(a) MURDER with PC12022.5(a)(1) ALLEGATION; with PC190.2(a)(17) ALLEGATION; COUNT 2: PC187(a) MURDER with PC12022.5(a)(1) ALLEGATION; with PC190.2(a)(17) ALLEGATION; in **THE PEOPLE OF THE STATE OF CALIFORNIA v. EDWARD DEAN HOHNER**, in Case No. SCD216918. Hohner was convicted in a 4 1/2 day trial with no physical evidence—no bodies, no DNA, and no gun—only the testimony of drug addicts and a paid government informant.

6. At the trial of Hohner, Arturo Camarena ("Camarena")—a witness that received immunity and an admitted heroin addict—testified that he witnessed Hohner murder two people, helped load them in a car, followed Hohner out to the Yuma, Arizona desert, and waited by the side of the road while Hohner drove off and disposed of the bodies and car. No bodies, car, DNA, or physical evidence has ever been found.

7. On or about December 20 2012, Hohner requested and received his file from trial attorney, Douglas L. Miller in Case No. SCD216918. See attached Exhibit "1", Correspondence between Hohner and Miller concerning file.

8. After Hohner received and read his file (Discovery), He noticed, through a FBI 302 report, that Special Agent James M. Bird ("SA Bird") telephoned a source ("Eric Juston Hamilton") to get the telephone numbers used by Eddie Hohner. The Source gave SA Bird Cellular No. 619-787-9199 along with some other numbers. See attached Exhibit "A", FBI 302 report, Discovery Page(s) 1558.

After Hohner saw this FBI 302 report, He remembered that Cellular Phone No. 619-787-9199 was registered to Hohner but used by Arturo Camarena on

February 21, 1997. This is the date Camarena claims to have witnessed Hohner murder 2 people and drive out to the desert to dispose of the bodies and car. Hohner believes that the Cellular phone records are exculpatory and impeachment materials.

9. On or about December 11, 2014, Hohner sent a FOIA request to the FBI requesting any and all information concerning Cellular Phone No. 619-787-9199 during the month of February 1997. See attached Exhibit "2", Exhibit "A", Hohner's original FOIA request.

10. On or about December 22, 2014, Hohner received a response stating that the FOIA was received at FBI Headquarters for processing and assigned FOIPA Request No. 1317689-000. See attached Exhibit "3", FBI acknowledges Hohner's FOIA request.

11. On or about December 22, 2014, Hohner received an additional response stating that the FBI was unable to identify main file records responsive to Hohner's FOIA request. However, the FBI also stated it could neither confirm nor deny the existence of requested records. The FBI advised that an appeal could be filed with the Office of Information Policy ("OIP"). See attached Exhibit "4", FBI neither confirms nor denies responsive records and advises right to appeal to OIP.

12. On or about January 04, 2015, Hohner sent an appeal to the OIP requesting any and all information concerning Cellular phone number 619787-9199 during the month of February 1997. See attached Exhibit "5", Hohner's Appeal to OIP.

13. On or about January 28, 2015, Hohner received a response stating the FOIA appeal was received by OIP and Appeal No. AP-2015-01642 was assigned. See attached Exhibit "6", OIP acknowledges receipt of Hohner's appeal.

14. On or about April 14, 2015, Hohner received an additional response from OIP affirming the FBI's action on requested information. Hohner was also advised that if he was dissatisfied with the action on his appeal, FOIA permits a person to file in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B). See attached Exhibit "7", OIP affirming FBI's action.

Requested Relief

Wherefore, plaintiff prays that this Court:

- A. order defendants to disclose the requested records in their entireties and make copies available to plaintiff;
- B. order defendants to acknowledge the existence or nonexistence of the requested records;
- C. order defendants to perform the search, put together the responsive records and prepare a comprehensive **Vaughn Index**, if the defendants claim an exemption or a statutory right to withhold requested documents.

Under penalty of perjury, I hereby affirm that the foregoing is true and correct to the best of my knowledge and belief.

Respectfully submitted,



---

**EDWARD DEAN HOHNER**  
United States Penitentiary  
3901 Klein Blvd.  
Lompoc, CA 93436

EXHIBITS

TABLE OF CONTENTS

EXHIBIT "1"	CORRESPONDENCE BETWEEN EDWARD DEAN HOHNER & DOUGLAS L. MILLER REQUESTING FILE IN CASE NO. SCD216918.
EXHIBIT "2"	EDWARD DEAN HOHNER'S FOIA REQUEST TO FBI, DATED: DECEMBER 11, 2015.
"A"	FBI 302 REPORT BY SPECIAL AGENT JAMES BIRD DISCOVERY OF EDWARD DEAN HOHNER PAGE(S) 1558
EXHIBIT "3"	RESPONSE FROM FBI REQUEST NO. 1317689-000, DATED: DECEMBER 22, 2015
EXHIBIT "4"	RESPONSE FROM FBI, RIGHT TO APPEAL TO OFFICE OF INFORMATION POLICY REQUEST NO. 1317689-000, DATED: DECEMBER 22, 2015
EXHIBIT "5"	EDWARD DEAN HOHNER'S APPEAL TO OFFICE OF INFORMATION POLICY, DATED: JANUARY 04, 2015
EXHIBIT "6"	OFFICE OF INFORMATION POLICY ACKNOWLEDGES RECEIPT OF FOIA. REQUEST NO. 1317689-000, APPEAL NO. AP-2015-01642 DATED: JANUARY 28, 2015
EXHIBIT "7"	OFFICE OF INFORMATION POLICY AFFIRMING FBI'S DECISION, REQUEST NO. 1317689-000, APPEAL NO. AP-2015-01642 DATED: APRIL 14, 2015

**EXHIBIT "1"**  
**CORRESPONDENCE BETWEEN**  
**EDWARD DEAN HOHNER**  
**AND**  
**DOUGLAS L. MILLER**  
**REQUESTING FILE**  
**IN CASE NO. SCD216918**

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <input checked="" type="checkbox"/> <i>Adam Miller</i> <input checked="" type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____ C. Date of Delivery <i>12/2/12</i></p>
<p>1. Article Addressed to:</p> <p><i>Douglas L. Miller                  Attorney At Law                  450 B st. Ste 900                  San Diego CA 92101</i></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes                  If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number                  (Transfer from service label)</p> <p>PS Form 3811, February 2004</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> <p>7011 0470 0000 9895 4711</p> <p>Domestic Return Receipt</p> <p>102595-02-M-1540</p>

7011 0470 0000 9895 4711

U.S. Postal Service <sup>TM</sup> CERTIFIED MAIL <sup>TM</sup> RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>	
<i>Edward J. Miller Reg. No. 40494998</i>	
Postage	\$ .45
Certified Fee	2.95
Return Receipt Fee (Endorsement Required)	2.35
Restricted Delivery Fee (Endorsement Required)	.00
Total Postage & Fees	\$ 5.75
Sent to <i>Douglas Miller</i> Street, Apt. No. or PO Box No. <i>450 B St. Ste 900</i> City, State, ZIP+4 <i>San Diego CA 92101</i>	
PS Form 3800, August 2006 See Reverse for Instructions	

1011 05-15 000

XCNT

12-21-12

EDWARD DEAN HOHNER  
40544-198  
U.S. Penitentiary  
3901 Klein Blvd.  
Lompcc, California 93436

WNW, I

December 20, 2012

To: Douglas L. Miller, Attorney at Law  
450 B Street, Ste 900  
San Diego, California 92101

Re: California v. Hohner, Case No. CD216918

Dear Mr. Miller:

I am writing you to request my entire file, Pursuant to the Provisions of the California Rules of Professional Conduct Rule 3-700 Termination of Employment, (D) Papers, Property, and Fees, which states in pertinent part:

"A member whose employment has terminated shall:

- (1) Subject to any protective order or nondisclosure agreement, promptly release to the client, at the request of the client, all the client papers and property. 'Client papers and property' includes correspondence, pleadings, deposition transcripts, exhibits, physical evidence, expert's reports, and other items reasonably necessary to the client's representation, whether the client has paid for them or not,"

Please promptly mail by U.S. Mail my entire file. Any video recordings, audio recordings, CD's, DVD's, Etc please convert to file. They will not let them into the institution. I have enclosed a package approval slip that authorizes you to send my file to me. Please place the package approval slip on the inside top of the file box(es). If more than one box is necessary to send the file, please copy the authorization slip and place a copy on the inside top of each box. As you must know the U.S. Supreme Court states that a pro se prisoner cannot be expected to file a meaningful post conviction pleading without the case file. Thank you for your prompt attention in this matter.

Sincerely,

Edward Dean Hohner



BP-A331.058  
NOV 08

**AUTHORIZATION TO RECEIVE PACKAGE OR PROPERTY** CDFRM

**U.S. DEPARTMENT OF JUSTICE**

**FEDERAL BUREAU OF PRISONS**

Name and Address of Person Sending Package			<b>EXPIRATION DATE</b>	
Name <i>Douglas L. Miller</i>			<i>JAN 31 2013</i>	
Address <i>450 B St.</i>			This Authorization Is Not Valid After The Date Shown.	
			Enter Inmate Name, Register No., and Institution Address Here:	
			<i>Edward D. Hohler 40544-198</i>	
			<i>U.S. Penitentiary</i>	
City State Zip Code <i>San Diego CA 92101</i>			<i>3901 K 12th Bldg Lompoc CA 93436</i>	

**THE NAMED INMATE IS AUTHORIZED TO RECEIVE** (specify below):

You are authorized to send the following personal property. **PLEASE NOTE:** Including unauthorized materials in the package will result in the entire package being returned undelivered.

QUANTITY	ITEM AND DESCRIPTION (INCLUDED STATED VALUE)	DISPOSITION
<i>3 COPIES</i>	<i>LEGAL MATERIALS</i>	<i>K</i>
	<del><i>LAST</i></del>	

**SPECIAL INSTRUCTIONS:** The inmate will mail copy #3 and copy #4 to addressee. The addressee may retain the copy #3 but must include the copy #4 in the package. The material must also be received prior to the Expiration Date shown above.

**DISPOSITION:** S = Storage; D = Donated; K = Keep in Possession; M = Mail; C = Contraband

**ENTER SIGNATURE, TITLE AND DATE OF APPROVING OFFICIAL - APPROVING OFFICIAL ALSO ENTERS EXPIRATION DATE, above.**

*[Signature]*  
(Signature and Title)

*12-20-12*  
(Date Approved)

**INSPECTION AND RECEIPT**

Completed by Inspecting Staff

Status/Condition of Property Received:

Inspected and cleared for issue: \_\_\_\_\_  
(Staff Signature) (Date)

\_\_\_\_\_  
(Inmate Signature Upon Receipt) (Date)



# County of San Diego

DEPARTMENT OF THE PUBLIC

**RANDY MIZE**  
CHIEF DEPUTY, PRIMARY PUBLIC

PRIMARY PUBLIC DEFENDER

**CENTRAL BRANCH**  
450 B Street, Suite 900  
San Diego, CA 92101  
619-338-4700  
619-338-4811 FAX

**EAST COUNTY BRANCH**  
East County Regional Center  
250 East Main Street, 6<sup>th</sup> Floor  
El Cajon, CA 92020  
619-579-3316  
Fax: 619-441-4744

**SOUTH BAY BRANCH**  
765 Third Avenue, Suite 100  
Chula Vista, CA 91910  
619-498-2001  
Fax: 619-498-2039

**NORTH COUNTY BRANCH**  
400 S. Melrose Drive, Suite 200  
Vista, CA 92028  
760-945-4000  
Fax: 760-726-1308

**DELINQUENCY SECTION**  
8525 Gibbs Drive, Suite 105  
San Diego, CA 92123  
858-974-5757  
Fax: 858-974-5858

Edward D. Hehner 40544-108  
U. S. Penitentiary  
3901 Klein Blvd.  
Lompoc, CA 93436

January 23, 2013

Dear Edward:

I received your letter requesting your file and I apologize for the delay in getting back to you. I was on vacation for a couple of weeks in December. I hope this finds you in good health and spirits.

It will take me some time to comply with your request to send you a copy of your file. I will have to have my legal intern and support staff work on this as it is a huge file and all witness addresses and confidential information must be redacted.

My office does not have the resources to convert CDs, DVDs, and audio recordings to transcription. I can only give you what my file already contains.

I will do my best to send this to you within a month but cannot promise a date certain. If you have any questions please feel free to call me collect.

Sincerely,

Douglas L. Miller  
Deputy Public Defender  
(619)338-4650

**EAST COUNTY BRANCH**  
East County Regional Center  
250 East Main Street, 6<sup>th</sup> Floor  
El Cajon, CA 92020  
619-579-3316  
Fax: 619-441-4744



**NORTH COUNTY BRANCH**  
400 S. Melrose Drive, Suite 200  
Vista, CA 92028  
760-945-4000  
Fax: 760-726-1308

**SOUTH BAY BRANCH**  
765 Third Avenue, Suite 100  
Chula Vista, CA 91910  
619-498-2001  
Fax: 619-498-2039

**County of San Diego**  
**DEPARTMENT OF THE PUBLIC DEFENDER**

**DELINQUENCY SECTION**  
8525 Gibbs Drive, Suite 300  
San Diego, CA 92123  
858-974-5757  
Fax: 858-974-5858

**RANDY MIZE**  
CHIEF DEPUTY, PRIMARY PUBLIC DEFENDER

**PRIMARY PUBLIC DEFENDER**  
**CENTRAL BRANCH**  
450 B Street, Suite 900  
San Diego, CA 92101  
619-338-4700  
619-338-4811 FAX

March 14, 2013

Mr. Edward Hohner  
40544-198  
U.S. Penitentiary  
3901 Klein Boulevard  
Lompoc, California 93436

Re: Case #CD216918; Document Shipment & CD/DVD information

Dear Mr. Hohner,

The following is in response to your request for a copy of your case file and information regarding the number of CDs or DVDs associated with your case file.

Redacted copies of your case file documents are being prepared and should be ready for shipping within the next two-three (2-3) weeks. You should expect to receive four (4) boxes. The dimensions of each box are nine inches by twelve inches by seventeen inches (9"X12"X17").

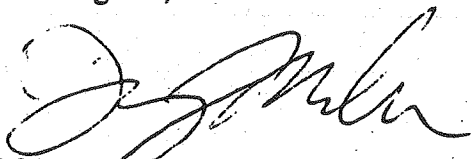
Within your case file, there are twenty-six different discs with audio, video, and document files. The following is a list of the titles written on the discs:

1. Discovery reports 2054-2477 on CD
2. Discovery reports 2478-2714 on CD
3. Interview/polygraph of Juan Ortiz: 4/5/12 (2 audio files & 1 video file)
4. Interview Arturo Belmonte: 4/6; 4/9; 4/10; 4/11/12
5. Interview of Veronica Araiza: 4/7/12
6. Scanned photos FBI-search 1644 Alvarado St.: 11/5/4
7. All jail communication intercepted up to 9/30/11 to/from Hohner
8. Jail records for Edward Hohner
9. Hohner jail communication through 3/13/12
10. Interview of John Belmonte 3/15/12

11. Hohner jail calls thru 3/13/12
12. Interview of Nora Cisneros-3/14/12
13. Interview of Ramon Silva 11/1/11 & 11/2/11
14. Interview of Angel Silva 10/12/11
15. Interview of Arthur Camarena 10/25/11
16. Interview of Hernan Villalobos-1/3/12
17. Hohner long distance phone records
18. Interview of Juan Ortiz on 3/30/12-Video
19. Interview of Juan Ortiz on 3/30/12-audio
20. FBI disk 245c-SD-65959-11/7/1
21. Hohner intercepted phone call 8/5/9
22. Interview with Silvia Camarena & Arturo Camarena-3/12/9
23. Interview with Daniel Cohenour-3/25/9
24. Hohner jail visits with parents
25. Jail visit with Araiza-11/26/2010
26. Hohner jail communications-email/mail/phone

Please let me know if there is anything else I can do. I wish you good luck with your appeal.

Best Regards,



DOUGLAS L. MILLER (SBN: 156995)  
Deputy Public Defender  
Office of the Public Defender  
450 "B" Street, Suite 900  
San Diego, CA 92101  
Telephone: (619) 338-4650  
Fax: (619) 338-4856  
Douglas.Miller@sdcountry.ca.gov

BP-S148.055 INMATE REQUEST TO STAFF CDFRM

SEP 98

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

TO: (Name and Title of Staff Member) FANCO	DATE: 3-31-03
FROM: Edward D. Hohner	REGISTER NO.: 40544-198
WORK ASSIGNMENT: Unassigned	UNIT: L

SUBJECT: (Briefly state your question or concern and the solution you are requesting. Continue on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.)

I want like a package approval slip for my legal papers work. It's coming from your "legal" attorney.

4-Boxes

26-CD's and DVDs

Attorney's Name: Douglas L. Miller 33N. 156945

500 B Street Ste 700

San Diego CA 92101

Phone: (619) 338-0500 Fax: (619) 338-4350

(Do not write below this line)

DISPOSITION:

4 Boxes Approved to  
Come in on MARCH 20 2003

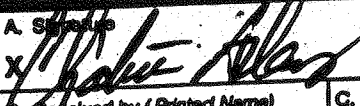
Signature Staff Member:

Date

4/1/03

Record Copy - File; Copy - Inmate  
(This form may be replicated via WP)

This form replaces BP-148.070 dated Oct 86  
and BP-S148.070 APR 94

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  </p> <p>B. Received by (Printed Name)                      [Blank]</p>	
	<p>C. Date of Delivery                      4/12/13</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes                      If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>1. Article Addressed to:                      Douglas Miller                      Attorney at Law                      450 B ST. Suite 900                      San Diego CA 92101</p>	<p>3. Service Type  <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
<p>2. Article Number                      (Transfer from service label)</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> <p>7011 3500 0002 7362 7363</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>		

7011 3500 0002 7362 7363

U.S. Postal Service <sup>TM</sup>	
CERTIFIED MAIL <sup>TM</sup> RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$ .92
Certified Fee	3.10
Return Receipt Fee (Endorsement Required)	2.55
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 6.57</b>
<p>Sent To Douglas Miller USPS</p> <p>Street, Apt. No., or PO Box No. 450 B St. Suite 900</p> <p>City, State, ZIP+4 San Diego CA 92101</p>	
<p>APR 02 2013</p> <p>IMPOC CA 92101</p>	
<p>PS Form 3800, August 2006 See Reverse for Instructions</p>	

EDWARD DEAN HOHNER  
40544-198  
U.S. Penitentiary  
3901 Klein Blvd.  
Lompoc, California 93436

March 29, 2013

To: Douglas L. Miller, Attorney at Law  
450 B Street, Ste 900  
San Diego, California 92101

Re: California v. Hohner, Case no. CD216918

Dear Mr. Miller:

I received the letter stating how many boxes my file was going to be. I've enclosed a package approval slip that authorizes you to mail my file to me. Please make copies of the package approval slip and place a copy on the inside top of each box.

Also can you send me a letter stating that you have sent me my entire file and not left anything out.

Thank you for your help.

Sincerely

Edward D. Hohner

BP-5331.058  
NOV 08

**AUTHORIZATION TO RECEIVE PACKAGE OR PROPERTY** CDFRM

**U.S. DEPARTMENT OF JUSTICE**

**FEDERAL BUREAU OF PRISONS**

Name and Address of Person Sending Package			EXPIRATION DATE	
Name <i>Deputy Public Defender</i> <i>Douglas L Miller</i>			<i>5/1/13</i>	
Address <i>450 B Street, Suite 900</i>			This Authorization is Not Valid After The Date Shown.	
City <i>SAN DIEGO</i> State <i>CA</i> Zip Code <i>92101</i>			Enter Inmate Name, Register No., and Institution Address Here:	
			<i>Holtzer, Edward # 544-198</i> <i>Rec Lombr Med</i> <i>3901 KLEW Blvd</i> <i>Lombr, CA 93436</i>	

**THE NAMED INMATE IS AUTHORIZED TO RECEIVE (specify below):**

You are authorized to send the following personal property. **PLEASE NOTE:** Including unauthorized materials in the package will result in the entire package being returned undelivered.

QUANTITY	ITEM AND DESCRIPTION (INCLUDED STATED VALUE)	DISPOSITION
<i>(4)</i>	<i>Boxes of Labor Transcripts</i>	

**SPECIAL INSTRUCTIONS:** The inmate will mail copy #3 and copy #4 to addressee. The addressee may retain the copy #3 but must include the copy #4 in the package. The material must also be received prior to the Expiration Date shown above.

**DISPOSITION:** S = Storage; D = Donated; K = Keep in Possession; M = Mail; C = Contraband

**ENTER SIGNATURE, TITLE AND DATE OF APPROVING OFFICIAL - APPROVING OFFICIAL ALSO ENTERS EXPIRATION DATE, above.**

*[Signature]*

(Signature and Title)

*4/1/13*

(Date Approved)

**INSPECTION AND RECEIPT**

Completed by Inspecting Staff

Status/Condition of Property Received:

Inspected and cleared for issue:

\_\_\_\_\_  
(Staff Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Inmate Signature Upon Receipt)

\_\_\_\_\_  
(Date)

The Original, Copy 1 and Copy 2 remain together until fully completed. Copy 3 and Copy 4 are forwarded to addressee by inmate. Original - Central File; Copy 1 - R&D Property File; Copy 2 - Inmate; Copy 3 - Addressee to keep; Copy 4 - Addressee place in package (This form may be replicated via WP)



**EAST COUNTY BRANCH**  
East County Regional Center  
250 East Main Street, 6<sup>th</sup> Floor  
El Cajon, CA 92020  
619-579-3316  
Fax: 619-441-4744



**NORTH COUNTY BRANCH**  
400 S. Melrose Drive, Suite 200  
Vista, CA 92028  
760-945-4000  
Fax: 760-726-1308

**SOUTH BAY BRANCH**  
765 Third Avenue, Suite 100  
Chula Vista, CA 91910  
619-498-2001  
Fax: 619-498-2039

**County of San Diego**  
**DEPARTMENT OF THE PUBLIC DEFENDER**

**DELINQUENCY SECTION**  
8525 Gibbs Drive, Suite 300  
San Diego, CA 92123  
858-974-5757  
Fax: 858-974-5858

**RANDY MIZE**  
CHIEF DEPUTY, PRIMARY PUBLIC DEFENDER

**PRIMARY PUBLIC DEFENDER**  
**CENTRAL BRANCH**  
450 B Street, Suite 900  
San Diego, CA 92101  
619-338-4700  
619-338-4811 FAX

April 22, 2013

Mr. Edward Hohner  
40544-198  
U.S. Penitentiary  
3901 Klein Boulevard  
Lompoc, California 93436

Re: Case #CD216918; Document Shipment

Dear Mr. Hohner,

Enclosed is the entire client file for case# CD216918, with the exception of any CD/DVD discs. I wish you good luck with your appeal.

Best Regards,

**DOUGLAS L. MILLER (SBN: 156995)**  
Deputy Public Defender  
Office of the Public Defender  
450 "B" Street, Suite 900  
San Diego, CA 92101  
Telephone: (619) 338-4650  
Fax: (619) 338-4856  
Douglas.Miller@sdcounty.ca.gov

**EXHIBIT "2"**

**EDWARD DEAN HOHNER'S**

**FREEDOM OF INFORMATION ACT**

**REQUEST**

**DATED: DECEMBER 11, 2014**

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

7014 0150 0000 5851 9604

Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	4.49

LOWRQC CA 03436  
 12.30  
 DEC 11 2014  
 USPS Hahn

Sent To Federal Bureau of Investigation  
 Street, Apt. No.,  
 or PO Box No. 170 Marcel DR  
 City, State, ZIP+4 Winchester, VA 22602-4843  
 PS Form 3800, August 2006 See Reverse for Instructions

EDWARD DEAN HOHNER  
40544-198  
U.S. PENITENTIARY  
3901 KLEIN BLVD  
LOMPOC, CALIFORNIA 93436

DECEMBER 11, 2014

To: FEDERAL BUREAU OF INVESTIGATIONS  
FREEDOM OF INFORMATION ACT DEPARTMENT  
170 MARCEL DRIVE  
WINCHESTER, VA 22602 - 4840

Re: Freedom of Information Act request by Edward Dean Hohner; DOB: May 02, 1973;  
SSN: 572-87-1508.

Dear Sir or Madam:

This letter constitutes a request under the Freedom of information Act ("FOIA"), Title 5 United States Code §552, and is submitted by Edward Dean Hohner in Criminal Case THE PEOPLE OF THE STATE OF CALIFORNIA vs. EDWARD DEAN HOHNER, Case No. SCD 216918.

I request any and all information concerning cellular phone number 619-787-9199 during the month of February 1997. Cellular phone number 619-787-9199 was registered to Edward Dean Hohner, but utilized by Arthur Martinez Camarena while Camarena resided with Hohner during the above mentioned time frame.

The requested information is proven to exist from an FBI 302 report by Special Agent ("SA") James M. Bird. In the FBI 302 report, the source (ERIC JUSTON HAMILTON) gives SA Bird the requested phone numbers of Edward Dean Hohner. SA Bird writes:

"On October 25, 1999 at 5:25 PM, Special Agent (SA) James M. Bird telephoned a Source, who is in a position to testify, at his place of employment. SA Bird was responding to a page he had received from the Source. The Source told SA Bird that he was calling in response to a message left for him earlier in the day. SA Bird requested that the Source give him the phone number used by Eddie Hohner. He advised that Hohner uses the following numbers:

Home: (760) 754-9199  
Cellular: (619) 787-9199  
Pager: (760) 752-9199" See attached Exhibit "A", Discovery of EDWARD DEAN HOHNER, Case No. SCD216918, Page(s) 1558, Paragraph 1.

**Hohner's Freedom of Information Request May Include, But Is Not Limited To:**

1. Any and all copies of affidavits and/or testimonies used to obtain the phone records for cellular phone number 619-787-9199.
2. Any and all copies of warrants and/or subpoenas used to obtain the phone records for cellular phone number 619-787-9199.
3. Any and all copies of phone records for cellular phone number 619-787-9199.

U.S Department of Justice

Certification of Identity



FORM APPROVED OMB NO. 1103-0016 EXPIRES 03/31/17

Privacy Act Statement. In accordance with 28 CFR Section 16.41(d) personal data sufficient to identify the individuals submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of U.S. Department of Justice systems of records are not wrongfully disclosed by the Department. Requests will not be processed if this information is not furnished. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(i)(3).

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Suggestions for reducing this burden may be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, Public Use Reports Project (1103-0016), Washington, DC 20503.

Full Name of Requester <sup>1</sup> EDWARD DEAN HOHNER

Citizenship Status <sup>2</sup> U.S. CITIZEN Social Security Number <sup>3</sup> 572-87-1508

Current Address 3901 KLEIN BLVD, LOMPOC, CALIFORNIA 93436

Date of Birth MAY 02, 1973 Place of Birth OKINAWA, JAPAN  
CITIZEN BORN ABROAD

OPTIONAL: Authorization to Release Information to Another Person

This form is also to be completed by a requester who is authorizing information relating to himself or herself to be released to another person.

Further, pursuant to 5 U.S.C. Section 552a(b), I authorize the U.S. Department of Justice to release any and all information relating to me to:

Print or Type Name

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a(i)(3) by a fine of not more than \$5,000.

Signature <sup>4</sup> [Signature] Date 12/11/2014

<sup>1</sup> Name of individual who is the subject of the record(s) sought.

<sup>2</sup> Individual submitting a request under the Privacy Act of 1974 must be either "a citizen of the United States or an alien lawfully admitted for permanent residence," pursuant to 5 U.S.C. Section 552a(a)(2). Requests will be processed as Freedom of Information Act requests pursuant to 5 U.S.C. Section 552, rather than Privacy Act requests, for individuals who are not United States citizens or aliens lawfully admitted for permanent residence.

<sup>3</sup> Providing your social security number is voluntary. You are asked to provide your social security number only to facilitate the identification of records relating to you. Without your social security number, the Department may be unable to locate any or all records pertaining to you.

<sup>4</sup> Signature of individual who is the subject of the record sought.

**EXHIBIT "A"**

**FBI 302 REPORT BY SA BIRD**

**DISCOVERY OF EDWARD DEAN HOHNER**

**PAGE(S) 1558**

FD-302 (Rev. 10-6-95)

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11/09/1999

On October 25, 1999 at 5:25 PM, Special Agent (SA) James M. Bird telephoned a Source, who is in a position to testify, at his place of employment. SA Bird was responding to a page he had received from the Source. The Source told SA Bird that he was calling in response to a message left for him earlier in the day. SA Bird requested that the Source give him the phone number used by Eddie Hohner. He advised that Hohner uses the following numbers:

Home: (760) 754-9199  
Cellular: (619) 787-9199  
Pager: (760) 752-9199

The Source also advised that Matt Last Name Unknown (LNU), the individual renting the front house owned by Hohner at 1641 Alvarado Street, Oceanside, CA, told him that on today's date, Marshals came to arrest Cynthia Araiza, Hohner's girlfriend, who resides with Hohner in the back house. Araiza, according to Matt, hid in the front house when the Marshals went to the back portion of the residence to search for her. They eventually left without taking her into custody. The Source said that he does not know whether the Marshals were local or federal. He advised that local Marshals may be looking for her for traffic violations or federal Marshals may have come to arrest her for probation violation. Araiza has told the Source that she had tested positive for drugs on two occasions.

*AW*  
*Jms*

The Source also advised that paramedics had to be called last week to treat Araiza for a seizure brought on by methamphetamine use. The paramedics told Hohner and Araiza that they will have to advise the police if they are called again to treat Araiza for her drug problem. In addition, the Source advised that Araiza's drivers license has been confiscated. Accordingly, Hohner will not allow her to drive.

The Source suggested that when Araiza is taken into custody it may be a good time to interview her. SA Bird mentioned that she certainly will not want to be in custody and may be willing to cooperate in order to minimize her jail time. The

Investigation on 10/25/99 at Escondido, CA

# 270F-SD-61273 & 92C-SD-50684-D75

Date dictated 10/26/99

by SA James M. Bird/df

001558

*df*  
*11/23/99*



**EXHIBIT "3"**

**FEDERAL BUREAU OF INVESTIGATION**

**ACKNOWLEDGES RECEIPT OF**

**EDWARD DEAN HOHNER'S**

**FREEDOM OF INFORMATION ACT**

**REQUEST**

**DATED: DECEMBER 22, 2014**

**FOIA REQUEST NO. 1317689-000**



Federal Bureau of Investigation  
Washington, D.C. 20535

December 22, 2014

MR. EDWARD DEAN HOHNER  
\*\*40544-198  
UNITED STATES PENITENTIARY  
3901 KLEIN BOULEVARD  
LOMPOC, CA 93436

FOIPA Request No.: 1317689-000  
Subject: HOHNER, EDWARD DEAN  
(CELLULAR PHONE NUMBER  
616-787-9199/FEBRUARY 1997)

Dear Mr. Hohner:

This acknowledges receipt of your Freedom of Information/Privacy Acts (FOIPA) request to the FBI.

- Your request has been received at FBI Headquarters for processing.
- Your request has been received at the [ \_\_\_\_\_ Resident Agency / \_\_\_\_\_ Field Office] and forwarded to FBI Headquarters for processing.
- We are searching the indices to our Central Records System for the information responsive to this request. We will inform you of the results in future correspondence.
- Your request for a fee waiver is being considered and you will be advised of the decision at a later date.
- Please check for the status of your FOIPA request at [www.fbi.gov/foia](http://www.fbi.gov/foia) by clicking on **Check the Status of Your FOIPA Request under Records Available Now** located on the right side of the page. Status updates are adjusted weekly. The status of newly assigned requests may not be available until the next weekly update. If the FOIPA has been closed the notice will indicate that appropriate correspondence has been mailed to the address on file.

The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request. Your patience is appreciated.

Sincerely,

David M. Hardy  
Section Chief,  
Record/Information  
Dissemination Section  
Records Management Division

**EXHIBIT "4"**

**FEDERAL BUREAU OF INVESTIGATION  
CANNOT IDENTIFY RESPONSIVE RECORDS**

**NEITHER CONFIRMS NOR DENIES**

**EXISTENCE OR NONEXISTENCE**

**OF RESPONSIVE RECORDS**

**ADVISED OF RIGHT TO APPEAL TO**

**OFFICE OF INFORMATION POLICY**

**DATED: DECEMBER 22, 2014**



Federal Bureau of Investigation  
Washington, D.C. 20535

December 22, 2014

MR. EDWARD DEAN HOHNER  
\*\*40544-198  
UNITED STATES PENITENTIARY  
3901 KLEIN BOULEVARD  
LOMPOC, CA 93436

FOIPA Request No.: 1317689-000  
Subject: HOHNER, EDWARD DEAN  
(CELLULAR PHONE NUMBER  
616-787-9199/FEBRUARY 1997)

Dear Mr. Hohner:

This is in response to your Freedom of Information/Privacy Acts (FOIPA) request.

Based on the information you provided, we conducted a search of the Central Records System. We were unable to identify main file records responsive to the FOIPA. If you have additional information pertaining to the subject that you believe was of investigative interest to the Bureau, please provide us the details and we will conduct an additional search.

In accordance with standard FBI practice and pursuant to FOIA exemption (b)(7)(E)/ Privacy Act exemption (j)(2) [5 U.S.C. § 552/552a (b)(7)(E)/(j)(2)], this response neither confirms nor denies the existence of your subject's name on any watch lists.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's eFOIA portal at <http://www.justice.gov/oip/efoia-portal.html>. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Request Number in any correspondence to us for proper identification of your request.

Enclosed for your information is a copy of the FBI Fact Sheet and Explanation of Exemptions.

Sincerely,

David M. Hardy  
Section Chief,  
Record/Information  
Dissemination Section  
Records Management Division

Enclosure(s)



## FBI FACT SHEET

- **The primary function of the FBI is national security.**
- **The FBI does not keep a file on every citizen of the United States.**
- **The FBI was not established until 1908 and we have very few records prior to the 1920s.**
- **FBI files generally contain reports of FBI investigations of a wide range of matters, including counterterrorism, counter-intelligence, cyber crime, public corruption, civil rights, organized crime, white-collar crime, major thefts/violent crime, and applicants.**
- **The FBI does not issue clearances or non-clearances for anyone other than its own personnel or persons having access to FBI facilities.** Background investigations for security clearances are conducted by many different Government agencies. Persons who received a clearance while in the military or employed with some other government agency should contact that entity. Most government agencies have websites which are accessible on the internet which have their contact information.
- **An identification record or "rap sheet" is NOT the same as an "FBI file"** It is a listing of information taken from fingerprint cards and related documents submitted to the FBI in connection with arrests, federal employment, naturalization or military service. The subject of a "rap sheet" may obtain a copy by submitting a written request to FBI, Criminal Justice Information Services (CJIS) Division, Record Request, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306. Along with a specific written request, the individual must submit a new full set of his/her fingerprints in order to locate the record, establish positive identification, and ensure that an individual's records are not disseminated to an unauthorized person. The fingerprint submission must include the subject's name, date of birth and place of birth. There is a required fee of \$18 for this service which must be submitted in the form of a money order or certified bank check made payable to the Treasury of the United States. A credit card payment option is also available. Forms for this option and additional directions may be obtained by accessing the FBI Web site at [www.fbi.gov/about-us/cjis/background-checks/background\\_checks](http://www.fbi.gov/about-us/cjis/background-checks/background_checks).
- **The National Name Check Program (NNCP)** conducts a search of the FBI's Universal Index (UNI) to identify any information contained in FBI records that may be associated with an individual and provides the results of that search to the requesting Federal, State or local agency. For the NNCP, a name is searched in a multitude of combinations and phonetic spellings to ensure all records are located. The NNCP also searches for both "main" and "cross reference" files. A main file is an entry that carries the name corresponding to the subject of a file while a cross reference is merely a mention of an individual contained in a file. The results from a search of this magnitude can result in several "hits" and "idents" on an individual. In each instance where UNI has identified a name variation or reference, information must be reviewed to determine whether it is applicable to the individual in question.
- **The Record/Information Dissemination Section—Freedom of Information/Privacy Act (FOIPA)** searches for records and provides copies of FBI files relevant to a FOIPA request for information. FOIPA provides responsive documents to requesters seeking "reasonably described information." For a FOIPA search, the subject name, event, activity, or business is searched to determine whether there is an investigative file associated with the subject. This is called a "main file search" and differs from the NNCP search.

**FOR GENERAL INFORMATION ABOUT THE FBI, VISIT OUR WEBSITE AT**  
**[www.fbi.gov](http://www.fbi.gov)**

**SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552**

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute(A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information ( A ) could reasonably be expected to interfere with enforcement proceedings, ( B ) would deprive a person of a right to a fair trial or an impartial adjudication, ( C ) could reasonably be expected to constitute an unwarranted invasion of personal privacy, ( D ) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, ( E ) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or ( F ) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

**SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a**

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

**EXHIBIT "5"**

**EDWARD DEAN HOHNER'S**

**FOIA APPEAL TO**

**OFFICE OF INFORMATION POLICY**

**DATED: JANUARY 04, 2015**

7014 0150 0000 5851 5536  
9555 7585 0000 0510 4102

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$ 1.96
Certified Fee	\$3.30
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.26

INFORMOC CA 93438  
 JAN 08 2015  
 Postmark Here  
 USPS

Sent To  
 Office of Information Policy (OIP)  
 Street, Apt. No.,  
 or PO Box No. 1425 New York Ave. Suite 11050  
 City, State, ZIP+4  
 Washington, D.C. 20530-0001

PS Form 3800, August 2008 See Reverse for Instructions



7014 0150 0000 5851 5538

**EDWARD DEAN HOHNER**  
40544-198  
U.S. Penitentiary  
3901 Klein Blvd.  
Lompoc, California 93436

January 04, 2015

To: Director  
Office of Information Policy ("OIP")  
U.S. Department of Justice ("DOJ")  
1425 New York Avenue, NW, Suite 11050  
Washington, D.C. 20530-0001

Re: Request No. 1317689-000, Freedom of Information Act ("FOIA") Appeal.  
by Edward Dean Hohner; SSN: 572-87-1508; DOB: May 02, 1973.

Dear Sir or Madam:

This letter constitutes an Appeal under the Freedom Of Information Act ("FOIA") Title 5 § 552(a)(6) and is submitted by Edward Dean Hohner in Criminal Case THE PEOPLE OF THE STATE OF CALIFORNIA V. EDWARD DEAN HOHNER, Case No. SCD216918.

**BACKGROUND**

1. Hohner sent a FOIA request dated December 11, 2014, to the FBI requesting any and all information concerning cellular phone number 619-787-9199 during the month of February 1997. See attached FOIA request dated December 11, 2014.
2. On or about December 22, 2014, Hohner received a response back from David M. Hardy; Section Chief, Record/Information Dissemination Section; Records management Division; FBI; U.S. DOJ dated December 22, 2014, neither confirming or denying the requested documents exist, and Hohner could file an appeal with the OIP and U.S. DOJ. See attached response dated December 22, 2014.

MEMORANDUM OF LAW

Please be informed that Hohner considers the requested material releasable under FOIA and your agencies policy to be arbitrary and capricious.

The requested FOIA information does not fall under any of the exclusions listed on the response from the U.S. DOJ and FBI, See attached response dated December 18, 2014, and, therefore, is releasable. Hohner asks that if the Office of Information Policy ("OIP") concludes it is appropriate to assert the exemptions listed on the response, then the prevailing controlling authorities require the U.S. DOJ and FBI to acknowledge the existence or the nonexistence of the records and identify them, so that an in camera review of such documents may be performed by the U.S. District Court on collateral review.


Hohner requests, at the very least, that if the U.S. DOJ and FBI claims an exemption or a statutory right to withhold any requested documents, that the U.S. DOJ and FBI perform the search, put together the responsive records and prepare a comprehensive Vaughn Index so that a receiving court may determine the claim that the U.S. DOJ and FBI is asserting. FOIA places the burden of justifying nondisclosure on the government. 5 U.S.C. § 552(a)(4)(B). The government must prove that each of the requested documents "either have been produced, is unidentifiable, or is wholly exempt under the Act." Marks v. U.S. Dept. of Justice, 578 F.2d 261, 262 (9th Cir. 1978) (citing National Cable Television Ass'n, Inc. v. F.C.C., 479 F.2d 183, 186, 156 U.S. App. D.C. 91, (D.C., Cir. 1973).

Furthermore, in Trammel v. United States, 445 U.S. 40, 50 (1980) the Supreme Court recognized the fundamental principle that "the public...has a right to every mans evidence." Id. 50. Also See United States v. Nixon, 418 U.S. 683, 709 (1974).

Thank you for your consideration of this request, I will look forward to your response within twenty (20) working days.

Under penalty of perjury, I hereby affirm that the foregoing is true and correct to the best of my knowledge and belief.

Respectfully submitted

  
\_\_\_\_\_  
Edward Dean Hohner



U.S. Department of Justice

Certification of Identity

FORM APPROVED OMB NO. 1103-0016 EXPIRES 03/31/17

Privacy Act Statement. In accordance with 28 CFR Section 16.41(d) personal data sufficient to identify the individuals submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of U.S. Department of Justice systems of records are not wrongfully disclosed by the Department. Requests will not be processed if this information is not furnished. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(i)(3).

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Suggestions for reducing this burden may be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, Public Use Reports Project (1103-0016), Washington, DC 20503.

Full Name of Requester <sup>1</sup> EDWARD DEAN HOHNER

Citizenship Status <sup>2</sup> U.S. CITIZEN Social Security Number <sup>3</sup> 572-87-1508

Current Address 3901 KLEIN BLVD., LOMPOC, CALIFORNIA 93436

Date of Birth MAY 02, 1973 Place of Birth OKINAWA, JAPAN CITIZEN BORN ABROAD

OPTIONAL: Authorization to Release Information to Another Person

This form is also to be completed by a requester who is authorizing information relating to himself or herself to be released to another person.

Further, pursuant to 5 U.S.C. Section 552a(b), I authorize the U.S. Department of Justice to release any and all information relating to me to:

Print or Type Name

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a(i)(3) by a fine of not more than \$5,000.

Signature <sup>4</sup> [Handwritten Signature] Date 1-4-2015

<sup>1</sup> Name of individual who is the subject of the record(s) sought.

<sup>2</sup> Individual submitting a request under the Privacy Act of 1974 must be either "a citizen of the United States or an alien lawfully admitted for permanent residence," pursuant to 5 U.S.C. Section 552a(a)(2). Requests will be processed as Freedom of Information Act requests pursuant to 5 U.S.C. Section 552, rather than Privacy Act requests, for individuals who are not United States citizens or aliens lawfully admitted for permanent residence.

<sup>3</sup> Providing your social security number is voluntary. You are asked to provide your social security number only to facilitate the identification of records relating to you. Without your social security number, the Department may be unable to locate any or all records pertaining to you.

<sup>4</sup> Signature of individual who is the subject of the record sought.

**HOHNER'S FOIA REQUEST**  
**DATED DECEMBER 11, 2014**  
**EXCLUDING EXHIBITS**

7014 0150 0000 5851 9604

EDWARD DEAN HOHNER  
40544-198  
U.S. PENITENTIARY  
3901 KLEIN BLVD  
LOMPOC, CALIFORNIA 93436

DECEMBER 11, 2014

To: FEDERAL BUREAU OF INVESTIGATIONS  
FREEDOM OF INFORMATION ACT DEPARTMENT  
170 MARCEL DRIVE  
WINCHESTER, VA 22602 - 4840

Re: Freedom of Information Act request by Edward Dean Hohner; DOB: May 02, 1973;  
SSN: 572-87-1508.

Dear Sir or Madam:

This letter constitutes a request under the Freedom of information Act ("FOIA"), Title 5 United States Code §552, and is submitted by Edward Dean Hohner in Criminal Case THE PEOPLE OF THE STATE OF CALIFORNIA vs. EDWARD DEAN HOHNER, Case No. SCD 216918.

I request any and all information concerning cellular phone number 619-787-9199 during the month of February 1997. Cellular phone number 619-787-9199 was registered to Edward Dean Hohner, but utilized by Arthur Martinez Camarena while Camarena resided with Hohner during the above mentioned time frame.

The requested information is proven to exist from an FBI 302 report by Special Agent ("SA") James M. Bird. In the FBI 302 report, the source (ERIC JUSTON HAMILTON) gives SA Bird the requested phone numbers of Edward Dean Hohner. SA Bird writes:

"On October 25, 1999 at 5:25 PM, Special Agent (SA) James M. Bird telephoned a Source, who is in a position to testify, at his place of employment. SA Bird was responding to a page he had received from the Source. The Source told SA Bird that he was calling in response to a message left for him earlier in the day. SA Bird requested that the Source give him the phone number used by Eddie Hohner. He advised that Hohner uses the following numbers:

Home: (760) 754-9199  
Cellular: (619) 787-9199  
Pager: (760) 752-9199" See attached Exhibit "A", Discovery of EDWARD DEAN HOHNER, Case No. SCD216918, Page(s) 1558, Paragraph 1.

**HOHNER'S FREEDOM OF INFORMATION REQUEST MAY INCLUDE, BUT IS NOT LIMITED TO:**

1. Any and all copies of affidavits and/or testimonies used to obtain the phone records for cellular phone number 619-787-9199.
2. Any and all copies of warrants and/or subpoenas used to obtain the phone records for cellular phone number 619-787-9199.
3. Any and all copies of phone records for cellular phone number 619-787-9199.

**RESPONSE FROM**  
**U.S. DEPARTMENT OF JUSTICE**  
**FEDERAL BUREAU OF INVESTIGATION**  
**DATED DECEMBER 22, 2014**



Federal Bureau of Investigation  
Washington, D.C. 20535

December 22, 2014

MR. EDWARD DEAN HOHNER  
\*\*40544-198  
UNITED STATES PENITENTIARY  
3901 KLEIN BOULEVARD  
LOMPOC, CA 93436

FOIPA Request No.: 1317689-000  
Subject: HOHNER, EDWARD DEAN  
(CELLULAR PHONE NUMBER  
616-787-9199/FEBRUARY 1997)

Dear Mr. Hohner:

This is in response to your Freedom of Information/Privacy Acts (FOIPA) request.

Based on the information you provided, we conducted a search of the Central Records System. We were unable to identify main file records responsive to the FOIPA. If you have additional information pertaining to the subject that you believe was of investigative interest to the Bureau, please provide us the details and we will conduct an additional search.

In accordance with standard FBI practice and pursuant to FOIA exemption (b)(7)(E)/ Privacy Act exemption (j)(2) [5 U.S.C. § 552/552a (b)(7)(E)/(j)(2)], this response neither confirms nor denies the existence of your subject's name on any watch lists.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's eFOIA portal at <http://www.justice.gov/oip/efoia-portal.html>. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Request Number in any correspondence to us for proper identification of your request.

Enclosed for your information is a copy of the FBI Fact Sheet and Explanation of Exemptions.

Sincerely,

David M. Hardy  
Section Chief,  
Record/Information  
Dissemination Section  
Records Management Division

Enclosure(s)



**EXHIBIT "6"**

**OFFICE OF INFORMATION POLICY**

**ACKNOWLEDGES RECEIPT OF**

**EDWARD DEAN HONER'S**

**FREEDOM OF INFORMATION ACT**

**APPEAL**

**DATED: JANUARY 28, 2015**

**FOIPA REQUEST NO. 1317689-000**

**APPEAL NO. AP-2015-01642**



U.S. Department of Justice

Office of Information Policy

Telephone: (202) 514-3642

Washington, D.C. 20530

January 28, 2015

Mr. Edward D. Hohner  
Register No. 1312415  
United States Penitentiary  
3901 Klein Boulevard  
Lompoc, CA 93436

Re: Request No. 1317689

Dear Mr. Hohner:

This is to advise you that your administrative appeal from the action of the Federal Bureau of Investigation was received by this Office on January 16, 2015.

The Office of Information Policy has the responsibility of adjudicating such appeals. In an attempt to afford each appellant equal and impartial treatment, we have adopted a general practice of assigning appeals in the approximate order of receipt. Your appeal has been assigned number **AP-2015-01642**. Please mention this number in any future correspondence to this Office regarding this matter. Please note that if you provide an e-mail address or another electronic means of communication with your request or appeal, this Office may respond to your appeal electronically even if you submitted your appeal to this Office via regular U.S. Mail.

We will notify you of the decision on your appeal as soon as we can. If you have any questions about the status of your appeal, you may contact me at the number above. If you have submitted your appeal through this Office's online electronic appeal portal, you may also obtain an update on the status of your appeal by logging into your portal account.

Sincerely,

A handwritten signature in black ink, appearing to read "Priscilla Jones".

Priscilla Jones  
Supervisory Administrative Specialist

**EXHIBIT "7"**

**OFFICE OF INFORMATION POLICY**

**AFFIRMING**

**FEDERAL BUREAU OF INVESTIGATION'S DECISION**

**DATED APRIL 14, 2015**

**FOIPA NO. 1317689-000**

**APPEAL NO. AP-2015-01642**



U.S. Department of Justice  
Office of Information Policy  
Suite 11050  
1425 New York Avenue, NW  
Washington, DC 20530-0001

Telephone: (202) 514-3642

Mr. Edward D. Hohner  
Register No. 40544-198  
United States Penitentiary  
3901 Klein Boulevard  
Lompoc, CA 93436

Re: Appeal No. AP-2015-01642  
Request No. 1317689  
AMJ:TAZ

VIA: U.S. Mail

Dear Mr. Hohner:

You appealed from the action of the Federal Bureau of Investigation on your request for access to records concerning "cell phone number 619-787-9199 during the month of February 1997."

After carefully considering your appeal, I am affirming the FBI's action on your request. The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. To the extent that your request seeks access to records that would either confirm or deny an individual's placement on any government watch list, the FBI properly refused to confirm or deny the existence of any records responsive to your request because the existence of such records is protected from disclosure pursuant to 5 U.S.C. § 552a(j)(2) and 5 U.S.C. § 552(b)(7)(E). FOIA Exemption 7(E) concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures for law enforcement investigations or prosecutions. This response should not be taken as an indication that records do or do not exist. Rather, this is the standard response made by the FBI.

As to any other records, the FBI informed you that it could locate no main file records subject to the FOIA in its files. I have determined that the FBI's response was correct and that it conducted an adequate, reasonable search for records responsive to your request.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

- 2 -

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

4/14/2015

X 

---

Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: Sean O'Neill

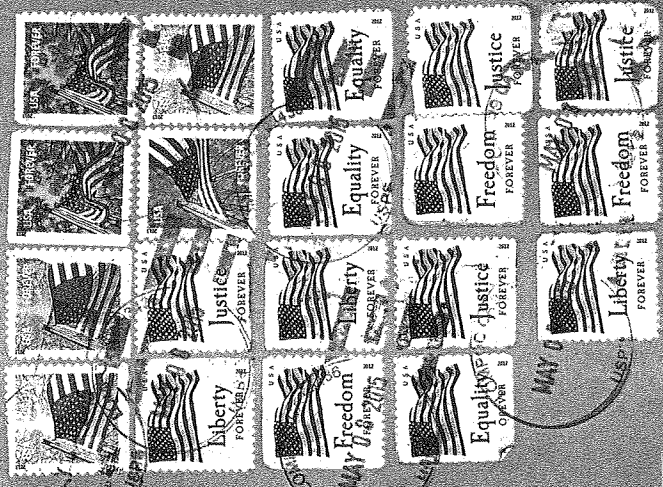
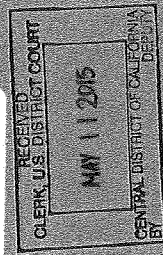
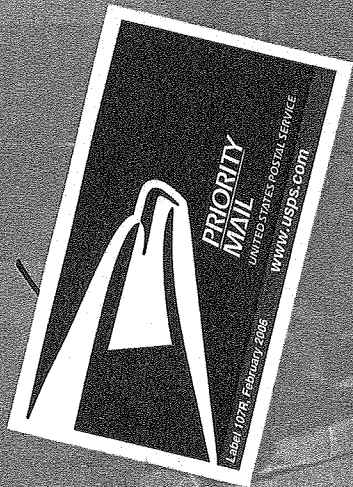
Edward Dean HONNER  
40544-198  
United States Penitentiary  
3901 Klein Blvd.  
Compton, CA 90243

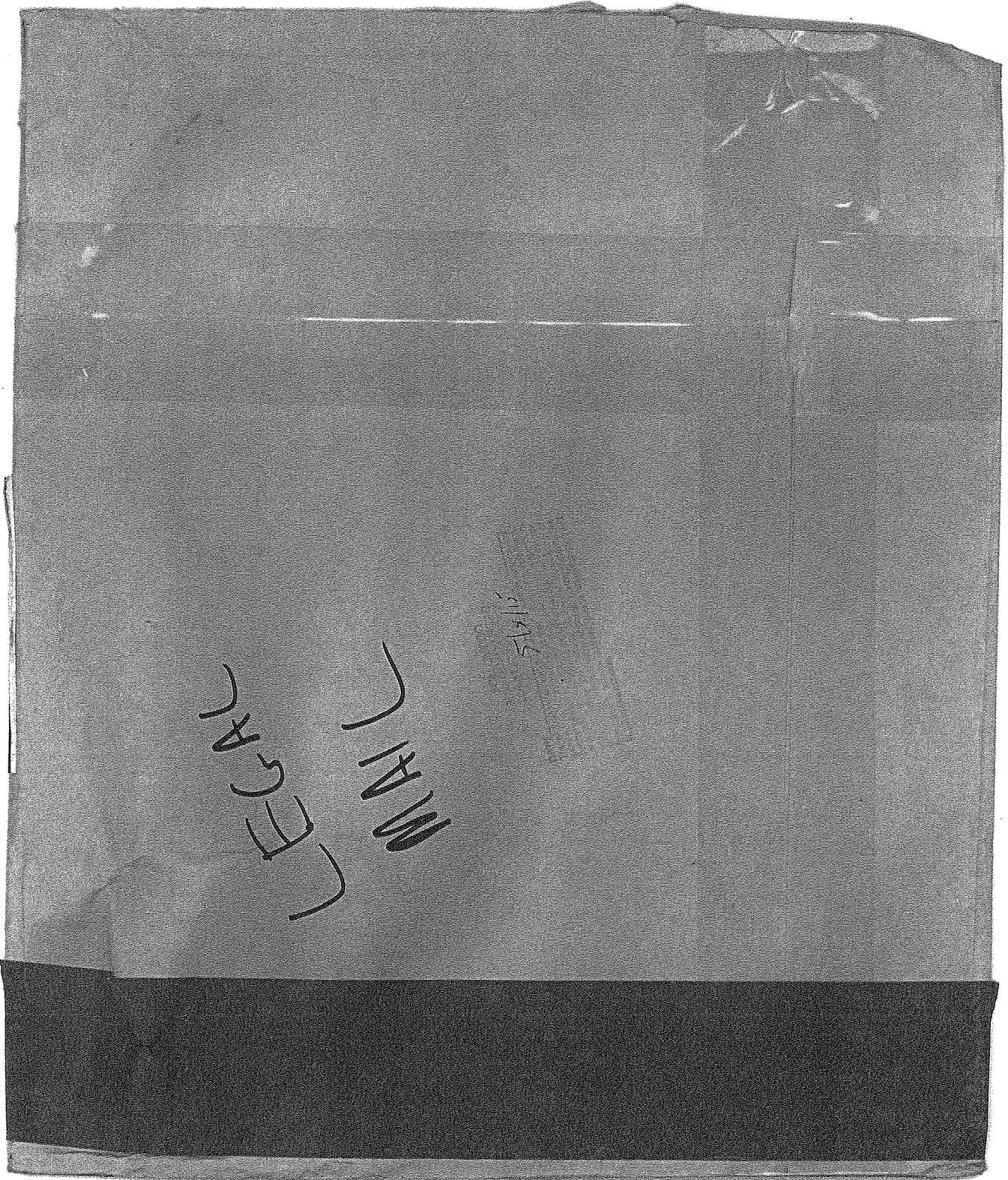
CV-107-10



40544-198  
Central District Of Ca  
312 N. Spring St. #G-8  
LOS Angeles, CA 90012-4793  
United States

Re: Clerk of Court  
Q





FEB 11  
MAY 11

2/11/15