

COPY

IN THE MUNICIPAL COURT FOR THE CITY OF DALTON
STATE OF GEORGIA

CITY OF DALTON

v.

ACTION NO: MOO258335

SANDRA ANN MADRIGAL,
Defendant

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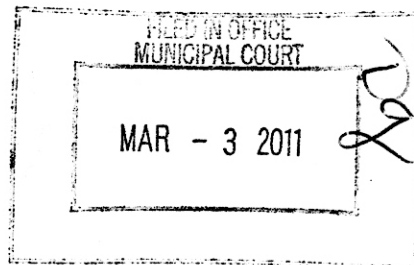
The foregoing PETITION TO ENJOIN CITY OF DALTON FROM DESTROYING FILES, having been read and considered, let the same be filed:

A hearing shall be held on the ____ day of _____, 2011, at ____ o'clock, a.m., or as soon thereafter as counsel can be heard, at the Dalton Municipal Court, Dalton, Georgia, to show cause why the prayers of the City for relief should not be granted.

SUBMITTED this ____ day of _____, 2011.

Clerk, Dalton Municipal Court

JERRY W. MONCUS
Attorney for Defendant
Georgia Bar No: 515690
220 West Morris Street
Dalton, Georgia 30720
(706) 279-3684
FAX (706) 279-3208



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IN THE MUNICIPAL COURT FOR THE CITY OF DALTON
STATE OF GEORGIA

CITY OF DALTON,

v.

CASE NO: M-00258335

SANDRA ANN MADRIGAL,
Dependant

CLERK OF SUPERIOR COURT
MUNICIPAL COURT
MAR - 3 2011
Dg

PETITION TO ENJOIN CITY OF DALTON
FROM DESTROYING FILES

COMES NOW Jerry W. Moncus, Attorney for Defendant SANDRA ANN MADRIGAL, and all similarly situated Defendants, and files her Petition To Enjoin City of Dalton From Destroying Files and in support hereof shows the Court as follows:

-1-

Defendant shows that between January 1, 2000, and December 31, 2004, she was included within one thousand eight hundred fifty six (1,856) individuals sentenced pursuant to Dalton City Ordinance Number 012 for the offense of "Contempt of Probation". (Exhibit "A")

-2-

Defendant shows her sentence along with the sentences

issued against all parties for "Contempt of Probation" are null and void.

-3-

Defendant shows there was no criminal offense of "Contempt of Probation".

-4-

Defendant shows there was no Dalton City Ordinance 012.

-5-

Upon information and belief Defendant believes the City of Dalton has plans in place for the destruction of records involving Defendant and those similarly situated.

-6-

Defendant believes said files present a clear pattern of incorrect, abusive sentencing and abusive probation supervision with respect to Defendant and those similarly situated.

-7-

Defendant shows that a random selection of files selected from the total Defendants referenced in Paragraph 1 herein indicates as follows: sentences to jail in excess

of jurisdictional twelve (12) months limits, sentences to probation in excess of jurisdictional six (6) month limits, sentences for offenses over which the Court had no jurisdiction, probation that was revoked after the sentence had expired, and extension of probation time lengths after service of sentence had began. (Exhibit "B")

-8-

Destruction of said files would result in irreparable harm to the Defendant and those similarly situated.

-9-

Defendant shows there is no prejudice or cost to the City to continue maintenance of said files pending cessation of litigation concerning Defendant and those similarly situated.

-10-

Defendant shows the Court has a duty, once notified, to correct any injustice even without action by the Defendant or others similarly situated.

WHEREFORE defendant prays:

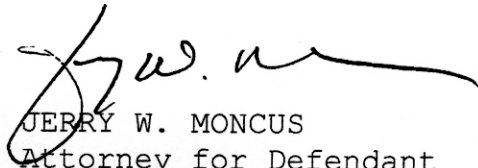
(a) that a date and time certain be set for the City to appear and show cause why the prayers of the Defendant

should not be granted; and,

(b) that the City be enjoined and restrained from destruction of any files related to the individuals displayed in Exhibit "A" hereto; and,

(c) that she have such other relief the Court deems to be fair and just.

Submitted this 3rd day of March, 2011.



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