

STATE OF WISCONSIN CIRCUIT COURT RACINE COUNTY

SUBJECT OF RECORDS REQUEST,

Petitioner,

vs.

Case No.: 26-CV-280

RACINE COUNTY
c/o Wendy Christensen, County Clerk
730 Wisconsin Avenue
Racine, WI 53403

Case Code: 30704
Other Injunction

and

CHRISTOPHER SCHMALING
Racine County Sheriff, in his official capacity
717 Wisconsin Avenue
Racine, WI 53403,

Respondents.

AFFIDAVIT OF CARY MADRIGAL

STATE OF WISCONSIN)
)
COUNTY OF RACINE)

Your affiant, being first duly sworn on oath deposes and says:

1. That your affiant is an adult resident of the State of Wisconsin and has been at all times relevant to this action.
2. That your affiant makes this Affidavit upon personal knowledge.
3. That your affiant has been employed by the Racine County Sheriff's Office (hereinafter "RASO") continuously for almost twenty-five (25) years.
4. That your affiant is currently a Captain with the RASO.

5. That your affiant has served distinguishably with the RASO, having earned and received approximately five (5) departmental awards/commendations in my nearly twenty-five (25) years of service with the RASO.

6. That your affiant, with the exception of the matters addressed in this litigation, has only one other discipline matter with the RASO (minor traffic accident).

7. That your affiant received a Notice, via personal service on February 9, 2026, from Racine County Corporation Counsel, on behalf Racine County and the RASO, noting its intent to release complete responsive documents to the Open Records Request. Further, attached hereto as Exhibit "A" is a true and correct copy of such Notice.

8. That your affiant additionally received, with the Notice, a copy of the responsive documents intended to be released by the RASO. Further, attached hereto as Exhibit "B" is a true and correct copy of the Responsive Documents.

9. That your affiant is aware of three (3) different instances resulting in disciplinary action which would be released in an unredacted format and in their entirety in response to the Open Records Request.

10. That your affiant is aware that within your affiant's Disciplinary Record File there are three (3) different incidents which your affiant believes contain embarrassing, personal damaging information, or information so dated or otherwise not proper for release in their entire format in response to the Open Records Request.

11. That the first incident contained within your affiant's Disciplinary Record dates to 2006 (hereinafter the "2006 Discipline").

12. That the 2006 Discipline related to your affiant in her role as a Deputy Sheriff with RASO whereby she permitted a prisoner to make a phone call (as part of the booking process) that

was relayed (by the prisoner) to your affiant that she was calling a loved one that was awaiting the prisoner's arrival.

13. That the above referenced phone call was in fact not as represented to your affiant but instead to a residence that the prisoner was connected to that resulted in a forewarning of other criminal suspects.

14. That as a result of the 2006 Discipline, your affiant received eight (8) hours off without pay.

15. That the second incident, which your affiant is aware having resulted in discipline contained within your affiant's Disciplinary Record, relates to a 2011 Search Warrant execution within Racine County (hereinafter the "2011 Incident").

16. That the 2011 Incident was the result of your affiant being disciplined and receiving eight (8) hours off without pay for eating a piece of candy located at the Search Warrant target location.

17. That the 2011 Incident had nothing to do with destruction of evidence nor dereliction of duty but was simply a minor lapse in judgment.

18. That the final incident, which your affiant is aware of and as contained within the Disciplinary Records proposed to be released, relates to a 2023 incident (hereinafter the "2023 Incident").

19. That the 2023 Incident related to the investigation, subsequent termination and criminal prosecution of a former RASO Deputy, Preston Kite (the "Kite Arrest").

20. That your affiant, prior to the Kite Arrest, had heard unsubstantiated rumors about Kite and an explicit text message Kite had sent to a different Sheriff's Deputy dating to 2021; however, your affiant never received confirmation or additional information pertaining to such rumor.

21. That your affiant is aware that the Deputy that received the text message/image was subsequently disciplined for an unrelated matter in and around October 2023.

22. That, when your affiant spoke with the Deputy who had been disciplined in 2023, such Deputy expressed frustration and concern regarding his discipline in comparison to other persons who had been disciplined within the department and only at that point in time confirmed that he had been a recipient of the rumored text message/image.

23. That the Kite Arrest resulted in Racine County hiring outside counsel, Attorney Samuel Hall (hereinafter "Hall"), to conduct an investigation into Deputy Kite and the allegations contained within a criminal complaint relating to Kite.

24. That, as a result of the 2023 Incident, your affiant spoke with Hall and disclosed that your affiant had heard rumors dating to 2021 or 2022 whereby Kite had sent a text message, containing a possible sexual image to another Sheriff's Deputy.

25. That your affiant self-disclosed her knowledge of the text message to Hall as part of his investigation.

26. That, as a result of your affiant's self-disclosure of hearing of said rumor, your affiant was further investigated by RASO and subsequently received a ten (10) day unpaid suspension in February of 2025.

27. That your affiant is aware that the Deputy who received the unwanted text message/image, at no time filed a complaint with RASO nor ever confirmed that your affiant had knowledge of the same prior to your affiant's discussion with that Deputy after his discipline and subsequent disclosure to Hall.

28. That your affiant, while refuting the allegations within the 2023 Incident, did not appeal the same.

29. That your affiant verily believes that the discipline, as stated herein, is wholly unrelated to your affiant's daily interactions with the public, and a release of the same would only serve to embarrass your affiant, harm your affiant's reputation and status within this community and such factors outweigh the need for disclosure of the same.


30. That your affiant makes this Affidavit in support of her Petition for a Restraining Order, enjoining Racine County and the RASO from releasing the proposed documents in response to the Open Records Request.

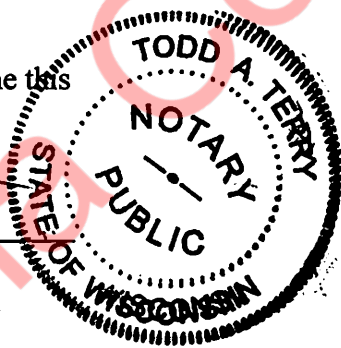
31. That this Affidavit does not exhaust your affiant's knowledge of the situation.

Dated this 23rd day of February, 2026.


Cary Madrigal, Petitioner

Subscribed and sworn to before me this
23rd day of February, 2026.


Todd A. Terry
Notary Public, State of Wisconsin
My Commission is permanent.



DRAFTED BY:

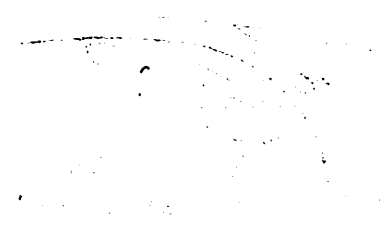
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