

COURT OF APPEALS

DISTRICT I

---

Pearl Garcia,

Petitioner,

v.

Affidavit

Circuit Court of Milwaukee County,  
the Honorable John DiMotto, Presiding,  
and Manuel Garcia, Jr.,

Respondents.

---

COMES NOW John F. Ebbott, being duly sworn on oath, and  
hereby deposes and says:

1. That he is the counsel for petitioner Pearl Garcia in this  
request for a writ of prohibition, and Pearl Garcia is the respondent in  
the divorce case of Manuel Garcia, Jr. v. Pearl Garcia, in the Circuit  
Court for Milwaukee County, Case No. 2005 FA 003434.

2. That Pearl Garcia is impoverished, and cannot afford to  
retain an attorney to represent her in her divorce action.

3. That she applied for representation from Legal Action of

Wisconsin, but was denied because Legal Action has insufficient resources to represent her and the hundreds similarly situated.

4. That her husband and adversary in the divorce, Manuel Garcia, Jr., is represented by counsel.

5. That, on information and belief, petitioner does not know the law, and needs the assistance of counsel to protect her rights in the divorce litigation.

6. That, on June 21, 2005, Pearl Garcia filed a motion for court appointment of counsel with an affidavit setting forth the facts of her indigency and her need for an attorney with the Circuit Court for Milwaukee County.

7. That the same day, June 21, 2005, Judge John DiMotto denied her motion in a letter, stating that attorneys could be appointed in criminal matters but not in divorce cases.

8. That Pearl Garcia needs the assistance of an attorney in her divorce case, and she does not want to proceed without one.

9. That there is a strong argument for a right to court-provided counsel for impoverished suitors, as set forth in the brief

accompanying the related Petition for Appeal by Permission in this matter.

---

John F. Ebbott

Subscribed and sworn to before me

this \_\_\_\_\_ day of \_\_\_\_\_, 2005

---

Notary Public, Milwaukee County, WI

My commission expires \_\_\_\_\_