

2007 JAN 25 AM 10:43

Guemita M. Duran

JANET L. ASHLEY

2nd JUDICIAL DISTRICT COURT
COUNTY OF Bernalillo
STATE OF NEW MEXICO

Patricia R. Long
Plaintiff/Petitioner

PLA Vs. *PLA*
Metropolitan Detention Center
+ The City of Albuquerque
PLA Defendants/Respondents

No. CV 2007 0 0777

MOTION FOR FREE PROCESS

COMES NOW Patricia R. Long, and moves this court for its order allowing free process in this case. As grounds for this motion, movant states that because of indigency, he or she cannot afford to pay court fees and costs. Movant has attached hereto an eligibility determination for indigent services form.

Patricia R. Long (Sign name)

Patricia R. Long (Print name)

P.O. Box 808 (Print address)

Grants, NM 87020

(505) 287-2941

2007 JAN 25 AM 10:44

Juanita M. Ruan

JANET L. ASHLEY

9-403. Eligibility determination for indigent defense services.
[District Court - Magistrate Court - Metropolitan Court]

STATE OF NEW MEXICO

COUNTY OF Bernalillo

IN THE 2nd Judicial District COURT

STATE OF NEW MEXICO

Patricia R. Long

v.

Metropolitan Detention Center
John Doe + *The City of Albuquerque*

NO. CV 2007 0 0777

ELIGIBILITY DETERMINATION FOR INDIGENT DEFENSE SERVICES

NAME: Patricia R. Long D.O.B.: 2/16/67 AGE: 39

AKA: Green, Self SEX: M F SS#: ~~XXXXXXXXXX~~

ADDRESS: P.O. Box 800, Grants, NM 87020 PHONE: 505-287-2941

CHARGES: NONE against Long

DC# 61,743 MC# _____

LIVES ALONE: WITH: SPOUSE CHILDREN PARENT FRIEND OTHER *w/ notes*

MARITAL STATUS: SINGLE MARRIED DIV SEP WIDOWED

NUMBER OF DEPENDENTS IN HOUSEHOLD: AKZ

Defendant is in jail (PRISON) *PRZ*
 Defendant is not in jail.

PRESUMPTIVE ELIGIBILITY:

I currently do not receive public assistance.

I currently receive the following type of public assistance in _____ County:

DEPARTMENT OF HEALTH CASE MANAGEMENT SERVICES (DHMS) _____

AFDC \$ _____ Food Stamps \$ _____ Medicaid \$ _____ DSI \$ _____ Public Housing \$ _____

NET INCOME:

	SELF	SPOUSE
Employer's Name	<u>N/A</u>	_____
Employer's Phone	<u>0</u>	_____
Pay period (<i>weekly, every second week, twice monthly, monthly</i>)	<u>0</u>	_____
Net take home pay (<i>salary/wages minus deductions required bylaw</i>)	<u>0</u>	_____

Other income sources
(*please specify*) \$ 0 _____ **SCREENING USE ONLY**

TOTAL ANNUAL INCOME \$ 0 + _____ = ___ / ___ / ___ A

ASSETS:

Cash on hand \$ 0 _____

Bank accounts \$ 0 _____

Real estate . Equity \$ 0 _____

... Equity \$ 0 _____

Motor vehicles Equity \$ 0 _____

... Equity \$ 0 _____

Other personal property (*equity*):
(*describe and set forth equity*)

_____ \$ 0 _____

_____ \$ 0 _____ **SCREENING USE ONLY**

TOTAL ASSETS \$ 0 + _____ = ___ / ___ / ___ B

EXCEPTIONAL EXPENSES

(total exceptional expenses of dependents):

Medical expenses (not covered by insurance) \$ 600 (one time, not recurring monthly) (for self)
 Court-order support payments/alimony \$ 400 per month
 Child-care payments (e.g. day care) \$ 0
 Other (describe) \$ 0
TO BE PAID \$ 700 OPA

SCREENING USE ONLY

TOTAL EXCEPTIONAL EXPENSES \$ 1,000 = 1 / 1 / C

STATE OF NEW MEXICO

COUNTY OF Bernalillo

This statement is made under oath. I hereby state that the above information regarding my financial condition is correct to the best of my knowledge. I hereby authorize the screening agent, district defender and the court to obtain information from financial institutions, employers, relatives, the federal internal revenue service and other state agencies.

Patricia R. Long 12/28/06
 Date 12/28/06 Signature of applicant
 State of New Mexico)
) ss

County of Bernalillo)
 Signed and sworn to (or affirmed) before me on 12.28.06 (date) by
Patricia R. Long (name of applicant).
 Notary [Signature]

(Seal, if any) My commission expires: 2.06.07

I UNDERSTAND THAT IF IT IS DETERMINED THAT I AM NOT INDIGENT, I MAY APPEAL TO THE COURT WITHIN TEN (10) DAYS AFTER THE DATE I AM ADVISED OF THIS DECISION.

I wish to appeal.
 I do not wish to appeal.

COLUMN "A" (net income) plus COLUMN "B" (assets) equals AVAILABLE FUNDS

SCREENING USE ONLY

= 1 / _____

INDIGENCY TABLE:

Household size (self & dependents*)	1	2	3	4	5	6	7	8
Available funds (annually)	\$9,675	\$12,950	\$16,225	\$19,500	\$22,775	\$26,050	\$29,350	\$35,080

Add \$2,975.00 for each additional dependent* member

The applicant is indigent.

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2nd JUDICIAL DISTRICT COURT
COUNTY OF Bernalillo
STATE OF NEW MEXICO

Patricia R. Long
Plaintiff/Petitioner

Vs.
Metropolitan Detention Center
and The City of Albuquerque
Defendant/Respondent

No. CV 2007 0 0777

ORDER FOR FREE PROCESS

THIS MATTER having come before the court on Plaintiff's 's motion for free process, and showing of indigency of his or her eligibility determination for indigent services form, and the court being otherwise advised in the premises, the court orders that the movant:

be allowed free process in this case.

be allowed to pay the filing fee on _____, 20_____.

be allowed free process for filing fees, but not for service of process by the sheriff's department.

not be allowed free process.

Ted Bann 1-24-07
DISTRICT JUDGE

Respectfully submitted by:

Patricia R. Long (Sign name)

Patricia R. Long (Print name)

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Juanita M. Duran

No

JANET L. ASHLEY

2nd JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO

COUNTY OF Bernalillo

Patricia Rae Long
Plaintiff,

v.

Metropolitan Detention Center (MDC)
Defendant(s),
The City of Albuquerque

CIVIL NO # CV 2007 0 0777

COMPLAINT
(TORT)

I. NATURE OF THE ACTION

1. This is a tort suit authorized by the New Mexico Tort Claims Act, Chapter 41 N.M.S.A., by a corrections department prisoner who seeks damages for the following:

(a) On 1/23/05, I tripped over 2 "boats" (portable beds used when a pod is overcrowded) that were around my bed at a 90° angle, injured my knee, and had to have surgery for a torn medial meniscus as a result.

II. JURISDICTION

2. 2nd District Court has jurisdiction in Tort actions pursuant to the New Mexico Tort Claims Act N.M.S.A. Chapter 41. a Notice of Claim was previously filed with the Risk Management Division pursuant to 41-4-16, N.M.S.A. (1978).

III. PARTIES

3. The plaintiff is Patricia R. Long, a prisoner at the N.M. Women's Correctional Facility.

4. Defendant(s) is(are) MAC and the city of Albuquerque and holds the office of the county jail.

IV. FACTS

5. ① On 1/23/05, the Plaintiff, Patricia R. Long, tripped over 2 "boats" that had been pushed into a 90° around her bed.

② When she fell, her right knee immediately became swollen.

③ She had surgery on 2/23/06.

④ Her knee remained swollen until 4 months after her surgery.

