

**STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF JACKSON**

JEREMY CAMPBELL,  
Petitioner/Plaintiff,

Case No.: \_\_\_\_\_-CZ  
Honorable \_\_\_\_\_

v.

JACKSON COUNTY -  
OFFICE OF THE SHERIFF,  
Respondent/Defendant

\_\_\_\_\_ /

PHILIP L. ELLISON (P74117)  
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*NOTE TO CLERK: There is no other known pending or resolved civil  
action arising out of the same transaction or occurrence*

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*An action commenced under Section 10 of FOIA "shall be assigned for hearing  
and trial or for argument at the earliest practicable date and expedited in every way."  
MCL 15.240(5)*

**PETITION FOR ENTRY OF ORDER  
DIRECTING FOIA DISCLOSURE & SEEKING OTHER RELIEF**

NOW COMES Petitioner/Plaintiff JEREMY CAMPBELL, by and through counsel,  
Outside Legal Counsel PLC, and as his petition states as follows:

**PARTIES**

1. Petitioner JEREMY CAMPBELL is a resident of the State of Michigan.
2. Respondent JACKSON COUNTY - OFFICE OF THE SHERIFF is a municipal/governmental entity created under the laws and/or constitution of the State of Michigan.

## JURISDICTION

3. This action is commenced pursuant to MCL 15.240(1)(b).
4. This Court has jurisdiction by statute pursuant to MCL 15.240(1)(b).
5. Venue is proper in this case pursuant to MCL 15.240(4) as Petitioner resides within Jackson County.
6. This Court must advance this matter expeditiously as MCL 15.240(5) requires that “[a]n action commenced under this section... shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.”

## FACTS

7. On January 21, 2016, Petitioner JEREMY CAMPBELL appeared at the Office of the JACKSON COUNTY SHERIFF to fill out and make a FREEDOM OF INFORMATION ACT request.
8. On January 21, 2016, Petitioner JEREMY CAMPBELL did properly fill out and properly made a valid request under the FREEDOM OF INFORMATION ACT for “[a]ll mugshots of people arrested and charged from January 1st 2016 through January 15th 2016” (hereinafter “Jan 21st Request”).
9. A photograph of the Jan 21st Request is attached hereto as Exhibit A.
10. The proscribed FOIA form created by Respondent JACKSON COUNTY - OFFICE OF THE SHERIFF specifically includes a checkbox for booking photos.
11. On information and belief, Respondent JACKSON COUNTY - OFFICE OF THE SHERIFF provides booking photos to the public on a regular basis, see e.g. Exhibits B and C.
12. On January 21, 2016, Petitioner JEREMY CAMPBELL proffered the filled-out Jan 21st Request to an employee of the Respondent JACKSON COUNTY - OFFICE OF THE SHERIFF (hereinafter the “Receiving Sheriff Deputy”).
13. After what seemed to be some discussion with others within the JACKSON COUNTY - OFFICE OF THE SHERIFF, the Receiving Sheriff Deputy verbal indicated that the Jan 21st Request would be denied because fulfilling the same would be “embarrassing.”
14. At least five (5) business days have passed since making the Jan 21st Request without a response.
15. No exemptions under Section 13 of FOIA have been asserted.

16. No costs under Section 4 of FOIA have been demanded.

**COUNT I**  
**WRONGFUL DENIAL OF REQUESTED RECORDS**  
**MCL 15.240**

17. Petitioner JEREMY CAMPBELL incorporates by reference the previous allegations as if set forth word for word herein.
18. The failure of Respondent JACKSON COUNTY - OFFICE OF THE SHERIFF to respond to a request constitutes a public body's final determination to deny the request, MCL 15.235(3).
19. Respondent JACKSON COUNTY - OFFICE OF THE SHERIFF has wrongfully withheld records which Petitioner JEREMY CAMPBELL is entitled to receive under Michigan's *Freedom of Information Act*.
20. Petitioner JEREMY CAMPBELL has incurred attorney fees, costs, and disbursements in seeking the rightful fulfillment of her request under Michigan's *Freedom of Information Act*.
21. Because there is no debatable justification for refusing to timely produce the request for records, Respondent JACKSON COUNTY - OFFICE OF THE SHERIFF arbitrarily and capriciously violated this act by refusing to provide copies of public records.
22. The Court is requested to award full punitive damages to Petitioner JEREMY CAMPBELL, being the person seeking the right to receive a copy of a public record, as the denial was arbitrary and/or capricious.
23. The Court is requested to award to Petitioner JEREMY CAMPBELL all attorney fees, costs, and disbursements pursuant to MCL 15.240(6).

**COUNT II**  
**EQUAL PROTECTION VIOLATION**

24. Petitioner JEREMY CAMPBELL incorporates by reference the previous allegations as if set forth word for word herein.
25. On information and belief, Respondent JACKSON COUNTY - OFFICE OF THE SHERIFF has previously released mugshot photographs to others.
26. Because Petitioner JEREMY CAMPBELL's request was denied while others, similarly situated as members of the general public, were provided mugshots, the actions of Respondent JACKSON COUNTY - OFFICE OF THE SHERIFF has resulted in Petitioner JEREMY CAMPBELL being intentionally treated differently from others similarly situated.

27. There is no rational basis for the difference in differential treatment between Petitioner JEREMY CAMPBELL and others similarly situated.
28. On information and belief, Respondent JACKSON COUNTY - OFFICE OF THE SHERIFF holds records and evidence of previous releases of mugshots to the public, including to Mlive.com.
29. As such Petitioner JEREMY CAMPBELL's equal protection rights were violated by Respondent JACKSON COUNTY - OFFICE OF THE SHERIFF's unequal treatment of Petitioner JEREMY CAMPBELL.

**RELIEF REQUESTED**

30. WHEREFORE, Petitioner JEREMY CAMPBELL requests this Court—
  - a. enter an order against Respondent JACKSON COUNTY - OFFICE OF THE SHERIFF compelling the disclosure of the electronic version and/or print versions of the relevant mugshots, as public records, as requested by Petitioner JEREMY CAMPBELL's FOIA requests as submitted on January 21, 2016;
  - b. declare, pursuant to MCR 2.605 and MCL 15.240(4), that the nondisclosure of the mugshots violates FOIA;
  - c. declare the denial of JEREMY CAMPBELL's FOIA was in violation of equal protection provisions of the Michigan and US Constitutions;
  - d. award all costs, disbursements, and actual/reasonable attorney fees, as required by MCL 15.240(6);
  - e. award all costs and actual and reasonable attorney fees, as provided by 42 USC § 1988;
  - f. award punitive damages as appropriate, including but not limited to MCL 15.240(7);
  - g. award such other relief as the court deems appropriate and just.

RESPECTFULLY SUBMITTED:

*Philip L Ellison*

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Date: February 12, 2016