

February 26, 2005

Office of Information and Privacy
U.S. Department of Justice
Flag Building, Suite 570
Washington, D.C. 20530-0001

RE: FOIA APPEAL No. 00242
YOUR LETTERS DATED FEB 07, 2005
AND JANUARY 8, 2001

Attn: Richard L. Huff, Co-Director

Dear Mr. Huff:

I am in receipt of your letter dated February 7, 2005, that refers to my FOIA Appeal. My new address and telephone numbers are:

Harold F. Chorney
16 Spring Drive
Johnston, Rhode Island 02919
401 934-0536

Please be assured that I have **not** lost interest in receiving information from your agency concerning the three appeals listed below and wish to keep all of them open. Back in 2001, there were three FOIA Appeals with the Executive Office of U.S. Attorneys. I believe that none of the three Appeals listed below have been resolved.

1. The request was for correspondence to and from Edwin Gale, A.U.S.A. at the Providence Office, concerning Harold F. Chorney and/or Cumberland Investment Corporation, including but not limited to correspondence to my attorney Scott A. Lutes. I was verbally informed by the E.O.U.S.A. that there existed a correspondence log, but no mention or production of this log has happened since the year 2001. My records indicate that an appeal of 98-3149S became Appeal 99-346, which became 00-0365, which had a receipt date by the EOUSA of Feb 2, 2000, sent to R.I. on April 10, 2000 and is currently referred to in your letter dated February 7, 2005, as Appeal No. 00-0242. I have never seen this 00-0242 number before receiving the 2/7/05 letter.
2. Appeal Number 00-2363, concerning the chain of custody of 19 videotapes, had a receipt date of March 27, 2000, and was sent to R.I. on July 26, 2000. As you may be aware, the nineteen videotapes were produced on October 18, 1999, some six years subsequent to my criminal trial of May 1993, but no chain of custody was ever produced as subsequently requested. On January 8,

2001, the Justice Department issued a letter indicating that no records could be found. Years ago, I received a letter dated March 19, 2001, signed by Leslie G. Stewart for Suzanne Little, Assistant Director, in response to a February 7, 2001 letter. Your agency letter states, "I have spoken with the District personnel and they confirm that they searched though the files for letters or other documents relating to the chain of custody, and they found no such documents. Both the FBI agent in the case and the Assistant U.S. Attorney are now deceased and therefore cannot help in any further search."

3. Appeal Number 00-2364, which had a receipt date of May 30, 2000, sent to R.I. on July 26, 2000, concerning a chain of custody of silver dollars under the custody and control of the U.S. Attorney's Office. On January 8, 2001, the Justice Department issued a letter indicating that no records could be found. On January 31, 2001, Requestor sent a letter for reconsideration, concerning the Chain of Custody of Silver Dollars. Said letter contains reference to a Memo dated August 17, 1993 concerning Mr. Posner, AUSA and reference to "Agent (redacted) will be present during the packing process and will accompany the trucks to the new location and direct the storage of the silver coins in order to maintain the "chain of custody."

Through various conversations with the E.O.U.S.A. I was told that there was an index of 21 boxes of records at the U.S. Attorney's office in Providence. I was even told back in 2001 that this index was sent to me, when it was not. I would certainly like to know who allegedly sent this index to me and when it was sent. Your letter to me dated January 8, 2001, seems to corroborate my notes. You state in this letter, "I have been advised by the EOUSA that, to the extent that it is able to locate such an inventory, it either has or will soon send directly to you any reasonable part of that index."

In conclusion, I am quite disappointed with the production of document and with your statement that, "it remains difficult to predict when an appeal determination may ultimately be reached."

Sincerely,



Harold F. Chorney
16 Spring Drive
Johnston, R.I. 02919
401 934-0536