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December 31, 2008

The Honorable James V. Lane  
Circuit Court Judge for Rockingham County  
Court Square  
Harrisonburg, VA 22801

COPY

Commonwealth v. Donna Jean Reedy Hockman  
Case Nos.: CR08039919-00 & CR08039920  
Rockingham County Circuit Court,  
Trial Date: January 26, 2008

Dear Judge Lane:

The purpose of this correspondence is to supplement my Motion to Withdraw from further Representation of the defendant in the above-referenced matter. Prior to filing my motion with the court, I contacted the Board of Professional Responsibility and told them that my law partner David Martin is currently representing Cheryl Mullens in a criminal matter that is currently scheduled for trial in early February of 2009. I further informed them that there was a possibility that the Commonwealth would be calling Ms. Mullens as part of their case in chief against Ms. Hockman. The Board advised me to file my motion and seek clarification from the Commonwealth as to whether or not Ms. Mullen would in fact be called to testify.

I am now in receipt of a letter from the Commonwealth dated December 29<sup>th</sup> in which Ms. Garst states that she "will be using . . . , Cheryl Mullens, . . . as witnesses against your client at trial." Based upon this recent development, I called the Board of Professional Responsibility and they informed me that I did not have any choice but to withdraw from further representation. Specifically, I was advised by the Board that this conflict cannot be waived.

Should you have any questions regarding this matter, please feel free to contact me.

Sincerely,

  
Robert S. Hahn

cc: Marsha L. Garst, Commonwealth Attorney  
Bruce D. Albertson, Esq.

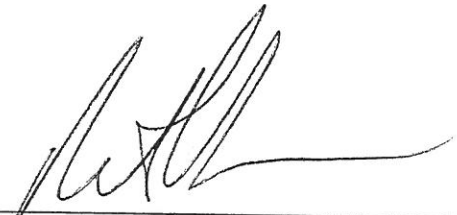
EXHIBIT  
NO. 89

CERTIFICATE

I hereby certify that I have this 22<sup>nd</sup> day of December, 2008, served a copy of the foregoing Motion on the below named individuals, at the place and by the manner specified as follows:

*Via U.S. Mail & Facsimile*

Marsha Garst, Esq.  
Commonwealth Attorney  
53 Court Square, Suite 210  
Harrisonburg, VA 22801



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Robert S. Hahn