

IN THE DISTRICT COURT
FIRST JUDICIAL DISTRICT
COUNTY OF RIO ARRIBA
STATE OF NEW MEXICO

NO:

SHERI A. RAPHAELSON
Plaintiff,

v.

LINDA PADILLA, in her official capacity
As County Clerk of Rio Arriba County,
Defendant

COMPLAINT FOR ENFORCEMENT OF PROVISIONS OF THE
INSPECTION OF PUBLIC RECORDS ACT

COMES NOW the Plaintiff and makes the following Complaint regarding enforcement of
provision of the Inspection of Public Records Act pursuant to NMSA §14-2-11;

1. The Plaintiff is a resident of Rio Arriba County.
2. The Defendant is the Clerk of Rio Arriba County.
3. The Plaintiff made requests under the NMSA §14-2-1 for inspection of public records in
the possession of Rio Arriba County.
4. All requests were made to the Clerk of Rio Arriba County.
5. All relevant actions took place within Rio Arriba County and were with the Clerk or her
employees, all of whom work in Rio Arriba County.
6. Venue is proper in Rio Arriba County.
7. On July 22, 2020 the Plaintiff submitted a written request for the surveillance video taken
in the Rio Arriba County Adult Detention Facility on December 7 and 8 of 2018 showing
a specifically described area and event (Exhibit 1).
8. This request was submitted by email to public.requests@rio-arriba.org.

9. Receipt of this request was acknowledged by the Defendant through letter dated July 22, 2020 (Exhibit 2).
10. More than fifteen days has elapsed since the request was made, and no response has been provided.
11. A written request for inspection of public records that has not been permitted within fifteen day of receipt by the office of the custodian may be deemed denied pursuant to NMSA §14-2-11A.
12. No written explanation of the denial of the request was ever provided the Plaintiff. Such a written explanation is required by NMSA §14-2-11B.
13. Pursuant to NMSA §14-2-11 C Plaintiff may maintain this action for enforcement of the provisions of the Inspection of Public Records Act.

WHEREFORE, Plaintiff requests that:

- A. The Defendant be required to permit the inspection of the records that were requested;
- B. Award damages pursuant to NMSA §14-2-11C (1)(2)(3)(4);
- C. Award court costs;
- D. And, any other relief deemed appropriate and available by law.

Respectfully submitted,

/s/ Sheri A. Raphaelson

Sheri A. Raphaelson
512 S. Riverside Drive, Suite B
Espanola, NM 87532
505-927-3185 F: 505-692-6042
bingolawyer@gmail.com

Perla Rascon

From: Sheri Raphaelson <bingolawyer@gmail.com>
Sent: Wednesday, July 22, 2020 11:24 AM
To: Public Requests
Subject: IPRA re: Michael Garcia

I am requesting all video of the outside of the cell that Michael R. Garcia (DOB: 6/26/73) was held in on December 7 and 8 of 2018. He was incarcerated on those dates at the Rio Arriba County Adult Detention Facility between approximately 4:00 pm on December 7th and 3:00 am on December 8th. I am looking for all video that would show people walking past his cell door or entering the cell door.

Thank you.

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Sheri A. Raphaelson, Attorney
512 S. Riverside Drive, Suite B
Española, NM 87532
505-927-3185 fax 505-692-6042
bingolawyer@gmail.com





**Rio Arriba County
Clerk's Office**

Linda J Padilla
County Clerk

Sarah Garcia
Chief Deputy Clerk

July 22, 2020

Sheri Raphaelson
512 S Riverside Drive, Suite B
Española, NM 87532
505-927-3185
Email: bingolawyer@gmail.com

RE: Receipt of Request to Inspect Public Records received July 22, 2020.

Dear Beth:

My office is in receipt of your formal request dated July 22, 2020 requesting information under the New Mexico Inspection of Public Records Act.

Your request has been issued #2020-118 and has been forwarded to: Larry DeYapp and Jose Luis Gallegos.

Records Custodian contact info:
Phone: **575-588-7350**
Email: LHDeYapp@rio-arriba.org; JGallegos@rio-arriba.org

The custodian of the records which you have requested will contact you regarding your request. Please communicate directly with the records custodian and reference the #2020-118 above to identify your request, copy attached.

If you need further information, contact us at your convenience 505-753-1780.

Sincerely,

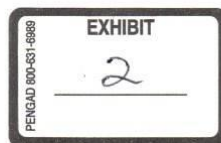
Linda J Padilla *Linda J. Padilla* 

Rio Arriba County Clerk

Cc: File

Attachment

dq



1122 Industrial Park Road • Espanola, New Mexico 87532 • Phone (505) 753-1780 • Fax (505) 753-1258
P.O. Box 158 • Tierra Amarilla, New Mexico 87575 • Phone (505) 588-7724 or 588-7725 • Fax (505) 588-7418