

STATE OF NEW MEXICO  
COUNTY OF BERNALILLO  
SECOND JUDICIAL DISTRICT

LAW OFFICE OF WILLIAM J. COOLEY,

**Plaintiff-Petitioner**

vs.

No. D-202-CV-2022-04041

BOARD OF COUNTY COMMISSIONERS OF BERNALILLO COUNTY,

**Defendant-Respondent.**

**VERIFIED PETITION**  
**FOR WRIT OF MANDAMUS, WRIT OF INJUNCTION,**  
**DECLARATORY RELIEF**  
**&**  
**COMPLAINT FOR PRODUCTION OF PUBLIC RECORDS**

**Introduction**

Plaintiff-Petitioner Law Office of William J. Cooley ("Cooley Law Firm") is bringing this suit pursuant to the Inspection of Public Records Act, NMSA 1978, Sections 14-2-1 to -12 (1947, as amended through 2019) ("IPRA") to compel the production of public records maintained by the Bernalillo County Metropolitan Detention Center ("Detention Center").

On May 25, 2022, the Cooley Law Firm sent Bernalillo County an IPRA request for public records regarding a client of the Cooley Law Firm who is an inmate at the Detention Center. But in violation of IPRA, Bernalillo County has been stonewalling to avoid producing those public records.

### **Parties, Venue, and Jurisdiction**

1. Plaintiff-Petitioner Law Office of William J. Cooley ("Cooley Law Firm") is a resident of Bernalillo County, New Mexico.
2. Defendant-Respondent Board of County Commissioners of Bernalillo County ("Bernalillo County") operates the Bernalillo County Metropolitan Detention Center ("Detention Center") and can be sued pursuant to NMSA 1978, Section 4-46-1 (1876).
3. Jurisdiction is proper in this Court pursuant to Article VI, Section 13 of the New Mexico Constitution, and Section 14-2-12(B) of the Inspection of Public Records Act.
4. Venue is proper in this Court pursuant to NMSA 1978, Section 38-3-2 (1939).

### **General Allegations**

5. The Detention Center records inmate conversations, and preserves those recordings.
6. On **May 25, 2022**, the Cooley Law Firm filed an IPRA request on the Bernalillo County IPRA web portal.
7. The Cooley Law Firm requested: "the records of any inquiries/requests for information regarding inmate#: 100254769 booked on May 7, 2021, including but not limited to the recorded audio conversations/inmate calls. Please provide the names and contact information for the individuals or agencies who requested the above information."
8. That same day, Bernalillo County responded through its web portal and stated: "Thank you for submitting your Inspection of Public Records Request. The request has been received by the Bernalillo County Legal Office. We are in the process of

researching the requested records. Additional time is needed to complete the request. The expected date of completion is **June 9, 2022.**"

9. Two weeks later on June 9, 2022, Bernalillo County stated that the "request is broad and burdensome and we need additional time to respond, until **June 23, 2022.**"
10. Then two weeks later on June 23, 2022, Bernalillo County stated again that the request is "broad and/or burdensome. I am extending the expected completion date to **July 7, 2022.**"
11. Then two weeks later on July 7, 2022, Bernalillo County stated again that the request is "broad and/or burdensome. I am extending the expected completion date to **July 20, 2022.**"
12. Then two weeks later on July 20, 2022, Bernalillo County stated again that the request is "broad and/or burdensome. I am extending the expected completion date to **August 3, 2022.**"
13. To date, Bernalillo County has not produced the records requested by the Cooley Law Firm.

#### **Count I Violation of the Inspection of Public Records Act**

14. In violation of IPRA, Bernalillo County has been stonewalling to avoid producing the requested records.
15. Pursuant to Section 14-2-10, Bernalillo County violated IPRA by failing to permit the requested records to be inspected in a reasonable period of time.
16. Pursuant to Section 14-2-10, the Cooley Law Firm deems the request denied.
17. Pursuant to Section 14-2-12(D), the Cooley Law Firm is entitled to recover damages, costs and attorneys' fees if successful in this action.

**Count II Mandamus and Injunctive Relief**

18. Pursuant to Section 14-2-12(B), the Cooley Law Firm is entitled to a writ of mandamus and a writ of injunction ordering Bernalillo County to produce the records requested by the Cooley Law Firm.
19. Pursuant to Section 14-2-12(D), the Cooley Law Firm is entitled to recover damages, costs and attorneys' fees if successful in this action.

**Count III Declaratory Relief**

20. There exists an actual controversy between the Cooley Law Firm and Bernalillo County as to whether Bernalillo County violated IPRA by failing to permit the requested records to be inspected in a reasonable period of time.
21. The Cooley Law Firm is entitled to a Declaratory Judgment that Bernalillo County violated IPRA by failing to permit the requested records to be inspected in a reasonable period of time.

**WHEREFORE**, Plaintiff-Petitioner prays that:

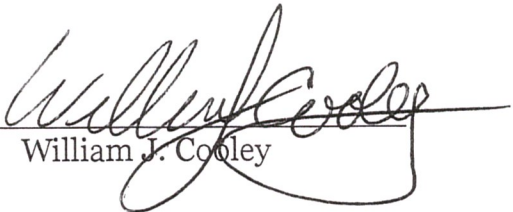
1. The Court declare that Bernalillo County violated the Inspection of Public Records Act in responding to the Cooley Law Firm's request for records.
2. The Court issue a writ of mandamus and a writ of injunction ordering Bernalillo County to produce the records requested without further delay.
3. The Court enter an Order for damages, costs and attorneys' fees.
4. The Court enter an Order for such other and further relief as the Court deems just and proper.

Respectfully submitted,

Mescall Law Firm, P.C.

By: /s/ Thomas J. Mescall, II  
Thomas J. Mescall, II  
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Attorneys for Plaintiff-Petitioner

Based on personal knowledge, I, William J. Cooley, affirm under penalty of perjury under the laws of the State of New Mexico that the General Allegations stated above are true and correct.

By:   
William J. Cooley