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Jesse C. Trentadue

April 26, 2009

*VIA E-MAIL AND U.S. MAIL*

Ms. Kathryn L. Wyr, Esq.  
Assistant U.S. Attorney  
20 Massachusetts Avenue N.W.  
Washington, D.C. 20530



Mr. Jared C. Bennett  
Assistant United States Attorney  
185 South State Street, #300  
Salt Lake City, Utah 84111

Re: *Trentadue v. CIA, et. al.*  
Case No. 2:08-CV-788-CW  
Status Letter

Dear Ms Wyr and Mr. Bennett:

I am writing to follow up with you on several matters regarding the above captioned case. First, I have attached copies of my personal checks each in the amount of \$130, made payable to the Federal Bureau of Investigation. I sent each check attached to a highlighted copy of Mr. Hardy's April 23, 2009, letter. I sent two \$130 checks to Mr. Hardy because it was not clear from his April 23, 2009 letter where I was to send the \$130 dollars. Consequently, I sent \$130 (for a total of \$260) to Mr. Hardy at each of the following addresses: FBI Record Information/Dissemination Section, 935 Pennsylvania Avenue, N.W., Washington, D.C. 20535-0001 AND FBI Record Information/Dissemination Section, 170 Marcel Drive, Winchester, VA. 22602-4843. The FBI can apply the excess to any additional production costs and refund the balance.

Now having more than pre-paid the production costs requested by Mr. Hardy, I would like all 26 videotapes plus the 200 pages of supporting documentation referenced in Mr. Hardy's letter to me. How long do you anticipate that it will take for me to receive the tapes and documents? I should think not long since: (1) these materials have already been identified, located and/or gathered; and (2) surveillance-security videotapes of common or public areas enjoy no constitutional protections from disclosure. *See United States v. Gonzalez*, 328 F.3d 543 (9<sup>th</sup> Cir. 2003). In other words, no exemptions apply to these materials, which means that there is nothing to edit. It is merely a matter

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of having the documents and videotapes reproduced and sent to me. And that should not take very long.

Similarly, have you had a chance to review the CIA documents? If so, when can I expect the release of these materials? If you have not had an opportunity to review the CIA materials, when do you expect to do so?

Next, I have a question about the videotape from the dash board camera in Oklahoma Patrolman Hanger car that was taken on the morning of April 19, 1995, the day he arrested Tim McVeigh. Is the FBI willing to send the original videotape to Salt Lake City so that I can view it at either your office or the FBI Salt Lake City Field Office? If so, when do you expect that tape to be sent? If not, would you consider either myself or my agent viewing the tape where it is being kept by the FBI?

I again wish to emphasize that by cooperating with you in this manner to obtain these records, I am not abandoning or giving up the underlying civil action. In other words, I have not agreed and do not agree to go back into the administrative process, which was exhausted prior to bring this lawsuit. Moreover, by working with you and your clients to obtain these materials I do not intend to waive or relinquish nor have I waived or relinquished my right, if necessary, to obtain these videotapes and documents through that lawsuit by way of an *Order* from the Court.

That having been said, I do appreciate and thank you for the cooperation and courtesies extended.

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Jesse C. Trentadue