

EXHIBIT H

From: [Barbara Kowal](#)
To: foj@mail@atf.gov
Cc: [Todd Doss](#); [Steve Malone](#)
Subject: U.S v Varela, et a. SDFL 9:06-Cr-80171-DTKH
Date: 08/17/2017 12:45 PM
Attachments: [Doc 1148 Order Granting Doc 1147.pdf](#)
[2017-08-17 BK FOIA.pdf](#)



Dear Sir/Madam:

Please be advised our office has been appointed to represent Mr. Troya in pending federal capital habeas proceedings. See attached order of appointment. Attached is a scanned copy of our official request for records along with Mr. Troya's Certificate of Identification.

Due to court deadlines and other obligations I respectfully request the records be forwarded to my attention on or before September 31, 2017. Should you have any questions regarding the attached request or need additional information please contact me directly. Thank you for your assistance and I look forward to your response.

Sincerely,

Barbara Kowal, FRP
Paralegal Specialist
Office of the Federal Public Defender
Middle District of Florida
201 S. Orange Avenue, Suite 300
Orlando, FL 32801
Office (407) 648-6338
Facsimile (407) 648-6095
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FEDERAL DEFENDER

Middle District of Florida

August 17, 2017

Via Email: foiamail@atf.gov and Fed Ex

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Adam Allen
Branch Chief Attorney

Bureau of Alcohol, Tobacco, Firearms, Explosives
Attn: Disclosure Division, Room 1 E400
99 New York Avenue, NE
Washington, DC 20226

RE: PBCSO Case No.: 06-122845 , WPBPD Case No.: 06-9219, GPD Case No.: 06-7411,
SLCSO Case No.: 06-13332, and DEA Case No.: 08-06-0002
United States v Varela, et al. - SDFL 9:06-Cr-80171-DTKH

This is a Capital Habeas Case; Expedited Processing Requested

Dear Sir/Madam:

Please be advised our office has been appointed to represent Daniel Troya in Capital Habeas proceedings. This correspondence is our official request for a copy of the A TF's files pursuant to the Freedom of Information act, 5 U.S.C. § 552. Enclosed please find our client's Certification of Identity. I respectfully request a copy of the following documents, files, records, etc., in the possession of the ATF, or in the possession of the Department of Justice:

(1) all documents, files, records, etc. pertaining to any investigation, arrest, indictment, conviction, sentencing, incarceration, and/or parole of (3) Daniel Troya (a/k/a "Homer"), DOB: [REDACTED], who was charged on April 18, 2007, with violations of 21 U.S.C. § 846, 21 U.S.C. §§ 841(b)(1)(A) and 841(b)(1)(B), 18 U.S.C. § 922(g), 18 U.S.C. §§ 924(c), and 9240), 18 U.S.C. § 2119(3), 18 U.S.C. § 3591(a)(2)(A) and 3592(c)(5), 3592(c)(8), (3592(c)(9), (3592(c)(11), and 3592(c)(16), in criminal case number 9:06-Cr-80171 in the U.S. District Court for the Southern District of Florida;

I respectfully request any and all documents, files, records, etc., that are considered public records in the possession of the ATF in the Southern District of Florida, or in the possession of the Department of Justice pursuant to the Freedom of Information act, 5 U.S.C. § 552 for the following individuals:

(2) all public documents, files, records, etc. pertaining to any investigation, arrest, indictment, conviction, sentencing, incarceration, and/or parole of Co-Defendant (1) Danny Varela (a/k/a "D.V."), DOB: [REDACTED], who was charged on April 18, 2007, with violations of 21 U.S.C. § 846, 21 U.S.C. §§ 841(b)(1)(A) and 841(b)(1)(B), 18 U.S.C. § 922(g), 18 U.S.C. §§ 924(c), and 924U), 18 U.S.C. § 371 , 26 U.S.C. §§ 5861(d) and 5871 , in criminal case number 9:06-Cr-80171 in the U.S. District Court for the Southern District of Florida;

(3) all public documents, files, records, etc. pertaining to any investigation, arrest, indictment, conviction, sentencing, incarceration, and/or parole of Co-Defendant (2) Ricardo Sanchez (a/k/a "Rick"), DOB: [REDACTED], who was charged on April 18, 2007, with violations of 21 U.S.C. § 846, 21 U.S.C. §§ 841(b)(1)(A) and 841(b)(1)(B), 18 U.S.C. § 922(g), 18 U.S.C. §§ 924(c), and 924U), 18 U.S.C. § 2119(3), 18 U.S.C. § 3591(a)(2)(A) and 3592(c)(5),

Federal Defender, Middle District of Florida

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3592(c)(8), (3592(c)(9), (3592(c)(1 I), and 3592(c)(16), in criminal case number 9:06-Cr-80171 in the U.S. District Court for the Southern District of Florida;

(4) all public documents, files, records, etc. pertaining to any investigation, arrest, indictment, conviction, sentencing, incarceration, and/or parole of Co-Defendant (4) Juan Gutierrez (a/k/a "Flaco"), DOB: [REDACTED], who was charged on April 18, 2007, with violations of 21 U.S.C. § 846, 21 U.S.C. §§ 841(b)(1)(A) and 841(b)(1)(B), in criminal case number 9:06-Cr-80171 in the U.S. District Court for the Southern District of Florida;

(5) all public documents, files, records, etc. pertaining to any investigation, arrest, indictment, conviction, sentencing, incarceration, and/or parole of Co-Defendant (5) Liana Lee Lopez (a/k/a "Negra"), DOB: [REDACTED], who was charged on April 18, 2007, with violations of 21 U.S.C. § 846, 21 U.S.C. §§ 841(b)(1)(A) and 841(b)(1)(B), in criminal case number 9:06-Cr-80171 in the U.S. District Court for the Southern District of Florida;

(6) all public documents, files, records, etc. pertaining to any investigation, arrest, indictment, conviction, sentencing, incarceration, and/or parole of Co-Defendant (6) Kevin Vetere, DOB: [REDACTED], who was charged on April 18, 2007, with violations of 21 U.S.C. § 846 and 21 U.S.C. § 841(b)(1)(B), in criminal case number 9:06-Cr-80171 in the U.S. District Court for the Southern District of Florida.

For purposes of this request the terms " records," "documents," and "files" are intended to include, without limitation, any and all written, typed, printed, recorded, graphic, computer-generated or other matter of any kind from which information can be derived, whether produced, reproduced, or stored on paper, cards, tapes, films electronic facsimiles, computer storage devices or any other medium. These terms also include, without limitation, letters, memoranda (including internal memoranda), calendars, schedules, books, indices, notes, printed forms, publications, press releases, notices, memoranda, minutes, summaries or abstracts, reports, files, transcripts, computer tapes, printouts, drawings, photographs, recordings (including videotapes, audiotapes, CD' s, CD-Rom' s, or DVD's or any other form of electronic recordation), telegrams, facsimiles, telex messages, emails, as well as any reproductions thereof that differ in any way from any other reproduction, such as copies containing marginal notations.

These documents are necessary to the conduct of a civil proceeding which is progressing on a fast time table, I request that you expedite your response to and processing of this request. I respectfully request production of the requested records on or before the close of business Friday, September 1, 2017.

Our office is part of the Judicial Branch of the United States Government. We are appointed to represent indigent defendants charged with a federal offense, therefore, charges are usually waived. Our agency does not have a business/bank account. Payments for services rendered are paid through the United States Treasury. Because we are a government agency, our office is not permitted to pay in advance for service rendered until we are in actual receipt of the requested documentation. However, upon receipt of an estimate, our office can prepare a purchase order which guarantees payment upon receipt of the requested records and your final invoice. If the cost of the reproduction of the requested copies exceeds \$100.00, please contact me for authorization.

If feasible, our office would prefer the records in electronic format "pdf or "tiff on a CD/DVD. If this option is not available please mail the records to my attention in our Orlando office. If the records have been purged, destroyed or lost, please send an official written response with your agency's record retention policy and procedures noting the date the records were purged,

Federal Defender, Middle District of Florida

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destroyed or lost. Should you have any questions regarding this request please contact me directly at Barbara_kowal@fd.org or 407-648-6760 ext. 1116.

Thank you for your prompt assistance and I look forward to hearing from your agency.

Sincerely,

A handwritten signature in cursive script that reads "Barbara Kowal". The signature is written in black ink and is positioned above the typed name.

Barbara Kowal, FRP
Paralegal Specialist

U.S. Department of Justice

Certification of Identity



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. Failure to furnish this information will result in no action being taken on the request. 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 Director, Facilities and Administrative Services Staff, Justice Management Division, U.S. Department of Justice, Washington, DC 20530 and 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 ¹ Dainiel Anthony Troya 75817-004

Citizenship Status ² United States Social Security Number ³ [REDACTED]

Current Address USP Terre Haute, 4700 Bureau Road South, Terre Haute, IN 47802

Date of Birth [REDACTED] ³ Place of Birth West Palm Beach, FL

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 ⁴ Daniel a. Troya Date 8-15-2017

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:

Federal Public Defender, MDFL, 201 S. Orange Ave., Ste. 300, Orlando, FL 32801
Print or Type Name

¹ Name of individual who is the subject of the record sought.
² 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.
³ 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.
⁴ Signature of individual who is the subject of the record sought.