

ALABAMA JUDICIAL INFORMATION SYSTEM

* * * IN THE DISTRICT COURT OF HOUSTON COUNTY * * *

AGENCY NUMBER: 01-08-050520

WARRANT NUMBER: WR 2009 000427.00
OTHER CASE NBR:

COMPLAINT

BEFORE ME THE UNDERSIGNED JUDGE/CLERK/MAGISTRATE OF THE DISTRICT COURT OF HOUSTON COUNTY, ALABAMA, PERSONALLY APPEARED INV CLARK ALLUMS WHO BEING DULY SWORN DEPOSES AND SAYS THAT HE/SHE HAS PROBABLE CAUSE FOR BELIEVING, AND DOES BELIEVE THAT ANDREW SEWELL DEFENDANT, WHOSE NAME IS OTHERWISE UNKNOWN TO THE COMPLAINANT, DID WITHIN THE ABOVE NAMED COUNTY AND

DID ON OR BETWEEN JANUARY 2, 2009 AND JANUARY 28, 2009, UNLAWFULLY AID, ENCOURAGE OR CAUSE [REDACTED] (DOB 01/22/1991), A CHILD UNDER EIGHTEEN YEARS OF AGE TO BECOME OR REMAIN DEPENDENT, NEGLECTED OR DELINQUENT OR BY WORDS, ACTS, THREATS, COMMANDS OR PERSUASION, DID INDUCE OR ENDEAVOR TO INDUCE, AID OR ENCOURAGE THE SAID [REDACTED] (DOB 01/22/1991), TO DO OR PERFORM AN ACT, OR BY THE NEGLECT OF ANY LAWFUL DUTY OR TO FOLLOW A COURSE OF CONDUCT WHICH WOULD CAUSE OR MANIFESTLY TEND TO CAUSE THE SAID [REDACTED] (DOB 01/22/1991) TO BECOME OR REMAIN DEPENDENT, NEGLECTED OR DELINQUENT IN THAT TO-WIT: HAD SEXUAL INTERCOURSE WITH [REDACTED] (DOB 01/22/1991) WITH THE DEFENDANT BEING THE PRINCIPAL OF THE HIGH SCHOOL FOR WHICH SAID [REDACTED] (DOB 01/22/1991) ATTENDS IN VIOLATION OF 012-015-013 OF THE CODE OF ALABAMA, AGAINST THE PEACE AND DIGNITY OF THE STATE OF ALABAMA.

FILED

Clark Allums
COMPLAINANT'S SIGNATURE

FEB 27 2009

Carla Woodall
Carla Woodall, Clerk
Houston County, AL

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 26 DAY OF FEBRUARY, 2009.

JUDGE/CLERK/MAGISTRATE OF DISTRICT COURT

CHARGES: CONTRIBUTING TO THE 012-015-013 M MISDEMEANOR

WITNESS FOR THE STATE

INV CLARK ALLUMS/DPD - 01-08-050520/DOTHAN/36301

[REDACTED] /DOTHAN/36301
CPL PHILIP RICE/

OPERATOR: SAN DATE: 02/26/2009

State of Alabama Unified Judicial System Form CR-9 Rev.3/93	PLEA OF NOT GUILTY AND WAIVER OF ARRAIGNMENT	Case Number <u>JU 2009-113</u>
IN THE <u>Circuit</u> COURT OF <u>Houston</u> , ALABAMA <small>(Circuit, District, or Municipal) (Name of County or Municipality)</small>		
<input checked="" type="checkbox"/> STATE OF ALABAMA v. <u>Andrew Sewell</u> Defendant		
Comes now, the defendant in the above-styled matter, and to the offense charged enters a plea of <input checked="" type="checkbox"/> Not Guilty <input type="checkbox"/> Not Guilty by Reason of Mental Disease or Defect <input type="checkbox"/> Not Guilty and Not Guilty by Reason of Mental Disease or Defect		
Defendant acknowledges receipt of the copy of the charge against him/her and further waives the right to have an arraignment at which the defendant is present in person, or at which the defendant is represented by an attorney. But, the defendant specifically and expressly reserves the right upon the filing hereof to hereafter, but before trial or before such date as may be set by the court, to interpose any defenses, objections, or motions which the defendant had the right as a matter of law or rule to interpose in this cause, prior to the filing hereof. Defendant's date of birth is _____ Defendant's age is _____ The defendant is not eligible for consideration by the court for youthful offender status as provided by law.		
<u>3-4-09</u> Date	 Defendant	
<u>3-4-09</u> Date	 Attorney for Defendant	
This is to certify that I am the attorney for the defendant in this matter, and that I have fully explained this form and all matters set forth herein, and pertaining hereto, to the defendant. I further state to the court that I have explained to the defendant his right to be arraigned in person and his right to have me represent him at arraignment. I further certify to the court that my client hereby knowingly, voluntarily, and intelligently waives these rights after a full and complete explanation of each and every one of them to him/her by me. BOTH MYSELF AND THE DEFENDANT UNDERSTAND THAT I AM RESPONSIBLE FOR ASCERTAINING WHAT DATE, IF ANY, HAS BEEN SET BY THE COURT FOR THE MAKING OR FILING OF ANY DEFENSES, OBJECTIONS, OR MOTIONS. I FURTHER UNDERSTAND THAT I AM RESPONSIBLE FOR NOTIFYING MY CLIENT OF THE DATE HIS/HER CASE IS SET FOR TRIAL, AND THAT I HAVE ADVISED AND INFORMED HIM/HER THAT IN THE EVENT HE/SHE FAILS TO APPEAR ON THE DATE HIS/HER CASE IS SET FOR TRIAL, ALL APPROPRIATE LEGAL ACTION WILL BE TAKEN BY THE COURT AGAINST THE DEFENDANT AND HIS/HER BOND. I further certify to the court that I have advised my client that he/she is responsible for obtaining the date his/her case is set for trial in this matter and that in the event he/she fails to appear on the date his/her case is set for trial all appropriate legal action will be taken by the court against the defendant and his/her bond, and I hereby certify that the defendant knows that he/she is personally responsible for obtaining the date his/her case is set for trial and for being present in court on that date.		
<u>3-4-09</u> Date	 Attorney for Defendant Signature	
I certify that I served a copy of the foregoing plea and waiver of arraignment on the Prosecutor by mailing/delivering a copy of the same to him/heron:		
<u>3-4-09</u> Date	<u>Derek E. Yarbrough</u> Printed or Typed Attorney's Name <u>117 East Main Street, Dothan AL 36301</u> Address	
This is to certify that my attorney has explained each and every matter and right set forth in this form and I have completely and fully read and do understand each and every matter set forth in this form. I further state to the court that I do not wish to be personally present at an arraignment in this case and that I do not want to have an attorney represent me at an arraignment and WITH FULL KNOWLEDGE OF EACH OF THESE RIGHTS, I HEREBY EXPRESSLY WAIVE SUCH RIGHTS. I further state to the court that I have been informed of the charge against me and have received a copy of the Charge.		
<u>3-4-09</u> Date	 Defendant Signature	
Filed in office this date <u>3-4-09</u>	 Clerk	

FILED

MAR 04 2009

John Woodall, Clerk
Houston County, AL

NOTED

IN THE JUVENILE COURT OF
HOUSTON COUNTY, ALABAMA

FILED

MAR 03 2009

Ch. Woodall
Chloe Woodall, Clerk
Houston County, AL

STATE OF ALABAMA,

vs.

ANDREW SEWELL,

Defendant.

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* Case No.: JU 2009-113
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MOTION FOR ORDER AND/OR INJUNCTION

COMES NOW the Defendant by and through counsel and, reserving all defenses to personal and subject matter jurisdiction as well as all challenges to the complaint in this matter, moves this Honorable Court to enter an order and/or injunction in this case, and in support of the requested relief shows the following:

1. On or about February 26, 2009, Investigator Clark Allums signed a complaint alleging a violation of *Ala. Code* §12-15-13 (1975), and naming Andrew Sewell as the perpetrator.
2. A warrant was issued on the same date and the Defendant voluntarily submitted to arrest.
3. On February 27, 2009, this Court entered an Administrative Order stating that all cases brought under *Ala. Code* §12-15-12 (1975) will be filed and prosecuted in the Juvenile Court of Houston County, and the case was docketed in the Juvenile Court of Houston County.
4. Both prior and subsequent to the filing of the complaint in this case, the City, State and/or other unknown entities and/or persons released to the media information regarding the subject of the complaint and the proceeding arising out of it.
5. The information has been published in the Dothan Eagle, on local television stations and in newspapers and other mediums all over the State of Alabama. One such article from the

ATTORNEY GENERAL

Dothan Eagle is attached hereto.

6. Defendant shows that pursuant to *Ala. Code* §§ 12-15-100 and 101 all cases pending in the Juvenile Court of Alabama are to be docketed separately and all records, reports, studies and other information relating to those cases are to be safeguarded against disclosure to unauthorized persons and their contents are not to be disclosed to the public.

7. Furthermore, *Ala. Code* §12-15-76 (1975) provides a procedure for all hearing to be conducted in chambers with all persons excluded except any with "direct interest" in the case.

WHEREFORE, Defendant moves this Honorable Court to grant the following relief:

- A. An order directing the Clerk of the Court to comply with the procedures set forth in *Ala. Code*
- B. An order and/or mandatory injunction directing the State and all its agents to refrain from releasing information relating to this case to any unauthorized persons or entities;
- C. An order and/or mandatory injunction directing the Defendant and all his agents to refrain from releasing information relating to this case to any unauthorized persons or entities;
- D. An order and/or mandatory injunction directing the minor and all her agents to refrain from releasing information relating to this case to any unauthorized persons or entities;
- E. An order and/or mandatory injunction directing the Dothan Eagle and any other newspaper in the State from releasing, printing or publishing in any manner information relating to this case.
- F. An order granting such other, further or different relief as will comply with the purpose and intent of *Ala. Code* §§12-15-1, et seq., and the *Alabama Rules of Juvenile Procedure*.