

**IN THE COURT OF COMMON PLEAS OF
LEHIGH COUNTY PENNSYLVANIA**

ANNA WRIGHT , :
 Plaintiff, :
 v. :
ELISHA ENNIS, :
 Defendant, :

CHILD SUPPORT
PACSES Case NO. 630002007.

**DEFENDANT'S PETITION FOR SPECIAL RELIEF:
RELEASE FROM INCARCERATION**

2005 JAN 18 AM 10:02
Clifford A. ...
DOUGLAS ...
LEHIGH COUNTY ...

FILED

TO THE COURT:

Defendant, Elisha Ennis, by and through the undersigned counsel, petitions this Honorable Court to be released from prison work release per the Order of Court entered on the 2nd day of December, 2004, and avers as follows:

1. The Order held that defendant Ennis, contemnor, is in civil contempt for non-payment of child support.
2. Contemnor is currently on work release, and his wages are attached for payment of child support and RENT to County of Lehigh for his incarceration.
3. The court demanded that contemnor pay \$3000.00 to purge the contempt holding.
4. An order for contempt must provide a means for a contemnor to purge the order.
5. Contemnor is unable to purge the order of contempt.
6. Sentencing under civil contempt is to be curative, and not punitive. There is no evidence that contemnor here has the ability to purge this order of contempt.
7. The court ordered confinement is punitive, contrary to settled Pennsylvania law.
8. In the matter at bar, contemnor appeared pro se, and was adjudicated to be in civil contempt.

9. Recent court decisions in Pennsylvania, especially in Allegheny and Montgomery counties, have held that contemnors must be provided with competent counsel before they may be sentenced to incarceration. Hundreds of contemnors have been released from prison from these counties under the above legal conclusion.

Further, contemnor's wages are attached in the amount of \$140.00 per week for COSTS to County of Lehigh for his incarceration. These monies are being diverted from the assets of an obligor with a multiple family support obligation to the county. Arguably, the county has a conflict of interest when it attaches wages for its own coffers instead of making them available for the stated intention of the support laws, that is, the financial well-being of Pennsylvania's dependent children.

WHEREFORE, for the above reasons and settled Pennsylvania law, defendant Elisha Ennis respectfully prays to this Honorable Court for the following relief:

- A) To vacate, nullify, or otherwise rescind the court's Order of December 2, 2004, that sentenced defendant to serve 180 days in Lehigh County Prison; or
 B) To release defendant Ennis from that order by reducing the sentence to "time served", effective immediately.

Respectfully submitted,

By Eugene A. Wrona

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