

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE,
AT CHATTANOOGA

FILED

2010 JUL 16 A 8:54

U.S. DISTRICT COURT
EASTERN DIST. TENN.

BY _____ DEPT. CLERK

ROY L. DENTON,
Plaintiff

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Case No. 1:07-cv-211

Judge: *Collier/ Carter*

v.

STEVE RIEVLEY,
in his individual capacity
Defendant

JURY DEMAND

**PLAINTIFF ROY L. DENTON'S REQUEST FOR JUDICIAL NOTICE OF THE
PERSONAL SPRINT TELEPHONE OF THE DEFENDANT STEVE RIEVLEY**

Comes now, Plaintiff Roy L. Denton, *pro se*, and hereby requests that this Court take judicial notice under *Federal Rule of Evidence 201* of the attached Sprint cellular telephone record, and respectfully shows the Court the following:

On June 24, 2010, B. Elizabeth Dickson, an attorney at law, who has made appearance to this court to serve as co-counsel for the defendant Steve Rievley, mailed via U.S. Mail, postage meter #0004167882, a letter with an enclosed copy of a "Subscriber Activity Detail" for Steve Rievley's Sprint cellular telephone for September 9, 2006. *See attached Exhibit A.*

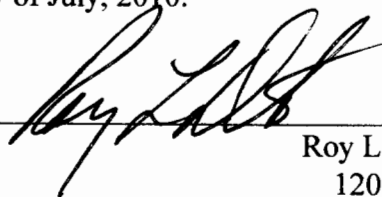
Notice is given to this court and the party defendant, that in spite of the fact that the phone records of "*Steve Rievley's personal*" cell phone records were ordered by this court to be produced by Mr. Ronald D. Wells, it is stipulated without objection that the Sprint cellular telephone record produced by defendant's counsel, Ronald D. Wells and/or Bonnie E. Dickson is an accurate record of the personal phone Steve Rievley states he uses.

Moreover, Steve Rievley does not appear to own the telephone number, or even the Sprint telephone account for that matter, but instead some unknown person by the name of “Mandy Emery”. In any event, such record supplied by defendant’s legal counsel is accepted by the plaintiff and satisfied to be the particular “personal” cell phone used by Steve Rievley, a cell phone used in conjunction with a Verizon cellular telephone issued to him by the city of Dayton.

Therefore, notice is hereby given that regardless of the account name for the attached exhibited Sprint cellular phone record of the Account name Mandy Emery — Account # 324630122 — Account phone number 423-595-0011, the record indicated and attached herewith as Exhibit A, is stipulated by the plaintiff Roy L. Denton to be a true and correct copy of the telephone that Steve Rievley states and considers his “personal” cell phone that he uses while performing his duty as a police officer for the city of Dayton, Tennessee. Additionally, given the fact that Mr. Rievley is a “*public employee*” who is issued a “*public owned*” Verizon cellular telephone, and that Mr. Rievley freely admits to his usage of his personal cellular Sprint phone while working “*on duty for the public*”, and under no objections from his supervisors or any other level of management of the city for which he is employed, then such Sprint phone record is considered a “*public record*” pursuant to the Tennessee Public Records Act and redaction of this particular telephone number is not necessary in this instance.

Respectfully submitted this 15th day of July, 2010.

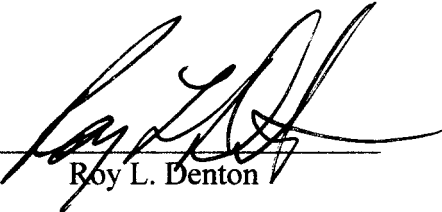
BY: _____



Roy L. Denton
120 6th Ave.
Dayton, TN 37321
423-285-5581

CERTIFICATE OF SERVICE

The undersigned hereby certifies that an exact copy of this document has been served upon all parties of interest in this cause by placing an exact copy of same in the U.S. Mail addressed to such parties, with sufficient postage thereon to carry same to it's destination, on this 16th day of July, 2010.



Roy L. Denton

Copy mailed to:

Ronald D. Wells, BPR# 011185
Suite 700 Republic Centre
633 Chestnut Street
Chattanooga, TN 37450
Phone:423-756-5051