

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
CIVIL DIVISION

3RD DIVISION

KEVIN JONES

Plaintiff

vs.

JACK MCQUARY,

Defendants

Case No: CV-101
60CV2011 1554

COMPLAINT FOR DECLARATORY
RELIEF

FILED 03/30/11 08:53:01
Larry Crane Pulaski Circuit Clerk
DR

Plaintiff states as follows for his complaint for declaratory relief:

1) Plaintiff is a resident of Pope County, Arkansas; defendant is a public employee and the custodian of public records maintained by a state government institution, Arkansas Prosecutor Coordinator Office, situate in Pulaski County, Arkansas.

2) This is an action brought pursuant to the Arkansas Declaratory Judgment Act, A.C.A. §16-111-101, et seq, and the Freedom of Information Act of 1967, A.C.A. §25-9-101, et seq, seeking relief in the form of a declaration that certain records, infra, are public records and must be made available to plaintiff.

3) On March 17, 2011, plaintiff's counsel mailed defendant a letter, attached hereto as Exhibit "A", requesting access to the following described records under the auspices of the FOI

Act:

All investigative discovery materials heretofore made available to the defense in the captioned prosecution (*State v. Gary Dunn*);

All documents referenced in any reported testimony, trial or hearing, inclusive of field notes made by law enforcement, whether or not same were admitted into evidence in said prosecution; and

The transcripts of witnesses' testimony in the two jury trials in the Dunn case and in the concluded State v. Kevin Jones case.

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4) Defendant is a public employee, a specially appointed prosecuting attorney, and has custody and control of the records, has responded that the "case is still under investigation" and refused to allow access.

5) The records are public records as defined by the FOI Act, specifically A.C.A. §25-19-103(5)(A) because they are records maintained by a public employee within the scope of defendant's employment.

6) The subject records have been referenced in two public trials that ended in mistrials.

7) The records have been disclosed to Gary Dunn and his attorneys.

8) The records are not exempt by A.C.A. §25-19-105(b) which only applies to "undisclosed" records.

9) A justiciable issue exists.

WHEREFORE, plaintiff prays that an order issue declaring the records, supra, to be public records, ordering plaintiff's access thereto and awarding plaintiff costs and attorney fees.

Kevin Jones, Plaintiff

By: _____



CHARLES SIDNEY GIBSON # 70027

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March 17, 2011

Office of the Prosecuting Attorney
ATTN: Jack McQuary
224 South Spring Street
Little Rock, Arkansas 72201

RE: *FOI Request*
Ark. St. Ann. §25-19-101, et seq
State of Arkansas v. Gary Dunn

Mr. McQuary

Pursuant to the captioned authority, please make the following available for inspection and photocopying:

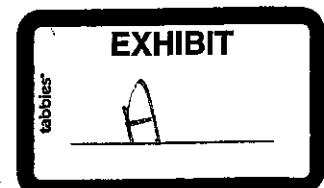
- 1) All investigative discovery materials heretofore made available to the defense in the captioned prosecution;
- 2) All documents referenced in any reported testimony, trial or hearing, inclusive of field note's made by law enforcement, whether or not same was admitted into evidence in said prosecution; and
- 3) The transcripts of witnesses' testimony in the two jury trials in the Dunn case and in the concluded State v. Kevin Jones case.

Please respond in the time and manner set forth in the FOI Act.

Yours truly

Charles Sidney Gibson

CSG/dc



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March 24, 2011

Pulaski County Circuit Clerk
P.O. Box 2659
Little Rock, AR 72201-2659

RE: *Kevin Jones v. Jack McQuary*
Pulaski County Circuit Court No.: CV-2011-

Dear Clerk

Please find enclosed Complaint at Law, Cover Sheet, Summons, Notice of Filing and Motion to Lessen Time for Answering Discovery to be filed in the above referenced case. *Please return original summons to this office for service.* Please return a file-marked copy back to this office in the enclosed self-addressed stamped envelope at your earliest convenience.

Also enclosed is our check in the amount of \$165.00 for filing fee. Thank you.

Yours truly



Charles Sidney Gibson

CSG/dc

Enclosure