



County of Union, Illinois
Office of the Chief Information Officer
309 W. Market—Room 115
Jonesboro, IL 62952

Rollie Hawk, CIO
(618) 925-2470
cio@unioncountyil.gov
@unioncountycio

October 9, 2014

[Response sent via email]

Alison H. Motta
Motta & Motta, LLC
559 W. Galena Blvd, Aurora IL 60506
218 N. Jefferson St., Suite 300, Chicago IL

teammotta@mottalawfirm.com

Ms. Motta:

Please consider this our response to the attached October 2, 2014 Freedom of Information Act request for various records created or collected by the Union County Sheriff's Office that relate to the stop, arrest and investigation of Anthony Garcia on or about July 14, 2013 through July 23, 2013. Please note that while your request was made pursuant to Freedom of Information Act 552 U.S.C. § 552 and Privacy Act 552 U.S.C. § 552a, we are handling this request and response pursuant to the Illinois Freedom of Information Act (5 ILCS 140/1 *et. seq.*).

We are denying your request for these records. Pursuant to Section 9(a) of FOIA (5 ILCS 140/9(a)), please note the following:

- (1) We are denying these records because, regarding a pending murder case in the Fourth Judicial District Court of Nebraska, disclosure would interfere with a pending law enforcement investigation and create a substantial likelihood that a person will be deprived of a fair trial or an impartial hearing pursuant to Section 7(1)(d)(i) of FOIA (5 ILCS 140/7(1)(d)(i)) and Section 7(1)(d)(iii) of FOIA (5 ILCS 140/7(1)(d)(iii)).
- (2) Chief Information Officer Rollie Hawk and State's Attorney Tyler Edmonds are the persons responsible for this denial.
- (3) You have the right to review by the Public Access Counselor. Her contact information is below.

Sarah Pratt
Public Access Counselor
Office of the Attorney General
500 S. 2nd Street
Springfield, Illinois 62706

Phone: 1-877-299-FOIA (1-877-299-3642)

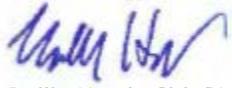
Fax: (217) 782-1396

E-mail: publicaccess@atg.state.il.us

(4) You have the right to judicial review of this denial under Section 11 of FOIA (5 ILCS 140/11).

We feel this completes your request. If we may be of further assistance, please let me know.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rollie Hawk", is written over a faint circular stamp.

Rollie Hawk, Chief Information Office

Enclosure

Cc: Tyler Edmonds, State's Attorney
Scott Harvel, Chief Deputy
Rachel Tally, Sheriff's Secretary



FAX COVER SHEET

TO	
COMPANY	
FAX NUMBER	16188334011
FROM	Motta & Motta
DATE	2014-10-02 17:24:55 CDT
RE	UNKNOWN

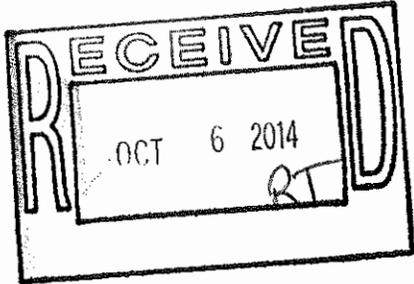
COVER MESSAGE

Attached kindly find a FOIA request.

Very Truly Yours,

Alison Motta

Alison H. Motta
 Motta & Motta, LLC
 559 W. Galena Blvd, Aurora IL 60506
 218 N. Jefferson St., Suite 300, Chicago IL
 Tele: (630) 844-2766
 Fax: (630) 596-1689
 Reply to: Aurora Office



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UNION COUNTY SHERIFF and
Dispatch/ Communications Center

Via facsimile: (618) 833-4011 PAGES: 3

Re: FREEDOM OF INFORMATION ACT/PRIVACY ACT REQUEST –

To: Union County Sheriff and Dispatch/ Communications Center

Pursuant to the Freedom of Information Act, 552 U.S.C. § 552, and the Privacy Act, 552 U.S.C. § 552a, I seek the following records, created or collected:

1. Any and all field reports or other police reports or supplemental reports, written or oral, related to the investigation and/or arrest/stop of Anthony J Garcia address 5279 Greywing Court, Terre Haute Indiana 47803 DOB: 61711973, on or about July 14-23, 2013 and/or case numbers 2013 DT 71 and 2013 TR
2. Copies of the any and all tickets or citations issued to Anthony J Garcia on or about July 15, 2013 including but not limited to Ticket numbers 7726427, 7726428, 7726429 and any and all pre-booking, booking, or post booking reports or supplements regarding Anthony Garcia;
3. Any and all reports, memorandum, data or documentation related to I-CASE Number IL 13AA122275
4. Communication Center or any other dispatch logs, printouts, reports, time logs, audio recordings, transcripts or data related to Anthony J Garcia, and/or requests for assistance from the Omaha Nebraska Police department and/or the federal Bureau of Investigations on or about July 14-15th of 2013 with regard to a felony stop and/or investigation of Anthony Garcia as well as the later tow of Anthony Garcia's 2008 Mercedes Benz ML 350 on July 15, 2014 and again on July 17, 2014.
5. Any and all Recordings or transcripts of telephone calls, radio transmissions, Dispatch communication, reports or other memorialization of any and all communication by and between the FBI or other law enforcement and/or dispatch or communications center on or about July 14-15th of 2013 or any other point to point communications by any persons involved in the surveillance, stop, arrest and/or investigation into Anthony Garcia and specifically the initial contact call from the FBI, the call at 0617 (6:17 am) on July 15, 2013 wherein law enforcement indicate they are following Anthony J Garcia and any other call before the stop of Anthony J Garcia.
6. Any dispatch recording of any call before, after or during the stop, and further including information detailing who was following Garcia's vehicle on the interstate, as well as arrival time to the scene(s), occurrences on-scene and times various officers left or cleared the scene/area or of any other point to point communications by any persons involved in the stop, arrest and/or investigation into Anthony Garcia before any stop on July 15, 2013.
7. CAD 9910

8. Any and all video and/or *unedited* audio, including but not limited to DVD 22-13-537, 22-13-538, 22-13-548, 22-13-588 and any other DVD, audio and/or video taken with regard to any stops or occurrences involving Anthony Garcia at Interstate 57 M.P. 36 on 7/15/2013 at 0630 (6:30 a.m.) including video and/or *unedited* audio taken en route to Interstate 57 M.P. 36 and/or during the transfer of Anthony J. Garcia from said location on July 15, 2013. Moreover, any and all video and/or audio relating to 2013 DT 71 and/or 2013 TR 1795, Field Report 22-13-276 and/or I-CASE Number IL 13AA122275 and the Dashboard Cam video, or any other video or audio, from Trooper Agne's, Star# 5659, patrol Car taken on July 15, 2013 at, and while en route to, Interstate 57, M.P. 36 at approximately 0630 (6:30 am) and including any video or audio regarding the transfer of Anthony J. Garcia to Union County Sheriff's Office.
9. Tow reports T-22-13-161, T-22-13-1615 and tow report 164 and any other reports related to Anthony J Garcia and/or his 2008 Mercedes Benz ML 350 towed from Interstate 57 M.P. 36 on July 15, 2013 and again from Union County Sheriff's Office to the Illinois State Police District 22 Headquarters Impound Yard on 7/17/2013.
10. Telephone or other call logs and/or records, recordings, transcripts, memorandum or notes related to any requests for assistance from the Omaha Police Department in Nebraska and/or the FBI or other calls to police in relation to Anthony J Garcia and/or I-CASE Number IL 13AA122275
11. Copies of any and all correspondence, memos, letters, e-mails, notes, etc., either to or from any law enforcement in relation to Anthony Garcia's July 2013 stop/arrest in Illinois and/or his arrest or charges in Omaha, Nebraska.
12. Breathalyzer test results, copy of the breath test device record of the Defendant and any and all Computer-generated copies of any reports, testing logs, records, computer data, or other memoranda or testing performed for the breath test device and simulator machines used to test Defendant on the day of Defendant's test.
13. Any and all video and audio recordings or transcripts thereof relating to the booking process of Anthony Garcia at the Union County Sheriff's Office, or from any other place that such booking procedure took place; including but not limited to, video and audio recordings during mug shot photos, field sobriety tests, fingerprinting, and breath test procedure.
14. Any and all video and audio recordings of the search conducted of Anthony Garcia's 2008 Mercedes Benz ML 350 conducted on or about July 17, 2013 at the Union County Sheriff's Office sally-port or any other location in Illinois where such processing or search of said vehicle took place.
15. Any and all **FBI or law enforcement radio transmissions** and recordings or transcripts on or about July 14, 2013 and through July 15, 2013 relating to any and all surveillance of Anthony J. Garcia as well as any other communications relating to the stop, arrest and or investigation into Anthony J Garcia.

REQUESTOR: Alison Motta
559 W. Galena Blvd
Aurora IL, 60506
tele: 630-779-8381 OR 630-844-2766

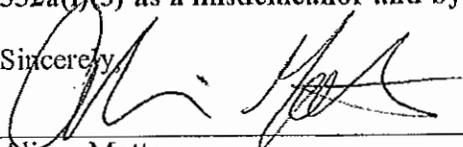
EMAIL: teanmotta@mottalawfirm.com Fax: 630-596-1689

Preferred method of transmittal- **EMAIL or FAX**

This request is NOT for any commercial use and I am willing to pay any charges relating to the duplicating of the requested material. I am NOT requesting this information or using anything requested in order to sell or resell anything or for solicitation in any manner whatsoever.

Under penalty of perjury, I hereby declare that I am the person named above and I understand that any falsification of this statement is punishable under the provisions of Title 18, United States Code (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 Title 5, U.S.C., Section 552a(i)(3) as a misdemeanor and by a fine of not more than \$5,000.

Sincerely,



Alison Motta

DATE: 10/2/14