

TEXT OF IRVIN MUCHNICK'S BRIEF TO STATE OF CONNECTICUT FREEDOM OF INFORMATION COMMISSION

July 28, 2008

Please accept this letter as my petition for the Connecticut Freedom of Information Commission to docket my complaint of a violation of the Connecticut Freedom of Information Act ("FOIA").

Complainant; State Agency; Disputed Record

I am a California-based freelance journalist and author. My name and complete contact information are at the top of this letter.

My dispute is with the Stamford Police Department ("SPD").

I am seeking a copy of a videotaped interrogation of Matthew Greenberg ("Greenberg") by SPD Detective Tim Dolan on June 29, 2007. According to SPD, this record is exempted from public release.

Background

On June 25, 2007, the dead bodies of professional wrestler Chris Benoit ("Benoit"), his wife Nancy, and their son Daniel were found at their home in Fayette County, Georgia. In a report released in February 2008, the Fayette County Sheriff's Office ("FCSO") would close the case as a double homicide/suicide

In the initial days of the investigation, questions arose about an edit of Benoit's biography at the Internet site Wikipedia. At 12:01 a.m. on June 25 – more than 14 hours before the bodies were discovered – the Benoit page at Wikipedia reported that Benoit had missed a wrestling show the previous night "due to personal issues, stemming from the death of his wife Nancy." Wikipedia editors and other online investigators determined that the passage about Nancy Benoit's death was an unauthorized edit and that the same Internet Protocol address ("IP") associated with the edit had been involved in a pattern of vandalism of Wikipedia content.

On June 28, 2007, an anonymous poster at Wikipedia confessed to having been responsible for the unauthorized edit.

On June 29, 2007, FCSO connected the IP of the vandalizing computer to Stamford resident Matthew Greenberg. FCSO asked SPD to interrogate Greenberg. On July 3, 2007, the *Stamford Advocate* reported that the interview had been videotaped.

The February 2008 FCSO report named Greenberg and noted, “A copy of the interview is included in the case file.”

On June 12, 2008, I applied to FCSO for a copy of the Greenberg interrogation videotape. FCSO immediately acknowledged that this was an open record under Georgia law. However, FCSO ultimately reported that what it had on hand was only a small portion of the video. I received a copy of the partial video a month later. It cuts off abruptly after three minutes.

On June 24, 2008, I also applied to SPD for a copy of the Greenberg interrogation videotape.

On July 7, 2008, SPD Captain Richard Conklin left me the following voice message: “From what I understand, the dupe [duplicate] that we made and sent down south of our video cut off for some reason after some time. But our original is OK. I think they’ve requested a copy of that.” (FCSO will not confirm that it has requested a good and complete copy of the video – merely that, if and when such a good and complete copy is received, a copy will be forwarded to me.)

There is no written disposition by SPD of my application for the complete Greenberg interrogation video. In a July 9, 2008, telephone conversation, Captain Tom Wuennemann told me that the request was being denied on the grounds that “voluntary statements to police” are exempted under FOIA. Attached is a copy of my July 24 fax to SPD Chief Brent B. Larrabee and Captain Wuennemann outlining my understanding of the status of my request and informing SPD of my intention to appeal to this Commission. There has been no reply.

FOIA Issue

In my layman’s reading of FOIA, there is no plain language conforming with Captain Wuennemann’s explanation of SPD’s denial of my request. I consulted with several state FOIA experts; they informed me that no such exemption exists on its face, and they encouraged me to file this appeal.

Respectfully submitted,

Irvin Muchnick

FAX to Stamford Police Chief Brent B. Larrabee

Thursday, July 24, 2008 1:59 PM

From: Irvin Muchnick

To: 12039774989@j2send.com

Cc: 12039775465@j2send.com

July 24, 2008

TO: Chief Brent B. Larrabee, Stamford Police Department (203-977-4989)

cc: Captain Tom Wuennemann, Stamford Police Department (203-977-5465)

Dear Chief Larrabee:

I have applied for a copy of the June 29, 2007, videotaped interview of Matthew Greenberg, which was conducted by Detective Tim Dolan at the request of the Fayette County (Georgia) Sheriff's Office. There is no written disposition of my request. However, in a telephone conversation on July 9, Captain Wuennemann told me that the request was being denied on the grounds that "voluntary statements" to police are exempt under Connecticut public information law.

In my own reading of the 2007 Connecticut Freedom of Information Act, I am unable to identify plain language to that effect. Experts in your state have advised me to file an appeal with the Freedom of Information Commission.

Please let me know if I have misunderstood the basis of Stamford PD's denial of this record. Under the law, I must file an appeal within 30 days, and it is my intention to do so next week.

Thank you for your attention to this matter.

Irvin Muchnick
