

## Denise Lunsford

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**From:** Denise Lunsford  
**Sent:** Monday, January 07, 2013 8:06 AM  
**To:** Stacey Trader; Noel Perez  
**Cc:** Gregory Anastopoulos  
**Subject:** letter

Ford Childress  
BY FAX

RE: Commonwealth v. Weiner

Dear Ford:

Please contact Noel to arrange to view the file. We require 24 hours advance notice, especially in cases such as this. Your letter was faxed on Saturday and I received it this morning so it may be tomorrow, Tuesday, before I can get things together.

Greg is working on your request regarding VDOT cameras. I am sure you understand, however, that this information is not in the possession of the Commonwealth. Additionally, it may not exist at all because, among other reasons, it is not certain that any cameras you may have seen are both functional and capable of recording information.

With regard to supplements to my file, please contact Noel 24 hours in advance when you wish to review the file.

*Denise Lunsford*

Albemarle County Commonwealth's Attorney  
434-972-4072

## Denise Lunsford

---

**From:** Denise Lunsford  
**Sent:** Monday, January 07, 2013 11:23 AM  
**To:** Stacey Trader  
**Cc:** Gregory Anastopoulos  
**Subject:** letter

Ford Childress  
BY FAX

RE: Commonwealth v. Weiner

Ford:

Detective Anastopolous contacted me this morning to say that the VDOT cameras, assuming they are functional at all, do not record activity on a day to day basis. They are a live feed. The capability to record does exist but that function is one that VDOT has to activate at a given time and not something that can be captured from prior dates. We also discussed a camera at a bank near the Giant on Pantops. That camera was functioning and does record activity. Unfortunately, it is motion sensitive. In the relevant time period, the only activity recorded was when a customer entered the bank parking lot. I will ask that Greg provide that video to me for your review. The download from Weiner's cell phone should also be available tomorrow.

Finally, a suggestion. When Greg spoke to your client on the night of his arrest Mr. Weiner was fairly certain about his activity up to the point that he alleges he dropped off the victim at her mother's home. After that he could not recall where had gone or when except that he ultimately went home. I believe his phone will show activity near the Sheetz in Greene County around 0130 but this neither proves nor disproves his version of events. If Mr. Weiner is now clearer about where he might have gone in the interim, between approximately 0020 and 0130 we may be able to find videos to corroborate his version of events. Time is of the essence, however, as the video cameras of most businesses operate on a "loop" that is recorded over at some point. The timing of the "loop" depends on the sophistication of the equipment.

*Denise Lunsford*

Albemarle County Commonwealth's Attorney  
434-972-4072

## Denise Lunsford

---

**From:** Denise Lunsford  
**Sent:** Thursday, March 14, 2013 11:16 AM  
**To:** Stacey Trader  
**Subject:** letter

Stacey – I need to get the time from greg to insert into this before it goes out.

Ford Childress

RE: Commonwealth v. Weiner

Dear Ford:

I have reviewed your letter of March 1, 2013.

With regard to the van, I will discuss that matter with the detective and determine if we need to hold it longer. The white van is visible in the video you referenced at XX:XX time.

I have previously informed you that I do not agree to provide copies of the text messages. They have been available for some time in the file for you to review.

With regard to results of scientific examinations or analysis, the Commonwealth will comply with the Rule in the manner we always do by placing a copy of EVERY certificate of analysis, "whether favorable to the Commonwealth or not", in the file for review. Consistent with the rule, you may have a copy of any such certificate you like upon request. I will not commit in this case to mailing you a copy or otherwise notifying you when the file has been updated.

On the matter of Certificates of Analysis, your statement that you assume you will be provided with the results of examinations or analysis "whether favorable to the Commonwealth or not" seems to imply that you have concerns that the Commonwealth may have withheld information from you or otherwise concealed potentially exculpatory information in this or some other matter. I view any such concern or allegation as being one of the most serious matters facing this office. Please advise me of the specifics leading to this statement and/or your concern so that I may take immediate action.

Thank you for your attention to these matters.

*Denise Lunsford*

Albemarle County Commonwealth's Attorney  
434-972-4072

## Denise Lunsford

---

**From:** Kathy Richardson  
**Sent:** Thursday, April 18, 2013 10:55 AM  
**To:** Denise Lunsford  
**Subject:** Subpoena

One of my supervisors, John Michael Shavis received a subpoena for a circuit court case on May 21<sup>st</sup> involving Mark Lawrence Weiner. Can you provide any details on this case so we can review the CAD records? Also, was he subpoenaed because he completed the tape research? Although I am "custodian of records" for ECC, our night shift supervisors handle most of the records requests and then forward them to me. While he certainly can be there if needed I just want to make sure he is the one you really need. Thanks.

*Kathy Richardson, Operations Manager  
Charlottesville-UVA-Albemarle County  
Emergency Communications Center  
2306 Ivy Road  
Charlottesville, VA 22903  
O-(434) 971-1779  
C-(434) 989-1465*

## Denise Lunsford

---

**From:** Denise Lunsford  
**Sent:** Thursday, April 18, 2013 11:27 AM  
**To:** Kathy Richardson  
**Subject:** RE: Subpoena

Hi Kathy  
This would be authentication. Ford Childress is the attorney and has not been terribly agreeable so I subpoenaed out of an abundance of precaution.  
This is a case from December 14 where the victim alleges that Mr. Weiner kidnapped her. Her boyfriend, Mike somethingorother, called 911 after he had been texting with her.  
Hope this helps.

**From:** Kathy Richardson  
**Sent:** Thursday, April 18, 2013 10:55 AM  
**To:** Denise Lunsford  
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## Denise Lunsford

---

**From:** Denise Lunsford  
**Sent:** Friday, April 19, 2013 9:57 AM  
**To:** Toni Tuthill  
**Subject:** letter

Please format, print and send.

Ford Childress, Esq.  
700 East High Street  
Charlottesville, Va. 22902  
BY FAX 434-293-3630

**RE: Commonwealth v. Weiner**

Dear Ford:

I signed the disposition sheet for the van last week. Unfortunately, due to recordkeeping requirements, release of any evidence or property is not quick. You or your client will need to contact Carol Graziano at the ACPD.

With regard to the search warrants for phone records, as you know, records or other items seized during the execution of search warrants are never attached to the search warrants. Instead, as required and as you have found in this case, the items are simply described on the return which must be filed. As I indicated I would, I have checked with other attorneys in the office to determine whether they have provided copies of such records in the past and find that they have not. As a result, I decline to provide a copy of the documents.

Thank you for your attention to these matters.

*Denise Lunsford*

Albemarle County Commonwealth's Attorney  
434-972-4072

## Denise Lunsford

---

**From:** Denise Lunsford  
**Sent:** Monday, April 22, 2013 5:41 PM  
**To:** Stacey Trader  
**Subject:** letter

Ford Childress, Esq.

RE: Commonwealth v. Weiner

Dear Ford:

I have received your letter dated April 22, 2013. The telephone information you reference is available on a disc that I will give to Stacey. It is marked "CA's copy" but I have made a copy for my file.

Greg can be available to show you the evidence at 9:00 a.m. on Monday, April 29, 2013 at the police department. I will be there also so that he only had to open the items one time. Please confirm that this date and time work. Greg elected to return to midnight patrol so he is only available at certain times of the day.

Finally, I will have Stacey get information on the SANE nurse. Might you share the name you were given?

*Denise Lunsford*

Albemarle County Commonwealth's Attorney  
434-972-4072

## Denise Lunsford

---

**From:** Kathy Richardson  
**Sent:** Thursday, April 25, 2013 7:59 AM  
**To:** Denise Lunsford; Andy Herrick  
**Subject:** Mark Lawrence Weiner Case

Good morning,

I have an unusual question and need some guidance. One of my shift supervisors, Mike Shavis has been subpoenaed to court on May 21<sup>st</sup> regarding the case against Mark Lawrence Weiner. I think he got the subpoena because he did the actual tape research. (Since I am "custodian of records" for ECC perhaps I should be the one to appear?) My primary question is this this. Mike's co-supervisor, Jan Farruggio has been contacted by Carolyn Noteman who is working for Ford Childress asking if she would meet with then to answer questions about this case since she was the call-taker. (I believe Ford is the defense attorney handling the case.) How do we respond to this request? Should they subpoena her for court or do they have the right to ask this? Thanks for any assistance in this matter.

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## Denise Lunsford

---

**From:** Denise Lunsford  
**Sent:** Thursday, April 25, 2013 8:51 AM  
**To:** Kathy Richardson  
**Subject:** RE: Mark Lawrence Weiner Case

Morning Kathy

They can ask to speak with her but she may choose to do so or not. She can also agree to speak while having someone else present or at a particular location if that makes her comfortable. The choice is entirely hers. The only thing I ask is that if she chooses to speak with Noteman she, obviously, be honest – including about what she does not know – and that she let me know what they discuss if I am not present.

I have heard from another individual who did not want to speak with Noteman that Noteman threatened to subpoena her to court if she did not talk. Of course they may subpoena Jan either way but I don't appreciate the threats in that regard. They do not need to subpoena her to court to talk to her but, again, its her decision.

I am having Stacey issue a subpoena for you for the trial re: the records.

Thanks

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## Denise Lunsford

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**From:** Kathy Richardson  
**Sent:** Thursday, April 25, 2013 9:06 AM  
**To:** Denise Lunsford  
**Subject:** RE: Mark Lawrence Weiner Case

Thanks Denise. I want to clarify that there were no threats made about a subpoena, I just didn't know if this request was "proper" under the circumstances. I informed Jan that the decision was hers and she said she did not feel comfortable speaking with them on this issue and she will let them know that they may subpoena her if needed. Thanks again for your assistance.

Kathy

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## Denise Lunsford

---

**From:** Denise Lunsford  
**Sent:** Thursday, April 25, 2013 10:10 AM  
**To:** Kathy Richardson  
**Subject:** Re: Mark Lawrence Weiner Case

It didn't sound like there was that threat. Just wanted you to be aware of the possibility.

Sent from my iPhone

On Apr 25, 2013, at 9:06 AM, "Kathy Richardson" <[KRICHARD@albemarle.org](mailto:KRICHARD@albemarle.org)> wrote:

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## Denise Lunsford

---

**From:** Kathy Richardson  
**Sent:** Thursday, April 25, 2013 10:13 AM  
**To:** Denise Lunsford  
**Subject:** RE: Mark Lawrence Weiner Case

Okay, thanks Denise. I wasn't sure if she was trying to take advantage of her past position and relationship with our dispatchers to get information.

**From:** Denise Lunsford  
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**To:** Kathy Richardson  
**Subject:** Re: Mark Lawrence Weiner Case

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Charlottesville, VA 22903  
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C-(434) 989-1465*

## Denise Lunsford

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**From:** Andy Herrick  
**Sent:** Monday, April 29, 2013 8:11 AM  
**To:** Kathy Richardson  
**Cc:** Denise Lunsford  
**Subject:** RE: Mark Lawrence Weiner Case

Kathy,

Assuming this is a criminal case, I'll defer to the Commonwealth's Attorney. Thanks.

Andy Herrick  
Sr. Asst. County Attorney

Notice: This email may contain attorney-client privileged information, privileged work product, or other confidential information. It is intended only for the designated recipient. If you receive this message and are not a designated recipient you are requested to delete this message immediately and notify me that you have received this by mistake. Thank you.

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**From:** Kathy Richardson  
**Sent:** Thursday, April 25, 2013 7:59 AM  
**To:** Denise Lunsford; Andy Herrick  
**Subject:** Mark Lawrence Weiner Case

Good morning,

I have an unusual question and need some guidance. One of my shift supervisors, Mike Shavis has been subpoenaed to court on May 21<sup>st</sup> regarding the case against Mark Lawrence Weiner. I think he got the subpoena because he did the actual tape research. (Since I am "custodian of records" for ECC perhaps I should be the one to appear?) My primary question is this this. Mike's co-supervisor, Jan Farruggio has been contacted by Carolyn Noteman who is working for Ford Childress asking if she would meet with then to answer questions about this case since she was the call-taker. (I believe Ford is the defense attorney handling the case.) How do we respond to this request? Should they subpoena her for court or do they have the right to ask this? Thanks for any assistance in this matter.

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## Denise Lunsford

---

**From:** Denise Lunsford  
**Sent:** Monday, May 13, 2013 4:35 PM  
**To:** Stacey Trader  
**Subject:** letter

Ford Childress, Esq.

RE: **Commonwealth v. Weiner**

Ford:

I have previously asked that you contact me should you wish to discuss resolving the matter; you have not done so. As I have previously indicated, I think it is always a mistake on both side not to at least discuss a possible resolution. Accordingly, the Commonwealth makes the following offer.

The Commonwealth will amend the charge to Abduction, in violation of Virginia Code Annotated Section 18.2-47. The Defendant will plead guilty to the amended charge. There would be no agreement as to sentence and the Court would determine sentencing. I have run the guidelines on these matters. Although the jury would recommend a sentence on conviction, the guideline sentence for Abduction with Intent to Defile, the current charge, is a midpoint of 74 months incarceration. On the charge of Abduction, the guideline sentence is up to 6 months incarceration.

This offer expires at noon on Friday, May 17, 2013.

*Denise Lunsford*

Albemarle County Commonwealth's Attorney  
434-972-4072

## Denise Lunsford

---

**From:** Denise Lunsford  
**Sent:** Tuesday, May 14, 2013 9:34 AM  
**To:** Stacey Trader  
**Cc:** Gregory Anastopoulos; Terry Walls  
**Subject:** letter

Ford Childress, Esq.

RE: **Commonwealth v. Weiner**

Dear Ford:

I was contacted my Carol Graziano in evidence regarding your request for a copy of the chain with respect to all evidence in this matter. Carol will provide me with this information today and it will be available through our open file policy.

If you need anything else, the process would be more efficient if you contact me directly so that I can request it for you.

*Denise Lunsford*  
Albemarle County Commonwealth's Attorney  
434-972-4072

## Denise Lunsford

---

**From:** Stacey Trader  
**Sent:** Tuesday, May 21, 2013 7:49 AM  
**To:** Denise Lunsford  
**Subject:** FW: Weiner Trial 5/21

Ford is a jackass!

**From:** Kathy Richardson  
**Sent:** Tuesday, May 21, 2013 7:46 AM  
**To:** Stacey Trader  
**Subject:** RE: Weiner Trial 5/21

Thanks Stacey. Unfortunately Jan spoke to Ford Childress yesterday afternoon and he told her she would have to appear although she would probably not be needed until 1 pm due to a delay created by the Dumler case yesterday. Jan is the one they wanted to interview before the trial and she declined so they subpoenaed her. She was the call taker for this incident. (Unfortunately for her, she also worked 12 hours last night and is scheduled for tonight too so this makes for a very long day.)

Thanks,  
Kathy

**From:** Stacey Trader  
**Sent:** Tuesday, May 21, 2013 7:38 AM  
**To:** Kathy Richardson  
**Subject:** RE: Weiner Trial 5/21

I spoke to Mike and released him. I wasn't aware of Jan's subpoena but yes, she is released.

**From:** Kathy Richardson  
**Sent:** Monday, May 20, 2013 4:07 PM  
**To:** Stacey Trader  
**Subject:** RE: Weiner Trial 5/21

Stacey,  
Mike Shavis and Jan Farruggio were also subpoenaed for this trial. I think I replaced Mike since I am the custodian of records for ECC but Jan was subpoenaed by the defense. Are either of them or both of them excused or do you know?  
Thanks!  
Kathy

**From:** Stacey Trader  
**Sent:** Friday, May 17, 2013 11:27 AM  
**To:** Nancy Uvanitte; Darrell Byers; Kathy Richardson  
**Subject:** Weiner Trial 5/21

You have been released as witnesses for this trial. You do not need to appear.

Stacey Trader, Paralegal  
Office of the Albemarle County Commonwealth Attorney  
410 East High Street

Charlottesville, VA 22902

(434) 972-4072

(434) 972-4093 (fax)

## Denise Lunsford

---

**From:** lanescr@aol.com  
**Sent:** Wednesday, September 18, 2013 9:52 AM  
**To:** Denise Lunsford  
**Subject:** Re: Weiner Transcript

Denise  
I know this is confusing but let me try to explain. First Ms. Weiner was going to order and pay for the original. then I get an e-mail from Betty Layne DesPortes from Richmond placing an order "The original order may have been placed by the family (Flo Weiner or Michael Weiner) or by attorney Ford Childress on behalf of the family. We are taking over this order for the family."

Ms. DesPortes also represented to me that she would be responsible for paying for the original. I spoke with her office on Monday, September 16th, and informed her that if this case is appealed that she would be responsible for filing the original. She sent a courier from Richmond to pick up the transcript.

I have not given a transcript to Ford. I asked Ford to request a continuance in the sentencing because we were having trouble getting it proofed because of the transcript itself and the other demands on the office. That had nothing to do with a delay tactic on Ford's part.

If the Court wants something filed now then I will need a court order and I can file a certified copy of the original.

Also, if you would give me a quick call I would like to explain something else to you.

Thanks,

Deb

-----Original Message-----

**From:** Denise Lunsford <dlunsford@albemarle.org>  
**To:** Stacey Trader <strader@albemarle.org>; lanescr <lanescr@aol.com>  
**Cc:** Denise Hodges <dhodges@albemarle.org>  
**Sent:** Tue, Sep 17, 2013 12:00 pm  
**Subject:** RE: Weiner Transcript

Hi Debbie.

Have you delivered a copy of the transcript to Ford or someone on behalf of the Defendant?

Do you intend to file a copy for the Court? If so, when?

Please let me know asap so that I can prepare a letter to the Court for guidance.

d

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**From:** Stacey Trader  
**Sent:** Tuesday, September 17, 2013 9:45 AM  
**To:** [lanescr@aol.com](mailto:lanescr@aol.com)  
**Cc:** Denise Lunsford; Denise Hodges  
**Subject:** Weiner Transcript

Debbie, I received your voice mail. I want to make sure I understand things correctly.

If we order a transcript – we do an order and it gets filed with the court and we have to go to the Clerk's office to make a copy. A copy no longer gets delivered to us – right? Essentially the Commonwealth pays for the original because of the Order and the defense attorney can come make a copy and they don't have to do an order to pay you additionally – correct?

So the reverse is true. If a defense attorney orders the transcript – such as Ford in this matter – then the copy gets filed with the court and we get to make a copy of the portion we need if we need it at all.

This was a continuance on Ford's part because he HAS to have that transcript before sentencing. You mentioned you made a copy for Denise Hodges for the Court. You were going to swing by here and let me copy what I needed so I'm not clear on how we forced you to incur an additional expense.

Maybe I'm missing something. I'm the middle man and I'll let Denise Lunsford address this if it requires further discussion because I don't have the authority to over-ride Denise Lunsford's understanding, which is why would we submit an order so that you are paid a second time for the same transcript.

Sorry for the confusion, Debbie. Please, let me know if I don't understand things clearly.

Stacey Trader, Paralegal  
Office of the Albemarle County Commonwealth Attorney  
410 East High Street  
Charlottesville, VA 22902  
(434) 972-4072  
(434) 972-4093 (fax)

## Denise Lunsford

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**Sent:** Wednesday, September 18, 2013 10:10 AM  
**To:** lanescr@aol.com; Stacey Trader  
**Subject:** Re: Weiner Transcript

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Sent from my iPad

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Thanks,

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-----Original Message-----

**From:** Denise Lunsford <[dlunsford@albemarle.org](mailto:dlunsford@albemarle.org)>  
**To:** Stacey Trader <[strader@albemarle.org](mailto:strader@albemarle.org)>; lanescr <[lanescr@aol.com](mailto:lanescr@aol.com)>  
**Cc:** Denise Hodges <[dhodges@albemarle.org](mailto:dhodges@albemarle.org)>  
**Sent:** Tue, Sep 17, 2013 12:00 pm  
**Subject:** RE: Weiner Transcript

Hi Debbie.

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**From:** Stacey Trader  
**Sent:** Tuesday, September 17, 2013 9:45 AM  
**To:** [lanescr@aol.com](mailto:lanescr@aol.com)

**Cc:** Denise Lunsford; Denise Hodges  
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Office of the Albemarle County Commonwealth Attorney  
410 East High Street  
Charlottesville, VA 22902  
(434) 972-4072  
(434) 972-4093 (fax)



## Denise Lunsford

---

**From:** lanescr@aol.com  
**Sent:** Wednesday, September 18, 2013 10:16 AM  
**To:** Denise Lunsford  
**Subject:** Re: Weiner Transcript

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Keep me posted.

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## Denise Lunsford

---

**From:** Steven D. Benjamin <sbenjamin@benjamindesportes.com>  
**Sent:** Thursday, January 16, 2014 12:34 PM  
**To:** Denise Lunsford  
**Cc:** bldesportes@benjamindesportes.com  
**Subject:** Commonwealth v. Mark Weiner  
**Attachments:** substitution order.pdf

Hi Denise,

We have agreed to take over the representation of Mark Weiner. I have attached an order of substitution that I would appreciate your endorsing and returning to me. We will file a motion for substitution signed by Mr. Weiner along with the order.

Once we have been substituted, I would like to schedule a time to meet with you. As always, I am interested in your assistance in learning and understanding everything I should know about this case. You know how much I appreciate your knowledge and preparation of the matters you handle.

Thank you, Denise. It will be good to work with you. I hope you're doing well.

-steve

Steven D. Benjamin  
Immediate Past President  
National Association of Criminal Defense Lawyers  
Partner  
Benjamin & DesPortes, P.C.  
P.O. Box 2464  
Richmond, VA 23218  
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804 644-4512 (fax)  
[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)  
[www.benjamindesportes.com](http://www.benjamindesportes.com)

## Denise Lunsford

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**From:** Steven D. Benjamin <sbenjamin@benjamindesportes.com>  
**Sent:** Wednesday, March 05, 2014 1:59 PM  
**To:** Denise Lunsford  
**Cc:** bldesportes@benjamindesportes.com  
**Subject:** Commonwealth v. Mark Weiner

Hi Denise,

Is there a day next week when I can come talk with you some about this case? Wednesday, March 12 anytime, and Thursday afternoon, March 13, are the best for me. Thanks!

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Steven D. Benjamin  
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## Denise Lunsford

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**From:** Denise Lunsford  
**Sent:** Wednesday, March 05, 2014 3:07 PM  
**To:** 'Steven D. Benjamin'  
**Cc:** 'bladesportes@benjamindesportes.com'  
**Subject:** RE: Commonwealth v. Mark Weiner

Afternoon of the 13<sup>th</sup>.

**From:** Steven D. Benjamin [mailto:sbenjamin@benjamindesportes.com]  
**Sent:** Wednesday, March 05, 2014 1:59 PM  
**To:** Denise Lunsford  
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## Denise Lunsford

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**From:** Denise Lunsford  
**Sent:** Friday, March 07, 2014 9:50 AM  
**To:** 'Steven D. Benjamin'  
**Subject:** FW: Commonwealth v. Mark Weiner

Steve

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**Sent:** Friday, March 07, 2014 12:34 PM  
**To:** Denise Lunsford  
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Thanks, Denise. Let's say 1:00 pm on March 13. I look forward to seeing you.

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**From:** Denise Lunsford  
**Sent:** Wednesday, March 05, 2014 3:07 PM  
**To:** 'Steven D. Benjamin'  
**Cc:** [blidesportes@benjamindesportes.com](mailto:blidesportes@benjamindesportes.com)  
**Subject:** RE: Commonwealth v. Mark Weiner

Afternoon of the 13<sup>th</sup>.

**From:** Steven D. Benjamin [<mailto:sbenjamin@benjamindesportes.com>]  
**Sent:** Wednesday, March 05, 2014 1:59 PM  
**To:** Denise Lunsford  
**Cc:** [blidesportes@benjamindesportes.com](mailto:blidesportes@benjamindesportes.com)  
**Subject:** Commonwealth v. Mark Weiner

Hi Denise,

Is there a day next week when I can come talk with you some about this case? Wednesday, March 12 anytime, and Thursday afternoon, March 13, are the best for me. Thanks!

-S

Steven D. Benjamin  
Immediate Past President  
National Association of Criminal Defense Lawyers  
Partner  
Benjamin & DesPortes, P.C.  
P.O. Box 2464  
Richmond, VA 23218  
804 788-4444  
804 644-4512 (fax)

[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)  
[www.benjamindesportes.com](http://www.benjamindesportes.com)

## Denise Lunsford

---

**From:** Steven D. Benjamin <sbenjamin@benjamindesportes.com>  
**Sent:** Friday, March 14, 2014 2:37 PM  
**To:** Denise Lunsford  
**Cc:** bldesportes@benjamindesportes.com  
**Subject:** Matchbook  
**Attachments:** transcript and photo.pdf

Hi Denise,

Thank you for meeting with me yesterday, and for discussing with me some of the defense failures in the Weiner case. Those failures would be a sufficient basis for a new trial, and would be alleged in a motion to vacate.

I would like to work with you further, however, to assist you in determining whether the prosecution should be dismissed entirely. In addition to everything known about Chelsea's conduct (e.g. accessing and erasing the 911 voicemail) and the contradictory cell tower information, we now know that she gave Mark her phone number. He wrote it down on a matchbook, just as he said to Sgt. Walls when he was first questioned.

I am attaching several transcript pages that pertain to the Mark's statement and his testimony that Chelsea gave him her number. I am also attaching a photograph of the matchbook and phone number.

Please let me know what I can do to help.

-S

Steven D. Benjamin  
Immediate Past President  
National Association of Criminal Defense Lawyers  
Partner  
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[www.benjamindesportes.com](http://www.benjamindesportes.com)

## Denise Lunsford

---

**From:** Steven D. Benjamin <sbenjamin@benjamindesportes.com>  
**Sent:** Thursday, March 20, 2014 11:13 AM  
**To:** Denise Lunsford  
**Cc:** bldesportes@benjamindesportes.com  
**Subject:** Commonwealth v. Mark Weiner

Hi Denise - may I come by early today, between 1 - 1:30, to look at the file?

-S

Steven D. Benjamin  
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[www.benjamindesportes.com](http://www.benjamindesportes.com)



## Denise Lunsford

---

**From:** Steven D. Benjamin <sbenjamin@benjamindesportes.com>  
**Sent:** Thursday, March 20, 2014 11:26 AM  
**To:** Denise Lunsford  
**Cc:** Stacey Trader  
**Subject:** RE: Commonwealth v. Mark Weiner

Thanks.

Stacey - we are leaving Richmond now, and will see you between 1 - 1:30

Steven D. Benjamin  
Immediate Past President  
National Association of Criminal Defense Lawyers  
Partner  
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P.O. Box 2464  
Richmond, VA 23218  
804 788-4444  
804 644-4512 (fax)  
sbenjamin@benjamindesportes.com  
www.benjamindesportes.com

----- Original Message -----

**Subject:** RE: Commonwealth v. Mark Weiner  
**From:** Denise Lunsford <dlunsford@albemarle.org>  
**Date:** Thu, March 20, 2014 11:13 am  
**To:** "Steven D. Benjamin" <sbenjamin@benjamindesportes.com>  
**Cc:** Stacey Trader <strader@albemarle.org>

Sure. Please see Stacey.

**From:** Steven D. Benjamin [<mailto:sbenjamin@benjamindesportes.com>]  
**Sent:** Thursday, March 20, 2014 11:13 AM  
**To:** Denise Lunsford  
**Cc:** [bladesportes@benjamindesportes.com](mailto:bladesportes@benjamindesportes.com)  
**Subject:** Commonwealth v. Mark Weiner

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[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)



## Denise Lunsford

---

**From:** Steven D. Benjamin <sbenjamin@benjamindesportes.com>  
**Sent:** Wednesday, March 26, 2014 10:29 AM  
**To:** Denise Lunsford  
**Cc:** bldesportes@benjamindesportes.com  
**Subject:** Commonwealth v. Mark Weiner

Hi Denise,

I have more questions about the AT&T records for Chelsea's phone. Would it be possible to meet with you on Thursday, March 27?

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Steven D. Benjamin  
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[www.benjamindesportes.com](http://www.benjamindesportes.com)

## Denise Lunsford

---

**From:** Steven D. Benjamin <[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)>  
**Sent:** Wednesday, March 26, 2014 11:08 AM  
**To:** Denise Lunsford  
**Cc:** [bldesportes@benjamindesportes.com](mailto:bldesportes@benjamindesportes.com)  
**Subject:** [FWD: Commonwealth v. Mark Weiner]

Denise - In addition to being able to meet with you tomorrow (see below), I can also come this afternoon.

Thanks,

-S

----- Original Message -----

**Subject:** Commonwealth v. Mark Weiner  
**From:** "Steven D. Benjamin" <[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)>  
**Date:** Wed, March 26, 2014 10:29 am  
**To:** "Denise Lunsford" <[dlunsford@albemarle.org](mailto:dlunsford@albemarle.org)>  
**Cc:** [bldesportes@benjamindesportes.com](mailto:bldesportes@benjamindesportes.com)

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## Denise Lunsford

---

**From:** Denise Lunsford  
**Sent:** Wednesday, March 26, 2014 11:20 AM  
**To:** 'Steven D. Benjamin'  
**Cc:** Stacey Trader  
**Subject:** RE: [FWD: Commonwealth v. Mark Weiner]

You can come either or both to look at the file. I am only available for a short while this afternoon to talk.  
d

**From:** Steven D. Benjamin [mailto:sbenjamin@benjamindesportes.com]  
**Sent:** Wednesday, March 26, 2014 11:08 AM  
**To:** Denise Lunsford  
**Cc:** bldesportes@benjamindesportes.com  
**Subject:** [FWD: Commonwealth v. Mark Weiner]

Denise - In addition to being able to meet with you tomorrow (see below), I can also come this afternoon.

Thanks,

-s

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**Subject:** Commonwealth v. Mark Weiner  
**From:** "Steven D. Benjamin" <sbenjamin@benjamindesportes.com>  
**Date:** Wed, March 26, 2014 10:29 am  
**To:** "Denise Lunsford" <dlunsford@albemarle.org>  
**Cc:** bldesportes@benjamindesportes.com

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## Denise Lunsford

---

**From:** Steven D. Benjamin <sbenjamin@benjamindesportes.com>  
**Sent:** Wednesday, March 26, 2014 11:48 AM  
**To:** Denise Lunsford  
**Cc:** Stacey Trader  
**Subject:** RE: [FWD: Commonwealth v. Mark Weiner]

Thanks. I will come today. What time can we talk this afternoon?

-S

Steven D. Benjamin  
Immediate Past President  
National Association of Criminal Defense Lawyers  
Partner  
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sbenjamin@benjamindesportes.com  
www.benjamindesportes.com

----- Original Message -----

**Subject:** RE: [FWD: Commonwealth v. Mark Weiner]  
**From:** Denise Lunsford <dlunsford@albemarle.org>  
**Date:** Wed, March 26, 2014 11:20 am  
**To:** "Steven D. Benjamin" <sbenjamin@benjamindesportes.com>  
**Cc:** Stacey Trader <strader@albemarle.org>

You can come either or both to look at the file. I am only available for a short while this afternoon to talk.  
d

**From:** Steven D. Benjamin [<mailto:sbenjamin@benjamindesportes.com>]  
**Sent:** Wednesday, March 26, 2014 11:08 AM  
**To:** Denise Lunsford  
**Cc:** [bladesportes@benjamindesportes.com](mailto:bladesportes@benjamindesportes.com)  
**Subject:** [FWD: Commonwealth v. Mark Weiner]

Denise - In addition to being able to meet with you tomorrow (see below), I can also come this afternoon.

Thanks,

-S

----- Original Message -----

**Subject:** Commonwealth v. Mark Weiner  
**From:** "Steven D. Benjamin" <sbenjamin@benjamindesportes.com>  
**Date:** Wed, March 26, 2014 10:29 am  
**To:** "Denise Lunsford" <dlunsford@albemarle.org>  
**Cc:** [bladesportes@benjamindesportes.com](mailto:bladesportes@benjamindesportes.com)

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## Denise Lunsford

---

**From:** Steven D. Benjamin <sbenjamin@benjamindesportes.com>  
**Sent:** Wednesday, March 26, 2014 12:50 PM  
**To:** Denise Lunsford  
**Cc:** Stacey Trader  
**Subject:** RE: [FWD: Commonwealth v. Mark Weiner]

Stacey,

I am going to leave Richmond now and arrive there approximately 2:30. If Denise is not available when I arrive, I will review the file if that is convenient for you until she has a moment to talk.

Thanks!

-S

Steven D. Benjamin  
Immediate Past President  
National Association of Criminal Defense Lawyers  
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804 644-4512 (fax)  
sbenjamin@benjamindesportes.com  
www.benjamindesportes.com

----- Original Message -----

**Subject:** RE: [FWD: Commonwealth v. Mark Weiner]  
**From:** Denise Lunsford <dlunsford@albemarle.org>  
**Date:** Wed, March 26, 2014 11:20 am  
**To:** "Steven D. Benjamin" <sbenjamin@benjamindesportes.com>  
**Cc:** Stacey Trader <strader@albemarle.org>

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**From:** Steven D. Benjamin [<mailto:sbenjamin@benjamindesportes.com>]  
**Sent:** Wednesday, March 26, 2014 11:08 AM  
**To:** Denise Lunsford  
**Cc:** [bladesportes@benjamindesportes.com](mailto:bladesportes@benjamindesportes.com)  
**Subject:** [FWD: Commonwealth v. Mark Weiner]

Denise - In addition to being able to meet with you tomorrow (see below), I can also come this afternoon.

Thanks,

-S



----- Original Message -----

Subject: Commonwealth v. Mark Weiner

From: "Steven D. Benjamin" <[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)>

Date: Wed, March 26, 2014 10:29 am

To: "Denise Lunsford" <[dlunsford@albemarle.org](mailto:dlunsford@albemarle.org)>

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[www.benjamindesportes.com](http://www.benjamindesportes.com)

## Denise Lunsford

---

**From:** Steven D. Benjamin <sbenjamin@benjamindesportes.com>  
**Sent:** Thursday, March 27, 2014 2:54 PM  
**To:** Denise Lunsford  
**Cc:** bldesportes@benjamindesportes.com  
**Subject:** Weiner SDT AT&T  
**Attachments:** SDT\_AT&T\_03272014.pdf

Hi Denise,

Thank you for talking with me yesterday. The information I shared with you proves that Chelsea committed perjury when she testified that she was abducted. If you disagree, please let me know.

We are working on the Motion to Set Aside, and will file a bond motion at the same time. In light of what we have discovered, Mark should be released immediately.

I am attaching a copy of a subpoena duces tecum motion for the AT&T records.

-s

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## Denise Lunsford

---

**From:** Denise Lunsford  
**Sent:** Thursday, March 27, 2014 3:03 PM  
**To:** Steven D. Benjamin  
**Subject:** Re: Weiner SDT AT&T

Steve,  
I disagree with your analysis.

Sent from my iPad

> On Mar 27, 2014, at 2:54 PM, "Steven D. Benjamin" <sbenjamin@benjamindesportes.com> wrote:  
>  
> Hi Denise,  
>  
> Thank you for talking with me yesterday. The information I shared with you proves that Chelsea committed perjury when she testified that she was abducted. If you disagree, please let me know.  
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> Steven D. Benjamin  
> Immediate Past President  
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> www.benjamindesportes.com<http://www.benjamindesportes.com/>  
> <SDT\_AT&T\_03272014.pdf>

## Denise Lunsford

---

**From:** Steven D. Benjamin <[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)>  
**Sent:** Thursday, March 27, 2014 3:18 PM  
**To:** Denise Lunsford  
**Cc:** [bldesportes@benjamindesportes.com](mailto:bldesportes@benjamindesportes.com)  
**Subject:** RE: Weiner SDT AT&T

Can you tell me why?

-s

----- Original Message -----

**Subject:** Re: Weiner SDT AT&T  
**From:** Denise Lunsford <[dlunsford@albemarle.org](mailto:dlunsford@albemarle.org)>  
**Date:** Thu, March 27, 2014 3:03 pm  
**To:** "Steven D. Benjamin" <[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)>

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> -s  
>  
> Steven D. Benjamin  
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> [www.benjamindesportes.com](http://www.benjamindesportes.com) <<http://www.benjamindesportes.com/>>  
> <[SDT\\_AT&T\\_03272014.pdf](#)>

## Denise Lunsford

---

**From:** Denise Lunsford  
**Sent:** Thursday, March 27, 2014 3:45 PM  
**To:** Steven D. Benjamin  
**Subject:** Re: Weiner SDT AT&T

While I would much have preferred handling this matter as you originally suggested, allowing me time to complete my review of the transcript and analyze the information, you have filed a motion alleging the victim perjured herself in a very public manner. That motion, and your question, deserves a response which I will file in writing as soon as possible.

Thank you.

Denise

Sent from my iPad

On Mar 27, 2014, at 3:18 PM, "Steven D. Benjamin" <[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)> wrote:

Can you tell me why?

-s

----- Original Message -----

Subject: Re: Weiner SDT AT&T

From: Denise Lunsford <[dlunsford@albemarle.org](mailto:dlunsford@albemarle.org)>

Date: Thu, March 27, 2014 3:03 pm

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> Partner  
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> [www.benjamindesportes.com](http://www.benjamindesportes.com) <<http://www.benjamindesportes.com/>>  
> <SDT\_AT&T\_03272014.pdf>

## Denise Lunsford

---

**From:** Sandra Abbott  
**Sent:** Friday, March 28, 2014 11:13 AM  
**To:** Denise Lunsford  
**Subject:** RE: Weiner SDT AT&T

Have been trying to let Chelsea know, yesterday wasn't a good time for her to talk but she said sometime today.

---

**From:** Denise Lunsford  
**Sent:** Thursday, March 27, 2014 3:46 PM  
**To:** Sandra Abbott; Elliott Casey  
**Subject:** Fwd: Weiner SDT AT&T

Sent from my iPad

Begin forwarded message:

**From:** "Steven D. Benjamin" <[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)>  
**To:** "Denise Lunsford" <[dlunsford@albemarle.org](mailto:dlunsford@albemarle.org)>  
**Cc:** "[bldesportes@benjamindesportes.com](mailto:bldesportes@benjamindesportes.com)" <[bldesportes@benjamindesportes.com](mailto:bldesportes@benjamindesportes.com)>  
**Subject:** Weiner SDT AT&T

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[www.benjamindesportes.com](http://www.benjamindesportes.com) <<http://www.benjamindesportes.com>>

**Denise Lunsford**

---

**From:** Denise Lunsford  
**Sent:** Friday, March 28, 2014 2:30 PM  
**To:** 'Steven D. Benjamin'  
**Subject:** Commonwealth v. Weiner  
**Attachments:** Weiner post trial subpoena.doc

Attached please find the Commonwealth's Motion to Quash.

*Denise Lunsford*

Albemarle County Commonwealth's Attorney  
434-972-4072



## Denise Lunsford

---

**From:** Steven D. Benjamin <[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)>  
**Sent:** Thursday, March 27, 2014 4:53 PM  
**To:** Denise Lunsford  
**Subject:** RE: Weiner SDT AT&T

When we met yesterday, I told you I would have to file a SDT motion - the very thing that Ford failed to do. That is necessarily a public filing, but I have not circulated the motion to anyone else because I am still hoping that we can work together for the right result.

Steven D. Benjamin  
Immediate Past President  
National Association of Criminal Defense Lawyers  
Partner  
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P.O. Box 2464  
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[www.benjamindesportes.com](http://www.benjamindesportes.com)

----- Original Message -----

Subject: Re: Weiner SDT AT&T  
From: Denise Lunsford <[dlunsford@albemarle.org](mailto:dlunsford@albemarle.org)>  
Date: Thu, March 27, 2014 3:44 pm  
To: "Steven D. Benjamin" <[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)>

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Thank you.  
Denise

Sent from my iPad

On Mar 27, 2014, at 3:18 PM, "Steven D. Benjamin" <[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)> wrote:

Can you tell me why?

-s

----- Original Message -----

Subject: Re: Weiner SDT AT&T  
From: Denise Lunsford <[dlunsford@albemarle.org](mailto:dlunsford@albemarle.org)>  
Date: Thu, March 27, 2014 3:03 pm  
To: "Steven D. Benjamin" <[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)>

Steve,  
I disagree with your analysis.

Sent from my iPad

> On Mar 27, 2014, at 2:54 PM, "Steven D. Benjamin"  
> <[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)> wrote:

>

> Hi Denise,

>

> Thank you for talking with me yesterday. The information I shared with you  
> proves that Chelsea committed perjury when she testified that she was abducted.  
> If you disagree, please let me know.

>

> We are working on the Motion to Set Aside, and will file a bond motion at the  
> same time. In light of what we have discovered, Mark should be released  
> immediately.

>

> I am attaching a copy of a subpoena duces tecum motion for the AT&T records.

>

> -s

>

> Steven D. Benjamin

> Immediate Past President

> National Association of Criminal Defense Lawyers

> Partner

> Benjamin & DesPortes, P.C.

> P.O. Box 2464

> Richmond, VA 23218

> 804 788-4444

> 804 644-4512 (fax)

>

> [sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com) <<mailto:sbenjamin@benjamindesportes.com>>

>

> [www.benjamindesportes.com](http://www.benjamindesportes.com) <<http://www.benjamindesportes.com/>>

> <SDT\_AT&T\_03272014.pdf>

## Denise Lunsford

---

**From:** Stacey Trader  
**Sent:** Tuesday, April 01, 2014 11:01 AM  
**To:** 'Steven D. Benjamin'; Denise Lunsford  
**Cc:** bldesportes@benjamindesportes.com; Denise Lunsford  
**Subject:** RE: Commonwealth v. Mark Weiner

Mr. Benjamin, our staff is under instruction from Ms. Lunsford that you will have to speak with her prior to reviewing the file further. I am copying her on this email because she is in Norfolk until Wednesday and will have to either call you or respond by email.

---

**From:** Steven D. Benjamin [mailto:sbenjamin@benjamindesportes.com]  
**Sent:** Tuesday, April 01, 2014 10:56 AM  
**To:** Stacey Trader  
**Cc:** bldesportes@benjamindesportes.com  
**Subject:** Commonwealth v. Mark Weiner

Hi Stacey,

Would it be possible for me to review the Mark Weiner files this afternoon in your conference room?

-sb  
Steven D. Benjamin  
Immediate Past President  
National Association of Criminal Defense Lawyers  
Partner  
Benjamin & DesPortes, P.C.  
P.O. Box 2464  
Richmond, VA 23218  
804 788-4444  
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[www.benjamindesportes.com](http://www.benjamindesportes.com)

----- Original Message -----

**Subject:** Motion to Quash SDT  
**From:** Stacey Trader <[strader@albemarle.org](mailto:strader@albemarle.org)>  
**Date:** Fri, March 28, 2014 2:32 pm  
**To:** "'[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)'"  
<[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)>

Sent to you per Denise Lunsford's request.

Stacey Trader, Paralegal  
Office of the Albemarle County Commonwealth Attorney  
410 East High Street  
Charlottesville, VA 22902  
(434) 972-4072  
(434) 972-4093 (fax)



## Denise Lunsford

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**From:** Steven D. Benjamin <sbenjamin@benjamindesportes.com>  
**Sent:** Tuesday, April 01, 2014 11:29 AM  
**To:** Stacey Trader; Denise Lunsford  
**Cc:** bldesportes@benjamindesportes.com  
**Subject:** RE: Commonwealth v. Mark Weiner

Thank you, Stacey.

Hi Denise - I would like to file a response to the Commonwealth's Motion to Quash right away, but would like to review more of the file before I do so. I see no other interpretation of the AT&T records than I have described to you and in my pleadings. I want to review the file in connection with that interpretation, and again, I ask that if you have any explanation for the activity on Chelsea's phone during her alleged unconsciousness and her claimed phone power outage, please let me know what that explanation is.

-S

Steven D. Benjamin  
Immediate Past President  
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**From:** Stacey Trader <[strader@albemarle.org](mailto:strader@albemarle.org)>  
**Date:** Tue, April 01, 2014 11:01 am  
**To:** "Steven D. Benjamin" <[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)>, Denise Lunsford <[dlunsford@albemarle.org](mailto:dlunsford@albemarle.org)>  
**Cc:** "bladesportes@benjamindesportes.com" <[bladesportes@benjamindesportes.com](mailto:bladesportes@benjamindesportes.com)>, Denise Lunsford <[dlunsford@albemarle.org](mailto:dlunsford@albemarle.org)>

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410 East High Street  
Charlottesville, VA 22902  
(434) 972-4072  
(434) 972-4093 (fax)

## Denise Lunsford

---

**From:** Steven D. Benjamin <sbenjamin@benjamindesportes.com>  
**Sent:** Wednesday, April 02, 2014 4:33 PM  
**To:** Denise Lunsford  
**Cc:** bldesportes@benjamindesportes.com; Stacey Trader  
**Subject:** RE: Commonwealth v. Mark Weiner  
**Attachments:** Response\_Mtn\_Quash\_SDT\_AT&T.pdf

Please find attached Defendant's Response to Motion to Quash.

-S  
Steven D. Benjamin  
Immediate Past President  
National Association of Criminal Defense Lawyers  
Partner  
Benjamin & DesPortes, P.C.  
P.O. Box 2464  
Richmond, VA 23218  
804 788-4444  
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[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)  
[www.benjamindesportes.com](http://www.benjamindesportes.com)

----- Original Message -----

Subject: RE: Commonwealth v. Mark Weiner  
From: "Steven D. Benjamin" <[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)>  
Date: Tue, April 01, 2014 11:29 am  
To: "Stacey Trader" <[strader@albemarle.org](mailto:strader@albemarle.org)>, "Denise Lunsford" <[dlunsford@albemarle.org](mailto:dlunsford@albemarle.org)>  
Cc: "[bldesportes@benjamindesportes.com](mailto:bldesportes@benjamindesportes.com)" <[bldesportes@benjamindesportes.com](mailto:bldesportes@benjamindesportes.com)>

Thank you, Stacey.

Hi Denise - I would like to file a response to the Commonwealth's Motion to Quash right away, but would like to review more of the file before I do so. I see no other interpretation of the AT&T records than I have described to you and in my pleadings. I want to review the file in connection with that interpretation, and again, I ask that if you have any explanation for the activity on Chelsea's phone during her alleged unconsciousness and her claimed phone power outage, please let me know what that explanation is.

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[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)  
[www.benjamindesportes.com](http://www.benjamindesportes.com)

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Cc: "[bldesportes@benjamindesportes.com](mailto:bldesportes@benjamindesportes.com)" <[bldesportes@benjamindesportes.com](mailto:bldesportes@benjamindesportes.com)>, Denise Lunsford <[dlunsford@albemarle.org](mailto:dlunsford@albemarle.org)>

Mr. Benjamin, our staff is under instruction from Ms. Lunsford that you will have to speak with her prior to reviewing the file further. I am copying her on this email because she is in Norfolk until Wednesday and will have to either call you or respond by email.

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**Sent:** Tuesday, April 01, 2014 10:56 AM  
**To:** Stacey Trader  
**Cc:** [bldesportes@benjamindesportes.com](mailto:bldesportes@benjamindesportes.com)  
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From: Stacey Trader <[strader@albemarle.org](mailto:strader@albemarle.org)>  
Date: Fri, March 28, 2014 2:32 pm  
To: "'[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)'" <[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)>

Sent to you per Denise Lunsford's request.

Stacey Trader, Paralegal  
Office of the Albemarle County Commonwealth Attorney  
410 East High Street



Charlottesville, VA 22902

(434) 972-4072

(434) 972-4093 (fax)

## Denise Lunsford

---

**From:** Peter Vieth <Peter.Vieth@valawyersmedia.com>  
**Sent:** Wednesday, April 16, 2014 9:56 AM  
**To:** Denise Lunsford  
**Subject:** Inquiry from Va. Lawyers Weekly - Re: Mark Weiner

Dear Ms. Lunsford:

I am writing about the motion to set aside verdict filed on behalf of Mark Weiner.

I would welcome your comment.

I am at (540) 761-5038.

Thanks!

-Peter

Peter Vieth  
News Editor  
Virginia Lawyers Weekly  
540/ 761-5038

## Denise Lunsford

---

**From:** Denise Lunsford  
**Sent:** Wednesday, April 16, 2014 10:02 AM  
**To:** Peter Vieth  
**Subject:** Re: Inquiry from Va. Lawyers Weekly - Re: Mark Weiner

I am out of the office and unable to call until late this afternoon.

Sent from my iPhone

On Apr 16, 2014, at 9:56 AM, "Peter Vieth" <[Peter.Vieth@valawyersmedia.com](mailto:Peter.Vieth@valawyersmedia.com)> wrote:

Dear Ms. Lunsford:

I am writing about the motion to set aside verdict filed on behalf of Mark Weiner.

I would welcome your comment.

I am at (540) 761-5038.

Thanks!

-Peter

Peter Vieth  
News Editor  
Virginia Lawyers Weekly  
540/ 761-5038



## Denise Lunsford

---

**From:** Jouvenal, Justin <Justin.Jouvenal@washpost.com>  
**Sent:** Monday, April 28, 2014 10:54 AM  
**To:** Denise Lunsford  
**Subject:** Washington Post request

Denise,

I hope you are well. I'm putting together a story about the Mark Weiner case and I wanted to get your response to the defense's motion to set aside the verdict. Would you have some time to talk today? And if you have issued a response to that motion, could you send it to me?

Best,

Justin Jouvenal  
Reporter  
The Washington Post  
703-383-5111

## Denise Lunsford

---

**From:** Steven D. Benjamin <sbenjamin@benjamindesportes.com>  
**Sent:** Monday, April 28, 2014 2:41 PM  
**To:** Denise Lunsford  
**Cc:** bldesportes@benjamindesportes.com  
**Subject:** RE: Commonwealth v. Weiner  
**Attachments:** Notice.pdf

Attached please find Defendant's Notice of Hearing.

Steven D. Benjamin  
Immediate Past President  
National Association of Criminal Defense Lawyers  
Partner  
Benjamin & DesPortes, P.C.  
P.O. Box 2464  
Richmond, VA 23218  
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[www.benjamindesportes.com](http://www.benjamindesportes.com)

## Denise Lunsford

---

**From:** Denise Lunsford  
**Sent:** Tuesday, April 29, 2014 7:48 AM  
**To:** 'Jouvenal, Justin'  
**Subject:** RE: Washington Post request

Mr. Jouvenal

My response is due May 5. I may be able to comment tomorrow after the hearing but am unable to do so until that time.

*Denise Lunsford*

Albemarle County Commonwealth's Attorney  
434-972-4072

---

**From:** Jouvenal, Justin [mailto:Justin.Jouvenal@washpost.com]  
**Sent:** Monday, April 28, 2014 10:54 AM  
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Best,

Justin Jouvenal  
Reporter  
The Washington Post  
703-383-5111

## Denise Lunsford

---

**From:** Jouvenal, Justin <Justin.Jouvenal@washpost.com>  
**Sent:** Tuesday, April 29, 2014 8:39 AM  
**To:** Denise Lunsford  
**Subject:** Re: Washington Post request

You've already publicly commented on the case. Would you simply say the same thing again?

Frank Green's story:

"Lunsford said she disagrees that the victim lied. "And I don't agree with the interpretation of the phone records that has been presented by the defense," she said. "I believe [the defense] either misunderstands or misrepresents those phone records," Lunsford said."

Sent from my iPhone

On Apr 29, 2014, at 7:48 AM, "Denise Lunsford" <[dlunsford@albemarle.org](mailto:dlunsford@albemarle.org)> wrote:

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Reporter  
The Washington Post  
703-383-5111



## Denise Lunsford

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**From:** Jouvenal, Justin <Justin.Jouvenal@washpost.com>  
**Sent:** Tuesday, April 29, 2014 8:49 AM  
**To:** Denise Lunsford  
**Subject:** Re: Washington Post request

I'm trying to write a fair story and if you think there's problems with their cell phone analysis I want to get that in the piece.

Sent from my iPhone

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Reporter  
The Washington Post  
703-383-5111

## Denise Lunsford

---

**From:** Denise Lunsford  
**Sent:** Tuesday, April 29, 2014 8:57 AM  
**To:** 'Jouvenal, Justin'  
**Subject:** RE: Washington Post request

I appreciate your desire and willingness to do so but would feel more comfortable commenting tomorrow.  
Thanks

*Denise Lunsford*

Albemarle County Commonwealth's Attorney  
434-972-4072

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**From:** Jouvenal, Justin [mailto:Justin.Jouvenal@washpost.com]  
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Reporter  
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703-383-5111

## Denise Lunsford

---

**From:** Jouvenal, Justin <Justin.Jouvenal@washpost.com>  
**Sent:** Tuesday, April 29, 2014 9:26 AM  
**To:** Denise Lunsford  
**Subject:** Re: Washington Post request

Ok. Our story is running tom. so that means we will have nothing from your side of the aisle and no filing to draw on.

The defense attorneys, convicted and his family have made extensive comments.

The Washington Post has a far larger reach than other media outlets. This story will form people's opinion of your office across the state. I wanted to give you an opportunity to get your side of the story out there.

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434-972-4072

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**Sent:** Monday, April 28, 2014 10:54 AM

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**Subject:** Washington Post request

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Justin Jouvenal

Reporter

The Washington Post

703-383-5111

## Denise Lunsford

---

**From:** Denise Lunsford  
**Sent:** Tuesday, April 29, 2014 10:04 AM  
**To:** 'Jouvenal, Justin'  
**Subject:** RE: Washington Post request

If your interest is a fair and balanced piece from each "side of the aisle" perhaps you would consider running your story on Thursday.

*Denise Lunsford*

Albemarle County Commonwealth's Attorney  
434-972-4072

---

**From:** Jouvenal, Justin [mailto:Justin.Jouvenal@washpost.com]  
**Sent:** Tuesday, April 29, 2014 9:26 AM  
**To:** Denise Lunsford  
**Subject:** Re: Washington Post request

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**Sent:** Tuesday, April 29, 2014 10:32 AM  
**To:** Denise Lunsford  
**Subject:** RE: Washington Post request

We will be covering the hearing tom., but from a journalism standpoint doing a story now makes the most sense. You've already obtained a conviction, so clearly the jury believed the prosecution's theory of the case. You're welcome to keep your comments brief. Let me know. I'd especially be interested in getting your thoughts on the cell phone analysis and the defense's claim that Chelsea made the story up.

Best,

Justin

---

**From:** Denise Lunsford [mailto:[dlunsford@albemarle.org](mailto:dlunsford@albemarle.org)]  
**Sent:** Tuesday, April 29, 2014 10:04 AM  
**To:** Jouvenal, Justin  
**Subject:** RE: Washington Post request

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*Denise Lunsford*

Albemarle County Commonwealth's Attorney  
434-972-4072

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Reporter

The Washington Post

703-383-5111

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Reporter  
The Washington Post  
703-383-5111

## Denise Lunsford

---

**From:** Noel Perez  
**Sent:** Tuesday, April 29, 2014 2:36 PM  
**To:** Denise Lunsford  
**Subject:** Mark Weiner

Madame, this is the name and the number of the reporter from the Richmond Time Dispatch that called during lunch time. He name is Frank Green and his number is 804-649-6390. He has some questions in reference to case of the above defendant.

Thanks,

Noel Perez, Office Associate  
Office of the Albemarle County Commonwealth Attorney  
410 East High Street  
Charlottesville, VA 22902  
(434) 972-4072  
(434) 972-4093 (fax)

## Denise Lunsford

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## Denise Lunsford

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**Sent:** Tuesday, April 29, 2014 3:01 PM  
**To:** Denise Lunsford  
**Subject:** RE: Washington Post request

Great. Unfortunately, we don't have anyone in Albemarle – and given the time we couldn't make it to the courthouse by closing. I'm not going to say how I got it in the story either way, so if you sent it to me no one would know. I also would promise not to tell defense attorneys. On top of that, it's going to be a public document.

---

**From:** Denise Lunsford [mailto:dlunsford@albemarle.org]  
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## Denise Lunsford

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**Sent:** Tuesday, April 29, 2014 3:19 PM  
**To:** Denise Lunsford  
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Or can you give it someone who can give it to me, if you don't feel comfortable doing it directly?

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**Denise Lunsford**

---

**From:** Denise Lunsford  
**Sent:** Tuesday, April 29, 2014 5:26 PM  
**To:** 'Steven D. Benjamin'  
**Subject:** Weiner

Steve

I just got a call from Frank Green with the Richmond Times Dispatch. Mr. Green informed me that Ms. Desportes from your office sent him a copy of my Reply to your Motion. This could not have been more than an hour after I filed the pleading. While pleadings are a matter of record in this case, it is highly unusual that opposing counsel would send a copy of pleadings, especially those filed by someone else, to members of the media.

This action by Ms. Desportes coupled with the numerous calls I have received from media over the past couple of weeks leads to the obvious conclusion that you are conducting a media campaign attempting to sway opinion in this matter. This campaign is worrisome and carries potential ethical considerations of because of its obvious attempt to influence a potential jury pool in light of your Motion which asks, in some part, for a new trial. I ask that you discontinue this behavior.

*Denise Lunsford*

Albemarle County Commonwealth's Attorney  
434-972-4072

## Denise Lunsford

---

**From:** Peter Vieth <Peter.Vieth@valawyersmedia.com>  
**Sent:** Tuesday, April 29, 2014 10:08 PM  
**To:** Denise Lunsford  
**Subject:** Inquiry from Va. Lawyers Weekly - re: Weiner

Dear Denise:

Would your office be able to provide a copy of your response to the Weiner defense motion?

Thanks!

-Peter

Peter Vieth  
News Editor  
Virginia Lawyers Weekly  
540/ 761-5038



## Denise Lunsford

---

**From:** Green, Francis J. <FGreen@timesdispatch.com>  
**Sent:** Wednesday, May 07, 2014 12:17 PM  
**To:** Denise Lunsford  
**Subject:** Weiner case  
**Attachments:** CourtCase.doc

Ms. Lunsford,

This is Frank Green, a reporter with the Richmond Times Dispatch. I wrote to the jurors in the Weiner case sending them copies of the cell phone/cell tower study obtained by Benjamin and DesPortes and the affidavit from the anesthesiologist to see if had they been aware of such information if it would have changed their decision. I have not heard back from any of the 12 jurors -- however, I did received the attached letter from the alternate juror. Can you comment on it?

Many Thanks,

Frank Green  
Richmond Times Dispatch  
804-649-6340

## Denise Lunsford

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**From:** Denise Lunsford  
**Sent:** Wednesday, May 07, 2014 1:00 PM  
**To:** Green, Francis J.  
**Subject:** Re: Weiner case

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**From:** Green, Francis J. <FGreen@timesdispatch.com>  
**Sent:** Wednesday, May 07, 2014 1:03 PM  
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Thanks so much.

---

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## Denise Lunsford

---

**From:** Denise Lunsford  
**Sent:** Friday, May 09, 2014 9:09 AM  
**To:** 'strader@albemarle.org'  
**Subject:** letter

Judge Higgins (copy to Steve Benjamin)

Re: Commonwealth v. Weiner

Dear Judge Higgins:

Attached please find a recent decision from the Virginia Court of Appeals. While not directly on point, the decision is instructive on the matters before the Court in this case.

*Denise Lunsford*

Albemarle County Commonwealth's Attorney  
434-972-4072

## Denise Lunsford

---

**From:** Denise Lunsford  
**Sent:** Thursday, June 19, 2014 4:09 PM  
**To:** 'mcherry@inbox.com'  
**Subject:** Cell Tower Story

C'ville Weekly – Mark Weiner  
Reporter Lisa Province

*Denise Lunsford*  
Albemarle County Commonwealth's Attorney  
434-972-4072

## Denise Lunsford

---

**From:** Courteney Stuart <editor@c-ville.com>  
**Sent:** Thursday, July 03, 2014 12:11 PM  
**To:** Denise Lunsford  
**Subject:** Follow-up article on Weiner case

Hi Denise,

I'm working on a follow-up story to the Weiner case after the recent Washington Post article on the use of cell tower records as evidence. Do you believe that these issues have any bearing on Weiner's claims contained in the motion to set aside his verdict?

[http://www.washingtonpost.com/local/experts-say-law-enforcements-use-of-cellphone-records-can-be-inaccurate/2014/06/27/028be93c-faf3-11e3-932c-0a55b81f48ce\\_story.html](http://www.washingtonpost.com/local/experts-say-law-enforcements-use-of-cellphone-records-can-be-inaccurate/2014/06/27/028be93c-faf3-11e3-932c-0a55b81f48ce_story.html)

You've previously said you won't have comment until after sentencing, but if that's changed and you have anything you'd like to add on the subject or the case, I'd welcome your input.

Best,

Courteney

--

Courteney Stuart  
Editor-in-Chief  
C-VILLE Weekly  
434.817.2749 ext. 31

## Denise Lunsford

---

**From:** Denise Lunsford  
**Sent:** Thursday, July 03, 2014 1:15 PM  
**To:** editor@c-ville.com  
**Subject:** Re: Follow-up article on Weiner case

Thanks Courtney. I cannot comment until after sentencing but I look forward to clearing some thing up at that time.

Sent from my iPhone

On Jul 3, 2014, at 12:11 PM, "Courteney Stuart" <editor@c-ville.com> wrote:

Hi Denise,

I'm working on a follow-up story to the Weiner case after the recent Washington Post article on the use of cell tower records as evidence. Do you believe that these issues have any bearing on Weiner's claims contained in the motion to set aside his verdict?

[http://www.washingtonpost.com/local/experts-say-law-enforcements-use-of-cellphone-records-can-be-inaccurate/2014/06/27/028be93c-faf3-11e3-932c-0a55b81f48ce\\_story.html](http://www.washingtonpost.com/local/experts-say-law-enforcements-use-of-cellphone-records-can-be-inaccurate/2014/06/27/028be93c-faf3-11e3-932c-0a55b81f48ce_story.html)

You've previously said you won't have comment until after sentencing, but if that's changed and you have anything you'd like to add on the subject or the case, I'd welcome your input.

Best,

Courteney

--

Courteney Stuart  
Editor-in-Chief  
C-VILLE Weekly  
434.817.2749 ext. 31

## Denise Lunsford

---

**From:** Jane Foy <JFoy@Charlottesvilleradiogroup.com>  
**Sent:** Tuesday, July 22, 2014 8:02 PM  
**To:** Denise Lunsford  
**Subject:** RE: Tomorrow - 7/23

All good. See you in the AM.

---

**From:** Denise Lunsford [dlunsford@albemarle.org]  
**Sent:** Tuesday, July 22, 2014 5:27 PM  
**To:** Jane Foy  
**Subject:** Tomorrow - 7/23

Jane

I still plan to be there tomorrow before 9. I wanted to let you know, however, that today's sentencing on the Weiner matter was postponed. I can give some information on what happened today and why but cant be extensive because the case remains pending.

When we last spoke, I talked about work being done in Albemarle County with offenders who have serious mental health issues specifically related to how my office and, to some extent the Police Department, handles cases. I can still talk about that in addition to an update on Weiner.

Is this okay or would you rather reschedule?

d

Denise Lunsford  
Albemarle County Commonwealth's Attorney  
434-972-4072

This email message, including attachments, may contain confidential and/or privileged material. Any unauthorized use, disclosure or distribution is prohibited. If you have received this in error, please delete it. Saga Communications, Inc. and all its subsidiaries and stations that it owns or operates prohibit all forms of discrimination in advertising contracts. We do not, and shall not, discriminate on the basis of race, ethnicity, or gender regarding advertising practices. All advertising agencies warrant, where applicable, that all radio and/or television commercials provided to our stations are properly licensed to be broadcast on radio and/or television stations and the associated internet streams.



**Denise Lunsford**

---

**To:** Toni Tuthill  
**Subject:** letter

To Judge Higgins

RE: Commonwealth v. Weiner

Dear Judge Higgins:

I have concerns about the appointment of Craig King, Psy.D., performing the evaluation of Mr. Weiner pursuant to Virginia Code Annotated Section 19.2-300 ordered by this Court.

*Denise Lunsford*

Albemarle County Commonwealth's Attorney  
434-972-4072

## Denise Lunsford

---

**From:** Denise Lunsford  
**Sent:** Tuesday, July 29, 2014 9:35 AM  
**To:** 'strader@albemarle.org'  
**Subject:** FW: Mark Weiner

Dear Judge Higgins:

When we were last in Court you stated that you wanted Mr. Weiner to have an evaluation pursuant to 19.2-300. At that time, Mr. Benjamin stated a preference that Craig King, Psy.D. of Richmond perform the evaluation. Since that time, I have learned that Dr. King is on the list of persons who are qualified to perform such evaluations. I have also received two letters from Dr. King asking for information concerning this matter, some of which relates to the offense with which Mr. Weiner was charged and convicted and some of which does not seem to so relate. That matter aside, I do need some guidance on this matter prior to proceeding. I wrote back to Dr. King yesterday indicating my intent to provide some information and then realized that the Court had not taken action to appoint an evaluator. Thus the need for this letter.

Does the Court intend to appoint an individual or group to perform the evaluation? I ask this because the evaluation is being performed on the Court's motion and payment will likely become an issue at some point. Additionally, although Mr. Benjamin has written to Dr. King to request that he perform the evaluation, it would seem more appropriate for the Court to make an appointment in light of the Court's motion and the nature of this case. Mr. Benjamin has been kind enough to provide me with a CV for Dr. King, however, I do not know of Dr. King, his ability or his reputation. However, I have recently received two evaluations performed by the Institute of Law, Psychiatry and Public Policy here in Charlottesville. Although they were performed by different individuals, I found each to be comprehensive and well considered. Mr. Weiner will need to be transported for the evaluation by officers from the Regional Jail and that, too, is a consideration.

The Commonwealth is interested only in receiving an unbiased evaluation which is unencumbered by the biases or prejudices of the defense or the Commonwealth. To that end, I would ask that the Court appoint an evaluator to perform the evaluation pursuant to 19.2-300.

Thank you for your attention to this matter.

cc: Steven Benjamin, Esq.

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**From:** Denise Hodges  
**Sent:** Tuesday, July 29, 2014 8:37 AM  
**To:** Denise Lunsford  
**Subject:** Mark Weiner

Judge Higgins asks that you submit something in writing copying Mr. Benjamin and she will address it from there.

Denise Hodges, Judicial Assistant  
Albemarle Circuit Court - Judge's Chambers  
501 E. Jefferson Street, 3rd Floor  
Charlottesville, VA 22902  
Fax: 434-972-4071  
Telephone: 434-972-4015

## Denise Lunsford

---

**From:** Denise Lunsford  
**Sent:** Tuesday, July 29, 2014 2:59 PM  
**To:** 'strader@albemarle.org'  
**Subject:** LETTER

Judge Higgins:

I have received Mr. Benjamin's letter in response to my letter to the Court this morning. As I mentioned in my letter, the Commonwealth's interest is in receiving a fair and impartial examination of Mr. Weiner. Although I did not voice an objection last week, I wanted to consider the matter further. On reflection, it has occurred to me that an examiner retained, paid for, and advised by Mr. Weiner and/or counsel would not even rise to the level of giving the appearance of being a fair and impartial examination. Accordingly, I request that the Court appoint an independent examiner. In the event that the Court needs a Motion, I request that it so consider my letter, dated July 29, 2014, a Motion to Appoint Examiner.

Thank you for your consideration of this matter.

*Denise Lunsford*

Albemarle County Commonwealth's Attorney  
434-972-4072

## Denise Lunsford

---

**From:** Steven D. Benjamin <sbenjamin@benjamindesportes.com>  
**Sent:** Wednesday, September 10, 2014 12:16 PM  
**To:** Denise Hodges; Denise Lunsford; bldesportes@benjamindesportes.com  
**Subject:** RE: Mark Weiner

Ms. Hodges:

I will travel to Charlottesville this afternoon to meet with the defendant in order to respond to your question concerning the delay of sentencing. I will respond by Thursday morning.

Thank you.

Steven D. Benjamin  
Past President  
National Association of Criminal Defense Lawyers  
Partner  
Benjamin & DesPortes, P.C.  
P.O. Box 2464  
Richmond, VA 23218  
804 788-4444  
804 644-4512 (fax)  
sbenjamin@benjamindesportes.com  
www.benjamindesportes.com

----- Original Message -----

**Subject:** Mark Weiner  
**From:** Denise Hodges <dhodges@albemarle.org>  
**Date:** Tue, September 09, 2014 3:51 pm  
**To:** Denise Lunsford <dlunsford@albemarle.org>, "Steven D. Benjamin" <sbenjamin@benjamindesportes.com>

**Counsel:** Based on Mr. Benjamin's objections Judge Higgins has asked me to schedule a hearing in this matter. Would counsel object to scheduling this matter on Oct. 8<sup>th</sup> at 9:30 and continue the sentencing date?

Denise Hodges, Judicial Assistant  
Albemarle Circuit Court - Judge's Chambers  
501 E. Jefferson Street, 3rd Floor  
Charlottesville, VA 22902  
Fax: 434-972-4071  
Telephone: 434-972-4015

## Denise Lunsford

---

**From:** Steven D. Benjamin <sbenjamin@benjamindesportes.com>  
**Sent:** Thursday, September 11, 2014 10:51 AM  
**To:** Denise Hodges; Denise Lunsford; bldesportes@benjamindesportes.com  
**Subject:** RE: Mark Weiner

Denise,

The defendant objects to any scheduling or action that would cause a delay in sentencing. Our available dates for a hearing are as follows:

September 15, 18, 19, 22, 26, 29, 30

October 1, 2, 3, 6

Thank you for your assistance.

Steven D. Benjamin  
Past President  
National Association of Criminal Defense Lawyers  
Partner  
Benjamin & DesPortes, P.C.  
P.O. Box 2464  
Richmond, VA 23218  
804 788-4444  
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[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)  
[www.benjamindesportes.com](http://www.benjamindesportes.com)

----- Original Message -----

**Subject:** RE: Mark Weiner  
**From:** Denise Hodges <[dhodges@albemarle.org](mailto:dhodges@albemarle.org)>  
**Date:** Wed, September 10, 2014 12:25 pm  
**To:** "Steven D. Benjamin" <[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)>, Denise Lunsford <[dlunsford@albemarle.org](mailto:dlunsford@albemarle.org)>, "[bldesportes@benjamindesportes.com](mailto:bldesportes@benjamindesportes.com)" <[bldesportes@benjamindesportes.com](mailto:bldesportes@benjamindesportes.com)>

Thank you. Denise

---

**From:** Steven D. Benjamin [<mailto:sbenjamin@benjamindesportes.com>]  
**Sent:** Wednesday, September 10, 2014 12:16 PM  
**To:** Denise Hodges; Denise Lunsford; [bldesportes@benjamindesportes.com](mailto:bldesportes@benjamindesportes.com)  
**Subject:** RE: Mark Weiner

Ms. Hodges:

I will travel to Charlottesville this afternoon to meet with the defendant in order to respond to your question concerning the delay of sentencing. I will respond by Thursday morning.

Thank you.

Steven D. Benjamin

Past President  
National Association of Criminal Defense Lawyers  
Partner  
Benjamin & DesPortes, P.C.  
P.O. Box 2464  
Richmond, VA 23218  
804 788-4444  
804 644-4512 (fax)  
[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)  
[www.benjamindesportes.com](http://www.benjamindesportes.com)

----- Original Message -----

Subject: Mark Weiner  
From: Denise Hodges <[dhodges@albemarle.org](mailto:dhodges@albemarle.org)>  
Date: Tue, September 09, 2014 3:51 pm  
To: Denise Lunsford <[dlunsford@albemarle.org](mailto:dlunsford@albemarle.org)>, "Steven D. Benjamin"  
<[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)>

Counsel: Based on Mr. Benjamin's objections Judge Higgins has asked me to schedule a hearing in this matter. Would counsel object to scheduling this matter on Oct. 8<sup>th</sup> at 9:30 and continue the sentencing date?

Denise Hodges, Judicial Assistant  
Albemarle Circuit Court - Judge's Chambers  
501 E. Jefferson Street, 3rd Floor  
Charlottesville, VA 22902  
Fax: 434-972-4071  
Telephone: 434-972-4015

## Denise Lunsford

---

**From:** Steven D. Benjamin <sbenjamin@benjamindesportes.com>  
**Sent:** Tuesday, September 16, 2014 10:16 AM  
**To:** Denise Hodges; Denise Lunsford; bldesportes@benjamindesportes.com  
**Cc:** Stacey Trader; Roxanne Morris; Chelsea M Barker  
**Subject:** RE: Mark Weiner

Thank you.

Steven D. Benjamin  
Past President  
National Association of Criminal Defense Lawyers  
Partner  
Benjamin & DesPortes, P.C.  
P.O. Box 2464  
Richmond, VA 23218  
804 788-4444  
804 644-4512 (fax)  
sbenjamin@benjamindesportes.com  
www.benjamindesportes.com

----- Original Message -----

**Subject:** RE: Mark Weiner  
**From:** Denise Hodges <dhodges@albemarle.org>  
**Date:** Tue, September 16, 2014 8:45 am  
**To:** Denise Lunsford <dlunsford@albemarle.org>, "Steven D. Benjamin" <sbenjamin@benjamindesportes.com>, "bldesportes@benjamindesportes.com" <bldesportes@benjamindesportes.com>  
**Cc:** Stacey Trader <strader@albemarle.org>, Roxanne Morris <RMORRIS@albemarle.org>, "CHELSEA M. BARKER" <cbarker2@albemarle.org>

Sept. 30 @ 4:00 - motions

**From:** Denise Lunsford  
**Sent:** Friday, September 12, 2014 12:45 PM  
**To:** Steven D. Benjamin; Denise Hodges; [bldesportes@benjamindesportes.com](mailto:bldesportes@benjamindesportes.com)  
**Subject:** RE: Mark Weiner

Comparing my calendar to Mr. Benjamin's, as set forth in his email, my availability on the Tuesday/Wednesday CC criminal days is as follows:

9/30 – any time

10/1- 9-11 or 130-5

It occurs to me that if there is to be an evaluation, the matter will likely need to be continued for sentencing regardless of when Mr. Benjamin's motion is scheduled.

d

**From:** Steven D. Benjamin [<mailto:sbenjamin@benjamindesportes.com>]  
**Sent:** Thursday, September 11, 2014 10:51 AM  
**To:** Denise Hodges; Denise Lunsford; [bldesportes@benjamindesportes.com](mailto:bldesportes@benjamindesportes.com)  
**Subject:** RE: Mark Weiner

Denise,

The defendant objects to any scheduling or action that would cause a delay in sentencing. Our available dates for a hearing are as follows:

September 15, 18, 19, 22, 26, 29, 30

October 1, 2, 3, 6

Thank you for your assistance.

Steven D. Benjamin  
Past President  
National Association of Criminal Defense Lawyers  
Partner  
Benjamin & DesPortes, P.C.  
P.O. Box 2464  
Richmond, VA 23218  
804 788-4444  
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[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)  
[www.benjamindesportes.com](http://www.benjamindesportes.com)

----- Original Message -----

Subject: RE: Mark Weiner  
From: Denise Hodges <[dhodges@albemarle.org](mailto:dhodges@albemarle.org)>  
Date: Wed, September 10, 2014 12:25 pm  
To: "Steven D. Benjamin" <[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)>, Denise Lunsford <[dlunsford@albemarle.org](mailto:dlunsford@albemarle.org)>, "[bldesportes@benjamindesportes.com](mailto:bldesportes@benjamindesportes.com)" <[bldesportes@benjamindesportes.com](mailto:bldesportes@benjamindesportes.com)>

Thank you. Denise

---

**From:** Steven D. Benjamin [<mailto:sbenjamin@benjamindesportes.com>]  
**Sent:** Wednesday, September 10, 2014 12:16 PM  
**To:** Denise Hodges; Denise Lunsford; [bldesportes@benjamindesportes.com](mailto:bldesportes@benjamindesportes.com)  
**Subject:** RE: Mark Weiner

Ms. Hodges:

I will travel to Charlottesville this afternoon to meet with the defendant in order to respond to your question concerning the delay of sentencing. I will respond by Thursday morning.

Thank you.

Steven D. Benjamin  
Past President  
National Association of Criminal Defense Lawyers  
Partner  
Benjamin & DesPortes, P.C.  
P.O. Box 2464  
Richmond, VA 23218  
804 788-4444  
804 644-4512 (fax)



[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)  
[www.benjamindesportes.com](http://www.benjamindesportes.com)

----- Original Message -----

Subject: Mark Weiner

From: Denise Hodges <[dhodges@albemarle.org](mailto:dhodges@albemarle.org)>

Date: Tue, September 09, 2014 3:51 pm

To: Denise Lunsford <[dlunsford@albemarle.org](mailto:dlunsford@albemarle.org)>, "Steven D. Benjamin"  
<[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)>

Counsel: Based on Mr. Benjamin's objections Judge Higgins has asked me to schedule a hearing in this matter. Would counsel object to scheduling this matter on Oct. 8<sup>th</sup> at 9:30 and continue the sentencing date?

Denise Hodges, Judicial Assistant  
Albemarle Circuit Court - Judge's Chambers  
501 E. Jefferson Street, 3rd Floor  
Charlottesville, VA 22902  
Fax: 434-972-4071  
Telephone: 434-972-4015

## Denise Lunsford

---

**From:** Henry Graff <hgraff@nbc29.com>  
**Sent:** Wednesday, October 01, 2014 10:24 AM  
**To:** Denise Lunsford  
**Subject:** Yesterday's Meeting

Denise,

I've been trying to meet with you the last two days. I am aware of yesterday's meeting causing you to miss court of the Weiner case. Please call when you can.

434.960.6219

--

Best Regards,

Henry J. Graff III  
WVIR-TV NBC29  
Reporter  
434.960.6219

## Denise Lunsford

---

**From:** Steven D. Benjamin <sbenjamin@benjamindesportes.com>  
**Sent:** Wednesday, October 01, 2014 2:57 PM  
**To:** Denise Hodges  
**Cc:** Betty Layne DesPortes; Denise Lunsford  
**Subject:** RE: Mark Weiner Order

Thank you for permitting us to review the draft Order. I would appreciate adding the following sentence before the sentence concerning endorsement of counsel:

"Each of the defendant's written and oral objections are denied for the reasons stated to the record."

Steven D. Benjamin  
Partner  
Benjamin & DesPortes, P.C.  
Past President  
National Association of Criminal Defense Lawyers  
P.O. Box 2464  
Richmond, VA 23218  
804 788-4444  
804 644-4512 (fax)  
sbenjamin@benjamindesportes.com  
www.benjamindesportes.com

----- Original Message -----

**Subject:** RE: Mark Weiner Order  
**From:** "Betty Layne DesPortes" <bldesportes@benjamindesportes.com>  
**Date:** Wed, October 01, 2014 2:00 pm  
**To:** "Denise Hodges" <dhodges@albemarle.org>  
**Cc:** sbenjamin@benjamindesportes.com

Thank you. Steve Benjamin and I will review the order and get back to you.

Betty Layne DesPortes, VSB#34360  
Benjamin & DesPortes, PC  
Mailing Address:  
P.O. BOX 2464  
Richmond, VA 23218-2464  
Street Address:  
11 S. 12th St., Suite 302  
Richmond, VA 23219  
Tel: 804-788-4444  
Email: bldesportes@benjamindesportes.com  
Website: www.benjamindesportes.com

----- Original Message -----

**Subject:** Mark Weiner Order

From: Denise Hodges <dhodges@albemarle.org>  
Date: Wed, October 01, 2014 1:09 pm  
To: Denise Lunsford <dlunsford@albemarle.org>,  
"blidesportes@benjamindesportes.com" <blidesportes@benjamindesportes.com>

Counsel: Judge Higgins asked me to email the following order for your review. If there are any suggestions or objections please advise.

Denise Hodges, Judicial Assistant  
Albemarle Circuit Court - Judge's Chambers  
501 E. Jefferson Street, 3rd Floor  
Charlottesville, VA 22902  
Fax: 434-972-4071  
Telephone: 434-972-4015

## Denise Lunsford

---

**From:** Steve Benjamin <sbenjamin@benjamindesportes.com>  
**Sent:** Tuesday, October 14, 2014 11:39 PM  
**To:** Stacey Trader  
**Cc:** Murrie, Daniel C \*HS; Denise Lunsford; Denise Hodges; Boyter, Lynn D \*HS; Betty Layne DesPortes  
**Subject:** Re: Mark Weiner Evaluation Date

Thank you all. It is not necessary to transport Mr. Weiner. As we advised the Court at our last hearing, we have instructed him to answer no further questions, and accordingly, he will not be participating in an evaluation.

We will be in contact with Dr. Murrie upon our return from a conference next week.

Steven D. Benjamin  
Partner  
Benjamin & DesPortes, P.C.  
Past President  
National Association of Criminal Defense Lawyers  
P.O. Box 2464  
11 South 12th Street, Suite 302  
Richmond, VA 23218  
+1 804.788.4444  
[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)  
[www.benjamindesportes.com](http://www.benjamindesportes.com)

Sent from my iPad

On Oct 15, 2014, at 3:50 AM, Stacey Trader <[strader@albemarle.org](mailto:strader@albemarle.org)> wrote:

Dr. Murrie, I am confirming the November 3<sup>rd</sup> date and will prepare the transport order. It was my understanding that at the last hearing, Mr. Quatrara handed over to either you or the Court the documents from our office for your review prior to the evaluation but I am confirming that information and will send the information to you again forthwith if that is not the case. Thank you.

**From:** Murrie, Daniel C \*HS [<mailto:DCM3W@hscmail.mcc.virginia.edu>]  
**Sent:** Tuesday, October 14, 2014 11:28 AM  
**To:** Stacey Trader  
**Cc:** Denise Lunsford; 'Steven D. Benjamin'; Denise Hodges; Boyter, Lynn D \*HS  
**Subject:** RE: Mark Weiner Evaluation Date

Ms. Trader et al,

Thank you for the update and the formal order. We were just reviewing our calendar yesterday, and wondering about the status of this case.

Just to clarify: I understand that there had been some question as to whether this evaluation would be ordered at all, and if so, from whom. I assume from this court order that all questions have been

resolved, and the process shall move forward. But please correct me if there are any lingering questions or caveats.

Assuming the process should move forward, I will ask—by copy of this email and additional correspondence as necessary—to receive all available records from Ms. Lunsford and Mr. Benjamin. This includes any prior criminal records and collateral documents related to the current charges (from the CWA office), as well as any available prior mental health, treatment, and schooling records (from defense counsel). If at all possible, we ask to receive all records at least one week before the evaluation date, in order to allow us to review them thoroughly, and seek any missing materials.

In terms of scheduling, our next available opening is Monday November 3<sup>rd</sup>, when we could see Mr. Weiner beginning around 10:00.

If this timing poses a problem, let me know, and I will try to create an opening to see him sooner.

I encourage any and all of you to be in touch with any questions or concerns.

Thank you,  
Dan

\*\*\*\*\*

Daniel Murrie, PhD  
Director of Psychology,  
Institute of Law, Psychiatry, and Public Policy  
Associate Professor of Psychiatry and Neurobehavioral Sciences  
University of Virginia School of Medicine  
434.924.8308  
434.924.5788 (fax)  
[Murrie@Virginia.edu](mailto:Murrie@Virginia.edu)

**From:** Stacey Trader [<mailto:strader@albemarle.org>]  
**Sent:** Tuesday, October 14, 2014 9:34 AM  
**To:** Murrie, Daniel C \*HS  
**Cc:** Denise Lunsford; 'Steven D. Benjamin'; Denise Hodges  
**Subject:** Mark Weiner Evaluation Date

Dr. Murrie, On 9/30/14, Judge Higgins Ordered a 19.2-300 evaluation for Mark Weiner to be done by you, specifically. To my knowledge, no one from Mr. Benjamin's office has scheduled the evaluation yet or prepared a transportation order. Please let me know which date you would like Mr. Weiner at your office, so that I can prepare a transport order. Attached is the Order for the evaluation.

Stacey Trader, Paralegal  
Office of the Albemarle County Commonwealth Attorney  
410 East High Street  
Charlottesville, VA 22902  
(434) 972-4072

(434) 972-4093 (fax)

## Denise Lunsford

---

**From:** Steven D. Benjamin <sbenjamin@benjamindesportes.com>  
**Sent:** Wednesday, October 15, 2014 1:54 PM  
**To:** Stacey Trader; Denise Lunsford  
**Cc:** Betty Layne DesPortes  
**Subject:** Re: Mark Weiner Evaluation Date

Ms. Trader,

Thank you very much for letting me know.

In addition to Ms. Lunsford, I have added Mr. Wiener's other attorney, Ms. DesPortes, to this email. Neither of us are in the office this week.

I object to the Commonwealth communicating with the court outside the presence of Mr. Weiner and his counsel.

I would appreciate receiving a copy and the details of any such communication.

Thank you.

-sb

Sent from my iPhone

On Oct 15, 2014, at 10:46 PM, Stacey Trader <[strader@albemarle.org](mailto:strader@albemarle.org)> wrote:

Mr. Benjamin, We have asked the Court how to proceed in this matter.

**From:** Steve Benjamin [<mailto:sbenjamin@benjamindesportes.com>]  
**Sent:** Tuesday, October 14, 2014 11:39 PM  
**To:** Stacey Trader  
**Cc:** Murrie, Daniel C \*HS; Denise Lunsford; Denise Hodges; Boyter, Lynn D \*HS; Betty Layne DesPortes  
**Subject:** Re: Mark Weiner Evaluation Date

Thank you all. It is not necessary to transport Mr. Weiner. As we advised the Court at our last hearing, we have instructed him to answer no further questions, and accordingly, he will not be participating in an evaluation.

We will be in contact with Dr. Murrie upon our return from a conference next week.

Steven D. Benjamin  
Partner  
Benjamin & DesPortes, P.C.  
Past President  
National Association of Criminal Defense Lawyers  
P.O. Box 2464  
11 South 12th Street, Suite 302  
Richmond, VA 23218



+1 804.788.4444

[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)

[www.benjamindesportes.com](http://www.benjamindesportes.com)

Sent from my iPad

On Oct 15, 2014, at 3:50 AM, Stacey Trader <[strader@albemarle.org](mailto:strader@albemarle.org)> wrote:

Dr. Murrie, I am confirming the November 3<sup>rd</sup> date and will prepare the transport order. It was my understanding that at the last hearing, Mr. Quatrara handed over to either you or the Court the documents from our office for your review prior to the evaluation but I am confirming that information and will send the information to you again forthwith if that is not the case. Thank you.

**From:** Murrie, Daniel C \*HS [<mailto:DCM3W@hscmail.mcc.virginia.edu>]

**Sent:** Tuesday, October 14, 2014 11:28 AM

**To:** Stacey Trader

**Cc:** Denise Lunsford; 'Steven D. Benjamin'; Denise Hodges; Boyter, Lynn D \*HS

**Subject:** RE: Mark Weiner Evaluation Date

Ms. Trader et al,

Thank you for the update and the formal order. We were just reviewing our calendar yesterday, and wondering about the status of this case.

Just to clarify: I understand that there had been some question as to whether this evaluation would be ordered at all, and if so, from whom. I assume from this court order that all questions have been resolved, and the process shall move forward. But please correct me if there are any lingering questions or caveats.

Assuming the process should move forward, I will ask—by copy of this email and additional correspondence as necessary—to receive all available records from Ms. Lunsford and Mr. Benjamin. This includes any prior criminal records and collateral documents related to the current charges (from the CWA office), as well as any available prior mental health, treatment, and schooling records (from defense counsel). If at all possible, we ask to receive all records at least one week before the evaluation date, in order to allow us to review them thoroughly, and seek any missing materials.

In terms of scheduling, our next available opening is Monday November 3<sup>rd</sup>, when we could see Mr. Weiner beginning around 10:00.

If this timing poses a problem, let me know, and I will try to create an opening to see him sooner.

I encourage any and all of you to be in touch with any questions or concerns.

Thank you,  
Dan

\*\*\*\*\*

Daniel Murrie, PhD  
Director of Psychology,

Institute of Law, Psychiatry, and Public Policy  
Associate Professor of Psychiatry and Neurobehavioral Sciences  
University of Virginia School of Medicine  
434.924.8308  
434.924.5788 (fax)  
[Murrie@Virginia.edu](mailto:Murrie@Virginia.edu)

**From:** Stacey Trader [<mailto:strader@albemarle.org>]  
**Sent:** Tuesday, October 14, 2014 9:34 AM  
**To:** Murrie, Daniel C \*HS  
**Cc:** Denise Lunsford; 'Steven D. Benjamin'; Denise Hodges  
**Subject:** Mark Weiner Evaluation Date

Dr. Murrie, On 9/30/14, Judge Higgins Ordered a 19.2-300 evaluation for Mark Weiner to be done by you, specifically. To my knowledge, no one from Mr. Benjamin's office has scheduled the evaluation yet or prepared a transportation order. Please let me know which date you would like Mr. Weiner at your office, so that I can prepare a transport order. Attached is the Order for the evaluation.

Stacey Trader, Paralegal  
Office of the Albemarle County Commonwealth Attorney  
410 East High Street  
Charlottesville, VA 22902  
(434) 972-4072  
(434) 972-4093 (fax)

<Higgins.weiner.5.pdf>

## Denise Lunsford

---

**From:** Steven D. Benjamin <sbenjamin@benjamindesportes.com>  
**Sent:** Monday, December 08, 2014 12:36 PM  
**To:** Denise Lunsford  
**Cc:** bldesportes@benjamindesportes.com  
**Subject:** Commonwealth v. Mark Weiner  
**Attachments:** Mtn\_Newly\_Discovered.pdf; Transcript\_Pages.pdf; Pesca\_Affidavit.pdf; Houchens\_Affidavit.pdf; Childress\_Affidavit.pdf; Rental\_Records.pdf

Hi Denise,

Attached to this email is a motion to set aside and related exhibits. The motion is premised on our very recent identification of new witnesses and discovery of new evidence . We would like to be heard on this motion on December 17. I would be happy to discuss it with you. Please let me know if you have any questions, or if I can provide any additional information.

Best regards,

-s

Steven D. Benjamin  
Partner  
Benjamin & DesPortes, P.C.  
Past President  
National Association of Criminal Defense Lawyers  
P.O. Box 2464  
Richmond, VA 23218  
804 788-4444  
804 644-4512 (fax)  
[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)  
[www.benjamindesportes.com](http://www.benjamindesportes.com)

## Denise Lunsford

---

**From:** Denise Lunsford  
**Sent:** Monday, December 08, 2014 1:05 PM  
**To:** strader@albemarle.org  
**Subject:** FW: Commonwealth v. Mark Weiner  
**Attachments:** Mtn\_Newly\_Discovered.pdf; Transcript\_Pages.pdf; Pesca\_Affidavit.pdf; Houchens\_Affidavit.pdf; Childress\_Affidavit.pdf; Rental\_Records.pdf

**From:** Steven D. Benjamin [mailto:sbenjamin@benjamindesportes.com]  
**Sent:** Monday, December 08, 2014 12:36 PM  
**To:** Denise Lunsford  
**Cc:** bldesportes@benjamindesportes.com  
**Subject:** Commonwealth v. Mark Weiner

Hi Denise,

Attached to this email is a motion to set aside and related exhibits. The motion is premised on our very recent identification of new witnesses and discovery of new evidence . We would like to be heard on this motion on December 17. I would be happy to discuss it with you. Please let me know if you have any questions, or if I can provide any additional information.

Best regards,

-s

Steven D. Benjamin  
Partner  
Benjamin & DesPortes, P.C.  
Past President  
National Association of Criminal Defense Lawyers  
P.O. Box 2464  
Richmond, VA 23218  
804 788-4444  
804 644-4512 (fax)  
[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)  
[www.benjamindesportes.com](http://www.benjamindesportes.com)

## **Denise Lunsford**

---

**From:** Green, Francis J. <FGreen@timesdispatch.com>  
**Sent:** Monday, December 08, 2014 4:02 PM  
**To:** Denise Lunsford  
**Subject:** Weiner case filings

Ms. Lunsford,

Can you comment on the motion and accompanying affidavits filed today in the Weiner abduction case?

Many Thanks,

Frank Green  
Richmond Times Dispatch  
804-649-6340

## Denise Lunsford

---

**From:** Denise Lunsford  
**Sent:** Monday, December 08, 2014 4:28 PM  
**To:** Terry Walls; Sandra Abbott  
**Subject:** FW: Commonwealth v. Mark Weiner  
**Attachments:** Mtn\_Newly\_Discovered.pdf; Transcript\_Pages.pdf; Pesca\_Affidavit.pdf; Houchens\_Affidavit.pdf; Childress\_Affidavit.pdf; Rental\_Records.pdf

---

**From:** Steven D. Benjamin [mailto:sbenjamin@benjamindesportes.com]  
**Sent:** Monday, December 08, 2014 12:36 PM  
**To:** Denise Lunsford  
**Cc:** blidesportes@benjamindesportes.com  
**Subject:** Commonwealth v. Mark Weiner

Hi Denise,

Attached to this email is a motion to set aside and related exhibits. The motion is premised on our very recent identification of new witnesses and discovery of new evidence . We would like to be heard on this motion on December 17. I would be happy to discuss it with you. Please let me know if you have any questions, or if I can provide any additional information.

Best regards,

-S

Steven D. Benjamin  
Partner  
Benjamin & DesPortes, P.C.  
Past President  
National Association of Criminal Defense Lawyers  
P.O. Box 2464  
Richmond, VA 23218  
804 788-4444  
804 644-4512 (fax)  
[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)  
[www.benjamindesportes.com](http://www.benjamindesportes.com)

## Denise Lunsford

---

**From:** Steven D. Benjamin <sbenjamin@benjamindesportes.com>  
**Sent:** Friday, December 12, 2014 9:35 AM  
**To:** Denise Hodges; Denise Lunsford  
**Cc:** bldesportes@benjamindesportes.com  
**Subject:** Commonwealth v. Mark Weiner

Dear Ms. Lunsford and Ms. Hodges,

Please find attached a Notice of Hearing in the referenced case. The defense would like to present evidence and be heard on its Motion to Set Aside Verdict Based on Additional Newly-Discovered Evidence on Wednesday, December 17, at 12:30 p.m. If there is any objection to proceeding on the motion at that time, I would appreciate advance notice so that witnesses may be called off and not be inconvenienced.

I am available to discuss or be heard on this matter at anytime prior to December 17.

Best regards,

Steven D. Benjamin  
Partner  
Benjamin & DesPortes, P.C.  
Past President  
National Association of Criminal Defense Lawyers  
P.O. Box 2464  
Richmond, VA 23218  
804 788-4444  
804 644-4512 (fax)  
[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)  
[www.benjamindesportes.com](http://www.benjamindesportes.com)

## Denise Lunsford

---

**From:** Steven D. Benjamin <sbenjamin@benjamindesportes.com>  
**Sent:** Friday, December 12, 2014 9:46 AM  
**To:** Denise Hodges; Denise Lunsford  
**Cc:** bldesportes@benjamindesportes.com  
**Subject:** RE: Commonwealth v. Mark Weiner

Dear Ms. Hodges - thank you very much for your prompt reply. Do you know if there is anyone within Ms. Lunsford's office to whom I could also direct notice (and who could hopefully forward it to Denise)?

Thanks!

-s

Steven D. Benjamin  
Partner  
Benjamin & DesPortes, P.C.  
Past President  
National Association of Criminal Defense Lawyers  
P.O. Box 2464  
Richmond, VA 23218  
804 788-4444  
804 644-4512 (fax)  
sbenjamin@benjamindesportes.com  
www.benjamindesportes.com

----- Original Message -----

**Subject:** RE: Commonwealth v. Mark Weiner  
**From:** Denise Hodges <dhodges@albemarle.org>  
**Date:** Fri, December 12, 2014 9:37 am  
**To:** "Steven D. Benjamin" <sbenjamin@benjamindesportes.com>, Denise Lunsford <dlunsford@albemarle.org>  
**Cc:** "bldesportes@benjamindesportes.com" <bldesportes@benjamindesportes.com>

Mr. Benjamin: Ms. Lunsford is out of the office until next week I believe and Judge Higgins is out today. However I will forward this email to Judge Higgins and hope to respond to you promptly.

Denise Hodges, Judicial Assistant  
Albemarle Circuit Court - Judge's Chambers  
501 E. Jefferson Street, 3rd Floor  
Charlottesville, VA 22902  
Fax: 434-972-4071  
Telephone: 434-972-4015

**From:** Steven D. Benjamin [<mailto:sbenjamin@benjamindesportes.com>]  
**Sent:** Friday, December 12, 2014 9:35 AM



**To:** Denise Hodges; Denise Lunsford  
**Cc:** [blidesportes@benjamindesportes.com](mailto:blidesportes@benjamindesportes.com)  
**Subject:** Commonwealth v. Mark Weiner

Dear Ms. Lunsford and Ms. Hodges,

Please find attached a Notice of Hearing in the referenced case. The defense would like to present evidence and be heard on its Motion to Set Aside Verdict Based on Additional Newly-Discovered Evidence on Wednesday, December 17, at 12:30 p.m. If there is any objection to proceeding on the motion at that time, I would appreciate advance notice so that witnesses may be called off and not be inconvenienced.

I am available to discuss or be heard on this matter at anytime prior to December 17.

Best regards,

Steven D. Benjamin  
Partner  
Benjamin & DesPortes, P.C.  
Past President  
National Association of Criminal Defense Lawyers  
P.O. Box 2464  
Richmond, VA 23218  
804 788-4444  
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[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)  
[www.benjamindesportes.com](http://www.benjamindesportes.com)

## Denise Lunsford

---

**From:** Steven D. Benjamin <sbenjamin@benjamindesportes.com>  
**Sent:** Friday, December 12, 2014 1:09 PM  
**To:** Toni Tuthill; Denise Hodges; Denise Lunsford  
**Cc:** bldesportes@benjamindesportes.com  
**Subject:** RE: Commonwealth v. Mark Weiner  
**Attachments:** Notice.pdf

I may have failed to attach the Notice to my email this morning. Here it is.

Steven D. Benjamin  
Partner  
Benjamin & DesPortes, P.C.  
Past President  
National Association of Criminal Defense Lawyers  
P.O. Box 2464  
Richmond, VA 23218  
804 788-4444  
804 644-4512 (fax)  
sbenjamin@benjamindesportes.com  
www.benjamindesportes.com

----- Original Message -----

**Subject:** RE: Commonwealth v. Mark Weiner  
**From:** Toni Tuthill <ttuthill@albemarle.org>  
**Date:** Fri, December 12, 2014 10:01 am  
**To:** Denise Hodges <dhodges@albemarle.org>, "Steven D. Benjamin" <sbenjamin@benjamindesportes.com>, Denise Lunsford <dlunsford@albemarle.org>  
**Cc:** "bldesportes@benjamindesportes.com" <bldesportes@benjamindesportes.com>

Ms. Lunsford is currently out of the office until Monday December 15, 2014, we are unable to schedule a hearing until she returns.

*Toni G. Tuthill*  
*Albemarle County Commonwealth's Attorney's Office*  
434-972-4172  
434-972-4093 (fax)

**From:** Denise Hodges  
**Sent:** Friday, December 12, 2014 9:47 AM  
**To:** Steven D. Benjamin; Denise Lunsford  
**Cc:** [bldesportes@benjamindesportes.com](mailto:bldesportes@benjamindesportes.com); Toni Tuthill  
**Subject:** RE: Commonwealth v. Mark Weiner

I have copied Toni Tuthill.

**From:** Steven D. Benjamin [<mailto:sbenjamin@benjamindesportes.com>]  
**Sent:** Friday, December 12, 2014 9:46 AM  
**To:** Denise Hodges; Denise Lunsford  
**Cc:** [bldesportes@benjamindesportes.com](mailto:bldesportes@benjamindesportes.com)  
**Subject:** RE: Commonwealth v. Mark Weiner

Dear Ms. Hodges - thank you very much for your prompt reply. Do you know if there is anyone within Ms. Lunsford's office to whom I could also direct notice (and who could hopefully forward it to Denise)?

Thanks!

-s

Steven D. Benjamin  
Partner  
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Past President  
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[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)  
[www.benjamindesportes.com](http://www.benjamindesportes.com)

----- Original Message -----

**Subject:** RE: Commonwealth v. Mark Weiner  
**From:** Denise Hodges <[dhodges@albemarle.org](mailto:dhodges@albemarle.org)>  
**Date:** Fri, December 12, 2014 9:37 am  
**To:** "Steven D. Benjamin" <[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)>, Denise Lunsford <[dlunsford@albemarle.org](mailto:dlunsford@albemarle.org)>  
**Cc:** "[bldesportes@benjamindesportes.com](mailto:bldesportes@benjamindesportes.com)" <[bldesportes@benjamindesportes.com](mailto:bldesportes@benjamindesportes.com)>

Mr. Benjamin: Ms. Lunsford is out of the office until next week I believe and Judge Higgins is out today. However I will forward this email to Judge Higgins and hope to respond to you promptly.

Denise Hodges, Judicial Assistant  
Albemarle Circuit Court - Judge's Chambers  
501 E. Jefferson Street, 3rd Floor  
Charlottesville, VA 22902  
Fax: 434-972-4071  
Telephone: 434-972-4015

**From:** Steven D. Benjamin [<mailto:sbenjamin@benjamindesportes.com>]  
**Sent:** Friday, December 12, 2014 9:35 AM  
**To:** Denise Hodges; Denise Lunsford  
**Cc:** [bldesportes@benjamindesportes.com](mailto:bldesportes@benjamindesportes.com)  
**Subject:** Commonwealth v. Mark Weiner



Dear Ms. Lunsford and Ms. Hodges,

Please find attached a Notice of Hearing in the referenced case. The defense would like to present evidence and be heard on its Motion to Set Aside Verdict Based on Additional Newly-Discovered Evidence on Wednesday, December 17, at 12:30 p.m. If there is any objection to proceeding on the motion at that time, I would appreciate advance notice so that witnesses may be called off and not be inconvenienced.

I am available to discuss or be heard on this matter at anytime prior to December 17.

Best regards,

Steven D. Benjamin  
Partner  
Benjamin & DesPortes, P.C.  
Past President  
National Association of Criminal Defense Lawyers  
P.O. Box 2464  
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[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)  
[www.benjamindesportes.com](http://www.benjamindesportes.com)

## Denise Lunsford

---

**From:** Steven D. Benjamin <sbenjamin@benjamindesportes.com>  
**Sent:** Monday, December 15, 2014 1:11 PM  
**To:** Denise Hodges; Denise Lunsford  
**Cc:** bldesportes@benjamindesportes.com  
**Subject:** RE: Commonwealth v. Mark Weiner

Ms. Hodges: Can you confirm that Judge Higgins will have no objection to the defense being heard on its Motion to Set Aside on Wednesday at 12:30 p.m.?

Thank you.  
Steven D. Benjamin  
Partner  
Benjamin & DesPortes, P.C.  
Past President  
National Association of Criminal Defense Lawyers  
P.O. Box 2464  
Richmond, VA 23218  
804 788-4444  
804 644-4512 (fax)  
sbenjamin@benjamindesportes.com  
www.benjamindesportes.com

----- Original Message -----

**Subject:** RE: Commonwealth v. Mark Weiner  
**From:** Denise Hodges <dhodges@albemarle.org>  
**Date:** Fri, December 12, 2014 9:37 am  
**To:** "Steven D. Benjamin" <sbenjamin@benjamindesportes.com>, Denise Lunsford <dlunsford@albemarle.org>  
**Cc:** "bldesportes@benjamindesportes.com" <bldesportes@benjamindesportes.com>

Mr. Benjamin: Ms. Lunsford is out of the office until next week I believe and Judge Higgins is out today. However I will forward this email to Judge Higgins and hope to respond to you promptly.

Denise Hodges, Judicial Assistant  
Albemarle Circuit Court - Judge's Chambers  
501 E. Jefferson Street, 3rd Floor  
Charlottesville, VA 22902  
Fax: 434-972-4071  
Telephone: 434-972-4015

**From:** Steven D. Benjamin [<mailto:sbenjamin@benjamindesportes.com>]  
**Sent:** Friday, December 12, 2014 9:35 AM  
**To:** Denise Hodges; Denise Lunsford  
**Cc:** [bldesportes@benjamindesportes.com](mailto:bldesportes@benjamindesportes.com)  
**Subject:** Commonwealth v. Mark Weiner

Dear Ms. Lunsford and Ms. Hodges,

Please find attached a Notice of Hearing in the referenced case. The defense would like to present evidence and be heard on its Motion to Set Aside Verdict Based on Additional Newly-Discovered Evidence on Wednesday, December 17, at 12:30 p.m. If there is any objection to proceeding on the motion at that time, I would appreciate advance notice so that witnesses may be called off and not be inconvenienced.

I am available to discuss or be heard on this matter at anytime prior to December 17.

Best regards,

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Past President  
National Association of Criminal Defense Lawyers  
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[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)  
[www.benjamindesportes.com](http://www.benjamindesportes.com)

## Denise Lunsford

---

**From:** Betty Layne DesPortes <bldesportes@benjamindesportes.com>  
**Sent:** Tuesday, December 16, 2014 4:57 PM  
**To:** Denise Hodges; Denise Lunsford  
**Cc:** sbenjamin@benjamindesportes.com  
**Subject:** RE: Mark Weiner

I have forwarded the Court's letter to Mr. Benjamin. We will be present at 12:30 tomorrow to reschedule the matter.

Betty Layne DesPortes, VSB#34360  
Benjamin & DesPortes, PC  
Mailing Address:  
P.O. BOX 2464  
Richmond, VA 23218-2464  
Street Address:  
11 S. 12th St., Suite 302  
Richmond, VA 23219  
Tel: 804-788-4444  
Email: bldesportes@benjamindesportes.com  
Website: www.benjamindesportes.com

----- Original Message -----

**Subject:** Mark Weiner  
**From:** Denise Hodges <dhodges@albemarle.org>  
**Date:** Tue, December 16, 2014 4:40 pm  
**To:** Denise Lunsford <dlunsford@albemarle.org>,  
"bldesportes@benjamindesportes.com" <bldesportes@benjamindesportes.com>



## Denise Lunsford

---

**From:** Betty Layne DesPortes <bldesportes@benjamindesportes.com>  
**Sent:** Wednesday, December 17, 2014 7:23 AM  
**To:** Denise Hodges; Denise Lunsford  
**Cc:** sbenjamin@benjamindesportes.com  
**Subject:** RE: Mark Weiner

Ms. Hodges -

Since we will not be proceeding on the motion today, Michael Pesca (witness on the motion) does not need to be transported from the Albemarle-Charlottesville Regional Jail.

Thank you,

Betty Layne DesPortes, VSB#34360  
Benjamin & DesPortes, PC  
Mailing Address:  
P.O. BOX 2464  
Richmond, VA 23218-2464  
Street Address:  
11 S. 12th St., Suite 302  
Richmond, VA 23219  
Tel: 804-788-4444  
Email: bldesportes@benjamindesportes.com  
Website: www.benjamindesportes.com

----- Original Message -----

**Subject:** Mark Weiner  
**From:** Denise Hodges <dhodges@albemarle.org>  
**Date:** Tue, December 16, 2014 4:40 pm  
**To:** Denise Lunsford <dlunsford@albemarle.org>,  
"bldesportes@benjamindesportes.com" <bldesportes@benjamindesportes.com>

## Denise Lunsford

---

**From:** Steven D. Benjamin <sbenjamin@benjamindesportes.com>  
**Sent:** Monday, February 23, 2015 4:29 PM  
**To:** Denise Lunsford  
**Cc:** blidesportes@benjamindesportes.com  
**Subject:** [FWD: Comm v. Mark L. Weiner - Reply]  
**Attachments:** Reply\_Newly\_Discovered\_Mtn.pdf

Defendant's reply is attached.

Steven D. Benjamin  
Partner  
Benjamin & DesPortes, P.C.  
Past President  
National Association of Criminal Defense Lawyers  
P.O. Box 2464  
Richmond, VA 23218  
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[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)  
[www.benjamindesportes.com](http://www.benjamindesportes.com)

----- Original Message -----

Subject: Comm v. Mark L. Weiner - Reply  
From: "Betty Layne DesPortes" <[blidesportes@benjamindesportes.com](mailto:blidesportes@benjamindesportes.com)>  
Date: Mon, February 23, 2015 1:32 pm  
To: [sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)

Betty Layne DesPortes, VSB#34360  
Benjamin & DesPortes, PC  
Mailing Address:  
P.O. BOX 2464  
Richmond, VA 23218-2464  
Street Address:  
11 S. 12th St., Suite 302  
Richmond, VA 23219  
Tel: 804-788-4444  
Email: [blidesportes@benjamindesportes.com](mailto:blidesportes@benjamindesportes.com)  
Website: [www.benjamindesportes.com](http://www.benjamindesportes.com)

**Denise Lunsford**

---

**From:** Steven D. Benjamin <sbenjamin@benjamindesportes.com>  
**Sent:** Tuesday, June 02, 2015 4:42 PM  
**To:** Denise Lunsford  
**Cc:** bldesportes@benjamindesportes.com  
**Subject:** Commonwealth v. Mark Weiner  
**Attachments:** Additional\_Witness\_Mills.pdf

The attached pleading is being filed in this matter.

Steven D. Benjamin  
Partner  
Benjamin & DesPortes, P.C.  
Past President  
National Association of Criminal Defense Lawyers  
P.O. Box 2464  
Richmond, VA 23218  
804 788-4444  
804 644-4512 (fax)  
[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)  
[www.benjamindesportes.com](http://www.benjamindesportes.com)

## Denise Lunsford

---

**From:** Steven D. Benjamin <sbenjamin@benjamindesportes.com>  
**Sent:** Monday, June 08, 2015 12:43 PM  
**To:** Denise Hodges  
**Cc:** bldesportes@benjamindesportes.com; Denise Lunsford  
**Subject:** Commonwealth v. Mark Weiner  
**Attachments:** Mills\_Reply\_and\_Police\_Report.pdf; Additional\_Witness\_Mills.pdf

Ms. Hodges,

I would appreciate your providing the attached pleadings to Judge Higgins prior to tomorrow's hearing if they have not already been brought to her attention.

The first attachment, filed today, consists of two pleadings:

1. Notice of Additional Newly-Discovered Evidence (Chelsea Steiniger's False Reports to Police)
2. Defendant's Reply to Commonwealth's Response Concerning Witness Michael Mills

The second attachment, filed June 2, is one pleading:

1. Notice of Additional Witness in Support of Defendant's Motion to Set Aside Verdict (Based on Additional Newly-Discovered Evidence).

Thank you for your assistance.

Steven D. Benjamin  
Partner  
Benjamin & DesPortes, P.C.  
Past President  
National Association of Criminal Defense Lawyers  
P.O. Box 2464  
Richmond, VA 23218  
804 788-4444  
804 644-4512 (fax)  
[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)  
[www.benjamindesportes.com](http://www.benjamindesportes.com)

## Denise Lunsford

---

**From:** Steven D. Benjamin <sbenjamin@benjamindesportes.com>  
**Sent:** Monday, June 08, 2015 12:45 PM  
**To:** Denise Hodges  
**Cc:** bldesportes@benjamindesportes.com; Denise Lunsford  
**Subject:** RE: Commonwealth v. Mark Weiner

Thanks!

-s

Steven D. Benjamin  
Partner  
Benjamin & DesPortes, P.C.  
Past President  
National Association of Criminal Defense Lawyers  
P.O. Box 2464  
Richmond, VA 23218  
804 788-4444  
804 644-4512 (fax)  
sbenjamin@benjamindesportes.com  
www.benjamindesportes.com

----- Original Message -----

**Subject:** RE: Commonwealth v. Mark Weiner  
**From:** Denise Hodges <dhodges@albemarle.org>  
**Date:** Mon, June 08, 2015 12:43 pm  
**To:** "Steven D. Benjamin" <sbenjamin@benjamindesportes.com>  
**Cc:** "bldesportes@benjamindesportes.com"  
<bldesportes@benjamindesportes.com>, Denise Lunsford  
<dlunsford@albemarle.org>

Received and forwarded. Denise Hodges

**From:** Steven D. Benjamin [<mailto:sbenjamin@benjamindesportes.com>]  
**Sent:** Monday, June 08, 2015 12:43 PM  
**To:** Denise Hodges  
**Cc:** [bldesportes@benjamindesportes.com](mailto:bldesportes@benjamindesportes.com); Denise Lunsford  
**Subject:** Commonwealth v. Mark Weiner

Ms. Hodges,

I would appreciate your providing the attached pleadings to Judge Higgins prior to tomorrow's hearing if they have not already been brought to her attention.

The first attachment, filed today, consists of two pleadings:

1. Notice of Additional Newly-Discovered Evidence (Chelsea Steiniger's False Reports to Police)
2. Defendant's Reply to Commonwealth's Response Concerning Witness Michael Mills

The second attachment, filed June 2, is one pleading:

1. Notice of Additional Witness in Support of Defendant's Motion to Set Aside Verdict (Based on Additional Newly-Discovered Evidence).

Thank you for your assistance.

Steven D. Benjamin  
Partner  
Benjamin & DesPortes, P.C.  
Past President  
National Association of Criminal Defense Lawyers  
P.O. Box 2464  
Richmond, VA 23218  
804 788-4444  
804 644-4512 (fax)  
[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)  
[www.benjamindesportes.com](http://www.benjamindesportes.com)

## Denise Lunsford

---

**From:** Denise Lunsford  
**Sent:** Tuesday, June 09, 2015 6:59 PM  
**To:** Henry Graff  
**Subject:** Weiner

Hi Henry.

Didn't see you at Weiner hearing today. There were inaccuracies in reporting however. Thought you should know.

Sent from my iPhone

## Denise Lunsford

---

**From:** Henry Graff <hgraff@nbc29.com>  
**Sent:** Tuesday, June 09, 2015 7:13 PM  
**To:** Denise Lunsford  
**Cc:** David Foky; ajaniga@nbc29.com  
**Subject:** Re: Weiner

Can you detail those please? I'm copying David and Amanda on this.

Henry Graff  
Anchor/Reporter  
WVIR-TV NBC29  
Mobile: 434.960.6219  
Twitter: @HenryGraff

> On Jun 9, 2015, at 6:58 PM, Denise Lunsford <dlunsford@albemarle.org> wrote:

>

> Hi Henry.

> Didn't see you at Weiner hearing today. There were inaccuracies in reporting however. Thought you should know.

>

> Sent from my iPhone



## Denise Lunsford

---

**From:** dlfoky@gmail.com on behalf of David Foky <dfoky@nbc29.com>  
**Sent:** Tuesday, June 09, 2015 7:15 PM  
**To:** Henry Graff  
**Cc:** Denise Lunsford; ajaniga@nbc29.com  
**Subject:** Re: Weiner

Denise,

Please let me know what was incorrect ASAP so we can get it fixed.  
Thanks.

David

On Tue, Jun 9, 2015 at 7:13 PM, Henry Graff <[hgraff@nbc29.com](mailto:hgraff@nbc29.com)> wrote:  
Can you detail those please? I'm copying David and Amanda on this.

Henry Graff  
Anchor/Reporter  
WVIR-TV NBC29  
Mobile: [434.960.6219](tel:434.960.6219)  
Twitter: @HenryGraff

> On Jun 9, 2015, at 6:58 PM, Denise Lunsford <[dlunsford@albemarle.org](mailto:dlunsford@albemarle.org)> wrote:

>

> Hi Henry.

> Didn't see you at Weiner hearing today. There were inaccuracies in reporting however. Thought you should know.

>

> Sent from my iPhone

--

David L. Foky  
News Director  
WVIR-TV NBC29  
Charlottesville, VA

office: 434.220.2937  
mobile: 434.882.3865

## Denise Lunsford

---

**From:** Denise Lunsford  
**Sent:** Tuesday, June 09, 2015 7:43 PM  
**To:** Henry Graff  
**Subject:** Re: Weiner

The people who testified that the victim had been to the property never testified she was partying, drinking and doing drugs. They testified that's what THEY were doing. Not the victim. They testified about two instances she had allegedly been there. The testimony on the first, the fire, was largely inconsistent with each other witness and also the police report. The other incident also contained inconsistencies between witnesses. One witness, not "witnesses", signed an affidavit saying the victim admitted to making up the account with Weiner. The report neglected to include that the witness was her boyfriend who was charged with assault on the victim hours before he signed the affidavit.

Sent from my iPhone

> On Jun 9, 2015, at 7:13 PM, Henry Graff <hgraff@nbc29.com> wrote:

>

> Can you detail those please? I'm copying David and Amanda on this.

>

> Henry Graff

> Anchor/Reporter

> WVIR-TV NBC29

> Mobile: 434.960.6219

> Twitter: @HenryGraff

>

>> On Jun 9, 2015, at 6:58 PM, Denise Lunsford <dlunsford@albemarle.org> wrote:

>>

>> Hi Henry.

>> Didn't see you at Weiner hearing today. There were inaccuracies in reporting however. Thought you should know.

>>

>> Sent from my iPhone

## Denise Lunsford

---

**From:** Henry Graff <hgraff@nbc29.com>  
**Sent:** Tuesday, June 09, 2015 7:56 PM  
**To:** Denise Lunsford  
**Subject:** Re: Weiner

Thank you very much. Sorry about this.

Henry Graff  
Anchor/Reporter  
WVIR-TV NBC29  
Mobile: 434.960.6219  
Twitter: @HenryGraff

> On Jun 9, 2015, at 7:42 PM, Denise Lunsford <dlunsford@albemarle.org> wrote:

>

> The people who testified that the victim had been to the property never testified she was partying, drinking and doing drugs. They testified that's what THEY were doing. Not the victim. They testified about two instances she had allegedly been there. The testimony on the first, the fire, was largely inconsistent with each other witness and also the police report. The other incident also contained inconsistencies between witnesses.

> One witness, not "witnesses", signed an affidavit saying the victim admitted to making up the account with Weiner. The report neglected to include that the witness was her boyfriend who was charged with assault on the victim hours before he signed the affidavit.

>

>

>

> Sent from my iPhone

>

>> On Jun 9, 2015, at 7:13 PM, Henry Graff <hgraff@nbc29.com> wrote:

>>

>> Can you detail those please? I'm copying David and Amanda on this.

>>

>> Henry Graff

>> Anchor/Reporter

>> WVIR-TV NBC29

>> Mobile: 434.960.6219

>> Twitter: @HenryGraff

>>

>>> On Jun 9, 2015, at 6:58 PM, Denise Lunsford <dlunsford@albemarle.org> wrote:

>>>

>>> Hi Henry.

>>> Didn't see you at Weiner hearing today. There were inaccuracies in reporting however. Thought you should know.

>>>

>>> Sent from my iPhone

## Denise Lunsford

---

**From:** Denise Lunsford  
**Sent:** Wednesday, July 08, 2015 5:16 PM  
**To:** sbenjamin@benjamindesportes.com; bldesportes@benjamindesportes.com  
**Subject:** Weiner - Urgent

Steve

I need to talk to you immediately. Please call me on my cell, 434-

*Denise Y. Lunsford, Esq.*

Albemarle County Commonwealth Attorney  
434-972-4072

## Denise Lunsford

---

**From:** Steven D. Benjamin <sbenjamin@benjamindesportes.com>  
**Sent:** Thursday, July 09, 2015 9:31 AM  
**To:** Denise Lunsford  
**Cc:** bldesportes@benjamindesportes.com  
**Subject:** RE: Weiner - Urgent

Denise,

Thank you for the call last night. I have an idea for the appropriate pleadings, and some additional information to provide to you.

I will be out of the office in meetings between 930 - 11:00 a.m. and 1:45 - 3:30 p.m. today.

-S

Steven D. Benjamin  
Partner  
Benjamin & DesPortes, P.C.  
Past President  
National Association of Criminal Defense Lawyers  
P.O. Box 2464  
Richmond, VA 23218  
804 788-4444  
804 644-4512 (fax)  
sbenjamin@benjamindesportes.com  
www.benjamindesportes.com

----- Original Message -----

**Subject:** Weiner - Urgent  
**From:** Denise Lunsford <dlunsford@albemarle.org>  
**Date:** Wed, July 08, 2015 5:16 pm  
**To:** "sbenjamin@benjamindesportes.com" <sbenjamin@benjamindesportes.com>,  
"bl-desportes@benjamindesportes.com" <bl-desportes@benjamindesportes.com>

Steve

I need to talk to you immediately. Please call me on my cell, 434-

*Denise Y. Lunsford, Esq.*  
Albemarle County Commonwealth Attorney  
434-972-4072

## Denise Lunsford

---

**From:** Steven D. Benjamin <sbenjamin@benjamindesportes.com>  
**Sent:** Thursday, July 09, 2015 11:31 AM  
**To:** Denise Lunsford; bldesportes@benjamindesportes.com  
**Subject:** RE: Weiner - Urgent  
**Attachments:** Escort Application.pdf

Steven D. Benjamin  
Partner  
Benjamin & DesPortes, P.C.  
Past President  
National Association of Criminal Defense Lawyers  
P.O. Box 2464  
Richmond, VA 23218  
804 788-4444  
804 644-4512 (fax)  
sbenjamin@benjamindesportes.com  
www.benjamindesportes.com

----- Original Message -----

Subject: Weiner - Urgent  
From: Denise Lunsford <dlunsford@albemarle.org>  
Date: Wed, July 08, 2015 5:16 pm  
To: "sbenjamin@benjamindesportes.com" <sbenjamin@benjamindesportes.com>,  
"bldesportes@benjamindesportes.com" <bldesportes@benjamindesportes.com>

Steve

I need to talk to you immediately. Please call me on my cell, 4

*Denise Y. Lunsford, Esq.*  
Albemarle County Commonwealth Attorney  
434-972-4072

## Denise Lunsford

---

**From:** Denise Lunsford  
**Sent:** Thursday, July 09, 2015 11:37 AM  
**To:** Denise Hodges; sbenjamin@benjamindesportes.com  
**Subject:** Weiner motion

Denise  
Steve and I would like to get before the Court on Tuesday, 7.14, at 1:00.  
Please confirm  
Thx  
d

*Denise Y. Lunsford, Esq.*  
Albemarle County Commonwealth Attorney  
434-972-4072

## Denise Lunsford

---

**From:** Steven D. Benjamin <sbenjamin@benjamindesportes.com>  
**Sent:** Friday, July 10, 2015 9:26 AM  
**To:** Denise Lunsford  
**Cc:** bldesportes@benjamindesportes.com  
**Subject:** RE: Weiner  
**Attachments:** Mtn\_Newly\_Discovered\_071015\_final.pdf

Denise,

The attached will be filed later this morning.

-S

Steven D. Benjamin  
Partner  
Benjamin & DesPortes, P.C.  
Past President  
National Association of Criminal Defense Lawyers  
P.O. Box 2464  
Richmond, VA 23218  
804 788-4444  
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[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)  
[www.benjamindesportes.com](http://www.benjamindesportes.com)

|



## Denise Lunsford

---

**From:** Denise Lunsford  
**Sent:** Friday, July 10, 2015 9:34 AM  
**To:** Steven D. Benjamin  
**Subject:** RE: Weiner

Steve  
It your motion and I can clarify my thoughts about the information at the hearing. But what do you mean about the information about what happened after being inconsistent with trial testimony. I am assuming you are talking about the information you sent to me yesterday morning.

**From:** Steven D. Benjamin [mailto:sbenjamin@benjamindesportes.com]  
**Sent:** Friday, July 10, 2015 9:26 AM  
**To:** Denise Lunsford  
**Cc:** bldesportes@benjamindesportes.com  
**Subject:** RE: Weiner

Denise,

The attached will be filed later this morning.

-s

Steven D. Benjamin  
Partner  
Benjamin & DesPortes, P.C.  
Past President  
National Association of Criminal Defense Lawyers  
P.O. Box 2464  
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[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)  
[www.benjamindesportes.com](http://www.benjamindesportes.com)

|

## Denise Lunsford

---

**From:** Steven D. Benjamin <sbenjamin@benjamindesportes.com>  
**Sent:** Friday, July 10, 2015 9:51 AM  
**To:** Denise Lunsford  
**Subject:** RE: Weiner

Do you want me to detail the drug dealing? Happy to do so.

Yes - the , and the  
victimized by a stranger.

versus her testimony that she was

Steven D. Benjamin  
Partner  
Benjamin & DesPortes, P.C.  
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804 644-4512 (fax)  
sbenjamin@benjamindesportes.com  
www.benjamindesportes.com

----- Original Message -----

**Subject:** RE: Weiner  
**From:** Denise Lunsford <dlunsford@albemarle.org>  
**Date:** Fri, July 10, 2015 9:33 am  
**To:** "Steven D. Benjamin" <sbenjamin@benjamindesportes.com>

Steve  
It your motion and I can clarify my thoughts about the information at the hearing. But what do you mean about the information about what happened after being inconsistent with trial testimony. I am assuming you are talking about the information you sent to me yesterday morning.

**From:** Steven D. Benjamin [<mailto:sbenjamin@benjamindesportes.com>]  
**Sent:** Friday, July 10, 2015 9:26 AM  
**To:** Denise Lunsford  
**Cc:** [bladesportes@benjamindesportes.com](mailto:bladesportes@benjamindesportes.com)  
**Subject:** RE: Weiner

Denise,

The attached will be filed later this morning.

-s

Steven D. Benjamin  
Partner  
Benjamin & DesPortes, P.C.  
Past President  
National Association of Criminal Defense Lawyers

P.O. Box 2464  
Richmond, VA 23218  
804 788-4444  
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[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)  
[www.benjamindesportes.com](http://www.benjamindesportes.com)

## Denise Lunsford

---

**From:** Denise Lunsford  
**Sent:** Friday, July 10, 2015 9:51 AM  
**To:** Steven D. Benjamin  
**Subject:** RE: Weiner

No on drug dealing. I will talk about it but I want to be vague so that I protect her safety.

**From:** Steven D. Benjamin [mailto:sbenjamin@benjamindesportes.com]  
**Sent:** Friday, July 10, 2015 9:51 AM  
**To:** Denise Lunsford  
**Subject:** RE: Weiner

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Yes - the , and the : versus her testimony that she was victimized by a stranger.

Steven D. Benjamin  
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[www.benjamindesportes.com](http://www.benjamindesportes.com)

----- Original Message -----

**Subject:** RE: Weiner  
**From:** Denise Lunsford <[dlunsford@albemarle.org](mailto:dlunsford@albemarle.org)>  
**Date:** Fri, July 10, 2015 9:33 am  
**To:** "Steven D. Benjamin" <[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)>

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**From:** Steven D. Benjamin [mailto:sbenjamin@benjamindesportes.com]  
**Sent:** Friday, July 10, 2015 9:26 AM  
**To:** Denise Lunsford  
**Cc:** [bldesportes@benjamindesportes.com](mailto:bldesportes@benjamindesportes.com)  
**Subject:** RE: Weiner

Denise,

The attached will be filed later this morning.

-5

Steven D. Benjamin  
Partner  
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Past President  
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[www.benjamindesportes.com](http://www.benjamindesportes.com)

## Denise Lunsford

---

**From:** Steven D. Benjamin <sbenjamin@benjamindesportes.com>  
**Sent:** Friday, July 10, 2015 9:58 AM  
**To:** Denise Lunsford  
**Cc:** bldesportes@benjamindesportes.com  
**Subject:** RE: Weiner

Ok. So I will file it in current form.

-S

Steven D. Benjamin  
Partner  
Benjamin & DesPortes, P.C.  
Past President  
National Association of Criminal Defense Lawyers  
P.O. Box 2464  
Richmond, VA 23218  
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[www.benjamindesportes.com](http://www.benjamindesportes.com)

----- Original Message -----

**Subject:** RE: Weiner  
**From:** Denise Lunsford <[dlunsford@albemarle.org](mailto:dlunsford@albemarle.org)>  
**Date:** Fri, July 10, 2015 9:51 am  
**To:** "Steven D. Benjamin" <[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)>

No on drug dealing. I will talk about it but I want to be vague so that I protect her safety.

**From:** Steven D. Benjamin [<mailto:sbenjamin@benjamindesportes.com>]  
**Sent:** Friday, July 10, 2015 9:51 AM  
**To:** Denise Lunsford  
**Subject:** RE: Weiner

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Steven D. Benjamin  
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Benjamin & DesPortes, P.C.  
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[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)

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Subject: RE: Weiner

From: Denise Lunsford <[dlunsford@albemarle.org](mailto:dlunsford@albemarle.org)>

Date: Fri, July 10, 2015 9:33 am

To: "Steven D. Benjamin" <[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)>

Steve

It your motion and I can clarify my thoughts about the information at the hearing. But what do you mean about the information about what happened after being inconsistent with trial testimony. I am assuming you are talking about the information you sent to me yesterday morning.

**From:** Steven D. Benjamin [<mailto:sbenjamin@benjamindesportes.com>]

**Sent:** Friday, July 10, 2015 9:26 AM

**To:** Denise Lunsford

**Cc:** [bladesportes@benjamindesportes.com](mailto:bladesportes@benjamindesportes.com)

**Subject:** RE: Weiner

Denise,

The attached will be filed later this morning.

-s

Steven D. Benjamin

Partner

Benjamin & DesPortes, P.C.

Past President

National Association of Criminal Defense Lawyers

P.O. Box 2464

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[www.benjamindesportes.com](http://www.benjamindesportes.com)

## Denise Lunsford

---

**From:** Steven D. Benjamin <sbenjamin@benjamindesportes.com>  
**Sent:** Monday, July 13, 2015 12:27 PM  
**To:** Denise Hodges; Denise Lunsford  
**Cc:** Stacey Trader; Roxanne Morris; Chelsea M Barker  
**Subject:** RE: Weiner motion

Ms. Hodges,

Can you please arrange for Mr. Weiner to be transported for our 1:00 p.m. hearing tomorrow?

Thank you.

Steven D. Benjamin  
Partner  
Benjamin & DesPortes, P.C.  
Past President  
National Association of Criminal Defense Lawyers  
P.O. Box 2464  
Richmond, VA 23218  
804 788-4444  
804 644-4512 (fax)  
sbenjamin@benjamindesportes.com  
www.benjamindesportes.com

----- Original Message -----

**Subject:** RE: Weiner motion  
**From:** Denise Hodges <dhodges@albemarle.org>  
**Date:** Thu, July 09, 2015 11:57 am  
**To:** Denise Lunsford <dlunsford@albemarle.org>,  
"sbenjamin@benjamindesportes.com" <sbenjamin@benjamindesportes.com>  
**Cc:** Stacey Trader <strader@albemarle.org>, Roxanne Morris  
<RMORRIS@albemarle.org>, Chelsea M Barker <cbarker2@albemarle.org>

Confirmed.

Denise Hodges, Judicial Assistant  
Albemarle Circuit Court - Judge's Chambers  
501 E. Jefferson Street, 3rd Floor  
Charlottesville, VA 22902  
Fax: 434-972-4071  
Telephone: 434-972-4015

**From:** Denise Lunsford  
**Sent:** Thursday, July 09, 2015 11:37 AM



**To:** Denise Hodges; [sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)

**Subject:** Weiner motion

Denise

Steve and I would like to get before the Court on Tuesday, 7.14, at 1:00.

Please confirm

Thx

d

*Denise Y. Lunsford, Esq.*

Albemarle County Commonwealth Attorney

434-972-4072

**Denise Lunsford**

---

**From:** Denise Lunsford  
**Sent:** Tuesday, July 14, 2015 8:15 AM  
**To:** Steven D. Benjamin  
**Subject:** Weiner Response  
**Attachments:** Response to Motion to Set Aside.pdf

Steve

Attached is my response. I have thought a lot about how to respond and what to say to the Court. I think it is important to let her know what happened and why but I still need to try to protect the victim. The information you know which is not included is that . Stating the facts in the manner set forth herein will, hopefully, inform the Court without causing undue risk.  
Let me know if you have questions.

*Denise Y. Lunsford, Esq.*

Albemarle County Commonwealth Attorney  
434-972-4072

## Denise Lunsford

---

**From:** Peter Vieth <Peter.Vieth@valawyersmedia.com>  
**Sent:** Tuesday, July 14, 2015 2:57 PM  
**To:** Denise Lunsford  
**Subject:** Inquiry from Va. Lawyers Weekly - Re: Weiner

Dear Ms. Lunsford –

I would welcome your account of the determination by your office to join the motion to vacate the conviction of Mark Weiner.

I am at (540) 761-5038.

Thanks!

-Peter

Peter Vieth  
News Editor  
Virginia Lawyers Weekly  
411 East Franklin Street, Suite 505  
Richmond, VA 23219  
540/ 761-5038  
Twitter: @Peter\_Vieth

## Denise Lunsford

---

**From:** Sean Cudahy <scudahy@nbc29.com>  
**Sent:** Wednesday, July 15, 2015 9:55 AM  
**To:** Denise Lunsford  
**Subject:** Story today

Hi Denise,

I'm working on a story today on the political fallout following yesterday's ruling with Mr. Weiner.

I'm planning on speaking with Robert Tracci -- as you may have seen, he did issue a release Tuesday -- and I certainly want to give you the opportunity to weigh in and respond.

Feel free to shoot me an e-mail or give me a call -- (434) 760--0795.

Thanks!

--Sean

--

Sean Cudahy  
Reporter  
WVIR TV NBC29  
(434) 760-0795 (Cell)  
Twitter: @seancudahy

## Denise Lunsford

---

**From:** Denise Lunsford  
**Sent:** Wednesday, July 15, 2015 10:18 AM  
**To:** Sean Cudahy  
**Subject:** RE: Story today

Sure Sean. When do you want to talk.

**From:** Sean Cudahy [mailto:scudahy@nbc29.com]  
**Sent:** Wednesday, July 15, 2015 9:55 AM  
**To:** Denise Lunsford  
**Subject:** Story today

Hi Denise,

I'm working on a story today on the political fallout following yesterday's ruling with Mr. Weiner.

I'm planning on speaking with Robert Tracci -- as you may have seen, he did issue a release Tuesday -- and I certainly want to give you the opportunity to weigh in and respond.

Feel free to shoot me an e-mail or give me a call -- (434) 760--0795.

Thanks!

--Sean

--  
Sean Cudahy  
Reporter  
WVIR TV NBC29  
(434) 760-0795 (Cell)  
Twitter: @seancudahy

## Denise Lunsford

---

**From:** Denise Lunsford  
**Sent:** Wednesday, July 15, 2015 10:21 AM  
**To:** Sean Cudahy  
**Subject:** RE: Story today

I did not see the release. Would you send it to me?

**From:** Sean Cudahy [mailto:scudahy@nbc29.com]  
**Sent:** Wednesday, July 15, 2015 9:55 AM  
**To:** Denise Lunsford  
**Subject:** Story today

Hi Denise,  
I'm working on a story today on the political fallout following yesterday's ruling with Mr. Weiner.

I'm planning on speaking with Robert Tracci -- as you may have seen, he did issue a release Tuesday -- and I certainly want to give you the opportunity to weigh in and respond.

Feel free to shoot me an e-mail or give me a call -- (434) 760--0795.

Thanks!

--Sean

--

Sean Cudahy  
Reporter  
WVIR TV NBC29  
(434) 760-0795 (Cell)  
Twitter: @seancudahy

## Denise Lunsford

---

**From:** Sean Cudahy <scudahy@nbc29.com>  
**Sent:** Wednesday, July 15, 2015 10:23 AM  
**To:** Denise Lunsford  
**Subject:** Re: Story today

Absolutely!

Here is what he said:

From Robert Tracci: "The conduct of the Albemarle Commonwealth's Attorney during key stages of the Mark Weiner prosecution has raised substantial process and fairness questions. Today's decision by Albemarle Commonwealth's Attorney Lunsford to join a defense motion to dismiss Mr. Weiner's case -- after over two and a half years of his incarceration -- does not answer these questions. Rather, it reinforces them.

"It is the duty of the prosecutor to seek justice, not merely convict." As Albemarle Commonwealth's Attorney, I will faithfully exercise my duty to seek justice and instill public confidence in the fair, transparent and even-handed conduct of the office."

Does around 11:30 work for you? I'm fairly flexible today.

--Sean

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Thanks!

--Sean

--

Sean Cudahy

Reporter

WVIR TV NBC29

(434) 760-0795 (Cell)

Twitter: @seancudahy

--

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## Denise Lunsford

---

**From:** Denise Lunsford  
**Sent:** Wednesday, July 15, 2015 10:24 AM  
**To:** Sean Cudahy  
**Subject:** RE: Story today

Sure. Please call me at 972-4072

**From:** Sean Cudahy [mailto:[scudahy@nbc29.com](mailto:scudahy@nbc29.com)]  
**Sent:** Wednesday, July 15, 2015 10:23 AM  
**To:** Denise Lunsford  
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## Denise Lunsford

---

**From:** Seal, James D. (Dean) <dseal@dailyprogress.com>  
**Sent:** Wednesday, July 15, 2015 2:31 PM  
**To:** Denise Lunsford  
**Subject:** Question about information flow of JADE->ACCAO

Ms. Lunsford –

I was wondering if we could chat briefly about an aspect of the motion filed yesterday that freed Mark Weiner. I believe you might have explained it in court, but neither I nor apparently other media outlets seemed to quite understand how the information about the alleged victim being caught selling drugs to undercover JADE officers would have gotten to you, seeing as the uncharged allegations came from a different jurisdiction.

I understand how the burden of information from law enforcement falls on you, but is there some protocol by which that information should have come back to you? And might we have seen a similar situation to this one in other courts?

I left a message with your office, let me know if/when we could talk about this today, and thanks!

## The Daily Progress

### J. Dean Seal

Reporter

The Daily Progress

685 West Rio Road

Charlottesville, VA 22901

direct 434-978-7268 | mobile 804-929-1190

dseal@dailyprogress.com | [www.dailyprogress.com](http://www.dailyprogress.com)



A Berkshire Hathaway Company

## Denise Lunsford

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**From:** Steven D. Benjamin <sbenjamin@benjamindesportes.com>  
**Sent:** Tuesday, August 11, 2015 9:03 AM  
**To:** Denise Lunsford  
**Cc:** bldesportes@benjamindesportes.com  
**Subject:** Mark Weiner - VSP  
**Attachments:** Clerk\_08112015.pdf

Denise -

Attached is a letter to the clerk concerning the Virginia State Police records on Mark Weiner. Unfortunately, the VSP records are incomplete and they believe Mark has failed to register as a sex offender. The VSP needs copies of the final order vacating the conviction to correct their records. Any assistance you can provide would be greatly appreciated.

The supervisor at the VSP with whom we spoke is Mr. Wiggins. If you would like to speak with him directly, he can be reached at 804-674-2825.

The VSP Trooper who has been assigned is Trooper Black. Her number is 804-840-9666.

Betty Layne left a message for Roxanne in the Clerk's Office, but we have been unable to speak with anyone in the Clerk's Office directly.

Thank you,  
Steve

Steven D. Benjamin  
Partner  
Benjamin & DesPortes, P.C.  
Past President  
National Association of Criminal Defense Lawyers  
P.O. Box 2464  
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804 788-4444  
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[sbenjamin@benjamindesportes.com](mailto:sbenjamin@benjamindesportes.com)  
[www.benjamindesportes.com](http://www.benjamindesportes.com)

## Denise Lunsford

---

**From:** Denise Lunsford  
**Sent:** Tuesday, August 11, 2015 9:04 AM  
**To:** Steven D. Benjamin  
**Subject:** RE: Mark Weiner - VSP

I will touch base with Roxanne today. I don't know the status of the final order but I do know that the judge is on vacation this week.

**From:** Steven D. Benjamin [mailto:sbenjamin@benjamindesportes.com]  
**Sent:** Tuesday, August 11, 2015 9:03 AM  
**To:** Denise Lunsford <dlunsford@albemarle.org>  
**Cc:** bldesportes@benjamindesportes.com  
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## Denise Lunsford

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**Sent:** Tuesday, August 11, 2015 9:17 AM  
**To:** Steven D. Benjamin  
**Cc:** [bldesportes@benjamindesportes.com](mailto:bldesportes@benjamindesportes.com)  
**Subject:** RE: Mark Weiner - VSP

Ok. I have talked to Roxanne. The order is on the Judge's desk and will be signed when she gets back. I have talked with Trooper Black and filled her in. I will email the order to her when it is signed.  
d

**From:** Steven D. Benjamin [<mailto:sbenjamin@benjamindesportes.com>]  
**Sent:** Tuesday, August 11, 2015 9:03 AM  
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## Denise Lunsford

---

**From:** Lisa Provence <lisa@c-ville.com>  
**Sent:** Thursday, September 24, 2015 10:20 AM  
**To:** Denise Lunsford  
**Subject:** Re: c-ville's election issue

Early next week is fine or email is, too. I just want to know how the election is going and the response you're getting from people in what appears to be the most hotly contested local race..

Tracci is pretty much campaigning on the Mark Weiner case. Will that be the deciding factor?

And what should the public know about Tracci as a candidate?

He's claiming that you're too busy to debate him yet you can attend fundraisers. Your response?

He also says that you have a poor record protecting elders.

So if you can get back early next week, that would be great.

Thanks,

Lisa

Lisa Provence  
C-VILLE Weekly  
434-817-2749 x14

On Thu, Sep 24, 2015 at 7:52 AM, Denise Lunsford <[dlunsford@albemarle.org](mailto:dlunsford@albemarle.org)> wrote:

Lisa

Any way to do early next week? I have a busy today and tomorrow (Friday) I am out of town.

As an alternative could you email questions?

d

**From:** Lisa Provence [mailto:[lisa@c-ville.com](mailto:lisa@c-ville.com)]  
**Sent:** Wednesday, September 23, 2015 2:51 PM  
**To:** Denise Lunsford <[dlunsford@albemarle.org](mailto:dlunsford@albemarle.org)>  
**Subject:** Re: c-ville's election issue

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Sent from my iPhone

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Thanks,  
Lisa

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C-VILLE Weekly

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On Tue, Sep 22, 2015 at 4:59 PM, Denise Lunsford <[dlunsford@albemarle.org](mailto:dlunsford@albemarle.org)> wrote:

Name: Denise Lunsford

Age: 51

Education: BA Middle Tennessee State University, JD Washington & Lee School of Law

Legal experience: 25 years as trial attorney in local and federal courts including 8 years as Commonwealth Attorney and 17 years as a defense attorney. I have tried thousands of cases involving virtually every type of charge from petty larceny and DUI up to and including rape, robbery, and capital murder. Hundreds of these cases were jury trials where I have served as lead counsel.

Most difficult case you've ever tried: My first capital case involving the murder of a local jeweler

Skills that make you well-suited to be Commonwealth's Attorney: I am a trial attorney and have been for my entire legal career. In addition, I cultivate relationships with law enforcement, community groups and others to make improvements in the criminal justice system.

Top Donor: My children who have given up family time and the privacy that others enjoy.

Legal Hero: Virginia Commonwealth's Attorneys. Their daily life is dealing with the worst moments in the lives of both victims and the accused, and they are charged with making the difficult decisions on whether or not a case is pursued and to ensure that justice is served. They truly care about their communities and feel a strong sense of duty to their constituents and are available for advice or support to each other on a moment's notice.

What are you reading now: The Largest Man In the World and Sisters In Law

If you could change any law, which one would it be: I would allow the creation of local problem-solving courts including Mental Health Courts to allow communities to better address the issue of persons with mental illness in the criminal justice system.

**From:** Lisa Provence [mailto:[lisa@c-ville.com](mailto:lisa@c-ville.com)]  
**Sent:** Thursday, September 17, 2015 10:33 AM  
**To:** Denise Lunsford <[dlunsford@albemarle.org](mailto:dlunsford@albemarle.org)>  
**Subject:** c-ville's election issue

Hi Denise,

I'm working on our election issue and would appreciate it if you could answer the questions below and return them to me by Wednesday, September 23. Brevity is the soul of wit, so please keep answers Tweet length.

I know we have photos of you, but if you have a headshot you're using in the campaign, please send one of those, too.

Thanks,

Lisa

**Name:**

**Age:**

**Education:**

**Legal experience:**

**Most difficult case you've ever tried:**

**Skills that make you well-suited to be commonwealth's attorney:**

**Top donor:**

**Legal hero:**

**What are you reading now?**

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## Denise Lunsford

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**From:** Denise Lunsford  
**Sent:** Sunday, September 27, 2015 4:14 PM  
**To:** Lisa Provence  
**Subject:** Re: c-ville's election issue

Lisa -  
my responses below.

I just want to know how the election is going and the response you're getting from people in what appears to be the most hotly contested local race..

I have had an overwhelmingly positive response to my run for re-election. People are most interested in what I intend to accomplish during my next four years in office including addressing mental health issues in the criminal justice system as well as working with the Albemarle County Police Department on issues like body worn cameras. Most people recognize the hard work, dedication and commitment of time required by this job and are appreciative of the experience and effort that I and the others in the office bring to the job.

Unlike the Clerk of Court race, I don't consider this race to be "hotly contested" but I do take the challenge seriously because I am very concerned about my opponent's ability to do the job when he has never tried a case in state court and has very little experience at all. The elected Commonwealth's Attorney is the lead trial attorney in this jurisdiction's criminal matters and there are many very serious cases pending in this office.

Tracci is pretty much campaigning on the Mark Weiner case. Will that be the deciding factor?

My opponent does seem focused on a single issue that is much more involved and nuanced than he seems to understand. Most people know that my job requires me to make very difficult decisions every day using my judgment, which is based on extensive experience, and relying on information that is not always available to others. As additional information comes to me I have always been willing to reconsider previous decisions, which is what happened in that case and which led me to agree that the verdict be set aside. What is more bothersome to me is the misinformation my opponent is spreading about the case in order to support his campaign. I am unclear whether that misinformation is intentional or a result of his lack of knowledge about the matter in particular and the criminal justice system in general.

In my experience, most people in Albemarle County are very knowledgeable and informed and appreciate the difficult decisions made in the Commonwealth's Attorneys office every day. They are not likely to base their vote on a single case but rather on my overall performance. My job is to uphold the law and hold people accountable for crimes. Doing that job fairly and well necessarily results in decisions with which others may disagree.

And what should the public know about Tracci as a candidate?

My opponent meets the base qualifications for this office in that he has a law degree and lives in Albemarle County. He has never tried a case in state court. His trial experience in federal court was as a special assistant United States Attorney which is a temporary, unpaid position which

allows an attorney to get experience. His experience is so limited that he would only meet the requirements for an entry level position in the office he is campaigning to lead.

He's claiming that you're too busy to debate him yet you can attend fundraisers. Your response?

Unfortunately my opponent is choosing to mischaracterize the matter of open forums. I have been invited to two forum, each of which I accepted - Senior Statesmen and the Fraternal Order of Police. These forums were scheduled months in advance. To date, I have not received another invitation to participate in an open forum, which are always organized and scheduled by civic groups. As was explained to him by email, I will consider any invitation by a civic organization to participate in an open forum. Whether I am able to participate will be determined by my schedule which is often filled months in advance and which is, in fact, very busy due to the number and kinds of cases I handle and because I believe it is very important for me to continue to do my job. I have attended events, as has he. Any event I have attended has been scheduled weeks if not months in advance.

He also says that you have a poor record protecting elders.

The facts do not support such a claim. During my eight years as Commonwealth Attorney my office has prosecuted numerous offenses against senior citizens including rape, burglary, robbery, physical abuse and financial crimes. I have also worked with the Police Department and Adult Protective Services to develop better communications about offenses against senior citizens so that crimes could be investigated and prosecuted more effectively and efficiently.

Sent from my iPad

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Top Donor: My children who have given up family time and the privacy that others enjoy.

Legal Hero: Virginia Commonwealth's Attorneys. Their daily life is dealing with the worst moments in the lives of both victims and the accused, and they are charged with making the difficult decisions on whether or not a case is pursued and to ensure that justice is served. They truly care about their communities and feel a strong sense of duty to their constituents and are available for advice or support to each other on a moment's notice.

What are you reading now: The Largest Man In the World and Sisters In Law

If you could change any law, which one would it be: I would allow the creation of local problem-solving courts including Mental Health Courts to allow communities to better address the issue of persons with mental illness in the criminal justice system.

**From:** Lisa Provence [mailto:[lisa@c-ville.com](mailto:lisa@c-ville.com)]  
**Sent:** Thursday, September 17, 2015 10:33 AM  
**To:** Denise Lunsford <[dlunsford@albemarle.org](mailto:dlunsford@albemarle.org)>  
**Subject:** c-ville's election issue

Hi Denise,

I'm working on our election issue and would appreciate it if you could answer the questions below and return them to me by Wednesday, September 23. Brevity is the soul of wit, so please keep answers Tweet length.

I know we have photos of you, but if you have a headshot you're using in the campaign, please send one of those, too.

Thanks,

Lisa

**Name:**  
**Age:**  
**Education:**  
**Legal experience:**  
**Most difficult case you've ever tried:**  
**Skills that make you well-suited to be commonwealth's attorney:**  
**Top donor:**  
**Legal hero:**  
**What are you reading now?**  
**If you could change any law, which one would it be?**

Lisa Provence

C-VILLE Weekly

434-817-2749 x14

## Denise Lunsford

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**From:** Lisa Provence <lisa@c-ville.com>  
**Sent:** Monday, September 28, 2015 1:35 PM  
**To:** Denise Lunsford  
**Subject:** Re: c-ville's election issue

Thank you.

Lisa Provence  
C-VILLE Weekly  
434-817-2749 x14

On Sun, Sep 27, 2015 at 4:14 PM, Denise Lunsford <dlunsford@albemarle.org> wrote:  
Lisa -  
my responses below.

I just want to know how the election is going and the response you're getting from people in what appears to be the most hotly contested local race..

I have had an overwhelmingly positive response to my run for re-election. People are most interested in what I intend to accomplish during my next four years in office including addressing mental health issues in the criminal justice system as well as working with the Albemarle County Police Department on issues like body worn cameras. Most people recognize the hard work, dedication and commitment of time required by this job and are appreciative of the experience and effort that I and the others in the office bring to the job. Unlike the Clerk of Court race, I don't consider this race to be "hotly contested" but I do take the challenge seriously because I am very concerned about my opponent's ability to do the job when he has never tried a case in state court and has very little experience at all. The elected Commonwealth's Attorney is the lead trial attorney in this jurisdiction's criminal matters and there are many very serious cases pending in this office.

Tracci is pretty much campaigning on the Mark Weiner case. Will that be the deciding factor?

My opponent does seem focused on a single issue that is much more involved and nuanced than he seems to understand. Most people know that my job requires me to make very difficult decisions every day using my judgment, which is based on extensive experience, and relying on information that is not always available to others. As additional information comes to me I have always been willing to reconsider previous decisions, which is what happened in that case and which led me to agree that the verdict be set aside. What is more bothersome to me is the misinformation my opponent is spreading about the case in order to support his campaign. I am unclear whether that misinformation is intentional or a result of his lack of knowledge about the matter in particular and the criminal justice system in general.

In my experience, most people in Albemarle County are very knowledgeable and informed and appreciate the difficult decisions made in the Commonwealth's Attorneys office every day. They are not likely to base their vote on a single case but rather on my overall

performance. My job is to uphold the law and hold people accountable for crimes. Doing that job fairly and well necessarily results in decisions with which others may disagree.

And what should the public know about Tracci as a candidate?

My opponent meets the base qualifications for this office in that he has a law degree and lives in Albemarle County. He has never tried a case in state court. His trial experience in federal court was as a special assistant United States Attorney which is a temporary, unpaid position which allows an attorney to get experience. His experience is so limited that he would only meet the requirements for an entry level position in the office he is campaigning to lead.

He's claiming that you're too busy to debate him yet you can attend fundraisers. Your response?

Unfortunately my opponent is choosing to mischaracterize the matter of open forums. I have been invited to two forum, each of which I accepted - Senior Statesmen and the Fraternal Order of Police. These forums were scheduled months in advance. To date, I have not received another invitation to participate in an open forum, which are always organized and scheduled by civic groups. As was explained to him by email, I will consider any invitation by a civic organization to participate in an open forum. Whether I am able to participate will be determined by my schedule which is often filled months in advance and which is, in fact, very busy due to the number and kinds of cases I handle and because I believe it is very important for me to continue to do my job. I have attended events, as has he. Any event I have attended has been scheduled weeks if not months in advance.

He also says that you have a poor record protecting elders.

The facts do not support such a claim. During my eight years as Commonwealth Attorney my office has prosecuted numerous offenses against senior citizens including rape, burglary, robbery, physical abuse and financial crimes. I have also worked with the Police Department and Adult Protective Services to develop better communications about offenses against senior citizens so that crimes could be investigated and prosecuted more effectively and efficiently.

Sent from my iPad

On Sep 24, 2015, at 10:20 AM, Lisa Provence <[lisa@c-ville.com](mailto:lisa@c-ville.com)> wrote:

Early next week is fine or email is, too. I just want to know how the election is going and the response you're getting from people in what appears to be the most hotly contested local race..

Tracci is pretty much campaigning on the Mark Weiner case. Will that be the deciding factor?  
And what should the public know about Tracci as a candidate?

He's claiming that you're too busy to debate him yet you can attend fundraisers. Your response?

He also says that you have a poor record protecting elders.

So if you can get back early next week, that would be great.

Thanks,

Lisa



Lisa Provence  
C-VILLE Weekly  
434-817-2749 x14

On Thu, Sep 24, 2015 at 7:52 AM, Denise Lunsford <[dlunsford@albemarle.org](mailto:dlunsford@albemarle.org)> wrote:

Lisa

Any way to do early next week? I have a busy today and tomorrow (Friday) I am out of town.

As an alternative could you email questions?

d

**From:** Lisa Provence [mailto:[lisa@c-ville.com](mailto:lisa@c-ville.com)]  
**Sent:** Wednesday, September 23, 2015 2:51 PM  
**To:** Denise Lunsford <[dlunsford@albemarle.org](mailto:dlunsford@albemarle.org)>  
**Subject:** Re: c-ville's election issue

Sisters in Law looks interesting, too. I just need a few minutes on the phone when you get a chance.

Lisa Provence

C-VILLE Weekly

434-817-2749 x14

On Wed, Sep 23, 2015 at 1:55 PM, Denise Lunsford <[dlunsford@albemarle.org](mailto:dlunsford@albemarle.org)> wrote:

Correct about book. Not sure how I messed that up. Hilarious book if you like southern writers.

I'll need to check calendar when I get back to office.

Sent from my iPhone

On Sep 23, 2015, at 1:19 PM, Lisa Provence <[lisa@c-ville.com](mailto:lisa@c-ville.com)> wrote:

On the book you're reading, is that The World's Largest Man by Harrison Scott Key?

And could we talk briefly sometime this week about how the race, arguably the most hotly contested, is going?

Thanks,  
Lisa

Lisa Provence

C-VILLE Weekly

434-817-2749 x14

On Tue, Sep 22, 2015 at 4:59 PM, Denise Lunsford  
<[dlunsford@albemarle.org](mailto:dlunsford@albemarle.org)> wrote:

Name: Denise Lunsford

Age: 51

Education: BA Middle Tennessee State University, JD Washington & Lee School of Law

Legal experience: 25 years as trial attorney in local and federal courts including 8 years as Commonwealth Attorney and 17 years as a defense attorney. I have tried thousands of cases involving virtually every type of charge from petty larceny and DUI up to and including rape, robbery, and capital murder. Hundreds of these cases were jury trials where I have served as lead counsel.

Most difficult case you've ever tried: My first capital case involving the murder of a local jeweler

Skills that make you well-suited to be Commonwealth's Attorney: I am a trial attorney and have been for my entire legal career. In addition, I cultivate relationships with law enforcement, community groups and others to make improvements in the criminal justice system.

Top Donor: My children who have given up family time and the privacy that others enjoy.

Legal Hero: Virginia Commonwealth's Attorneys. Their daily life is dealing with the worst moments in the lives of both victims and the accused, and they are charged with making the difficult decisions on whether or not a case is pursued and to ensure that justice is served. They truly care about their communities and feel a strong sense of duty to their constituents and are available for advice or support to each other on a moment's notice.

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