

**IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA**

**STATE OF ALABAMA,**

**vs.**

**BRENDA SHOOP,**

**Defendant.**

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**CASE NO.: CC-2006-2398**

CIRCUIT COURT  
BALDWIN COUNTY, AL  
FILED

**APR 26 2007**

**JODY W. CAMPBELL**  
CIRCUIT CLERK

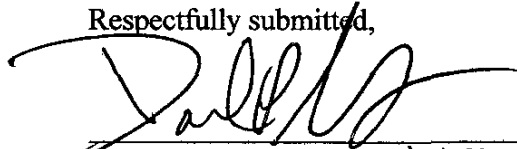
**MOTION TO DISMISS**

**COMES NOW** the Defendant, Brenda Shoop, by and through the undersigned counsel, Daniel P. Mitchell, and in support of Motion to Dismiss avers as follows, separately and severally:

1. Count One of the indictment fails to advise Defendant of the acts she must be prepared to defend;
2. Count One of the indictment is insufficient to give Defendant notice of the acts of which she is being prosecuted;
3. Count One of the indictment is insufficient to support a plea of res judicata in the event Defendant is again placed in jeopardy for this alleged offense;
4. Count One of the indictment fails to state all the essential elements of this offense;
5. Count One of the indictment fails to state an offense at law;
6. Count One of the indictment is but mere legal conclusions of the pleader;
7. Count One of the indictment fails to allege an offense over which this court has jurisdiction;
8. Count One of the indictment violated the Ninth Amendment of the United States Constitution;
9. Count One of the indictment violates Brenda Shoop's Constitutional Right to medical treatment;
10. Count Two of the indictment fails to advise Defendant of the acts she must be prepared to defend;
11. Count Two of the indictment is insufficient to give Defendant notice of the acts for which she is being prosecuted;

12. Count Two of the indictment is insufficient to support a plea of res judicata in the event Defendant is again placed in jeopardy for this alleged offense;
13. Count Two of the indictment fails to state all the essential elements of the offense;
14. Count Two of the indictment fails to state an offense at law;
15. Count Two of the indictment is but mere legal conclusions of the pleader;
16. Count Two of the indictment fails to allege an offense over which this court has jurisdiction;
17. Count Two of the indictment violates the Ninth Amendment of the United States Constitution;
18. Count Two of the indictment violates Brenda Shoop's Constitutional Right to medical treatment;

Respectfully submitted,

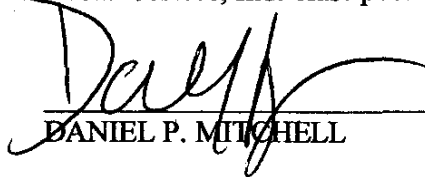


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DANIEL P. MITCHELL *hlt 026*  
Attorney for Defendant  
(251) 937-5667

**CERTIFICATE OF SERVICE**

I hereby certify that I have on this the 26 day of April, 2007, served a copy of this pleading on Judy Newcomb, Baldwin County District Attorney at Post Office Box 1269, Bay Minette, Alabama (36507) and Troy King, Alabama Attorney General, at 11 South Union Street, Montgomery, Alabama (36130), via the U.S. Postal Service, first-class postage prepaid.



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DANIEL P. MITCHELL