

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS.

SUPERIOR COURT

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JESSE E. TORRES III )  
 JENNIFER J. ADAMS )  
 Plaintiffs )  
 vs. )  
 SOPHIE J. TORRES )  
 JESSE E. TORRES IV )  
 DEBTMERICA, LLC. )  
 DONALD F. TORRES )  
 Defendants )

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Civil Docket # BACV2011-00433

**PLAINTIFF'S VERIFIED MEMORANDUM OF FACTS IN SUPPORT OF PLAINTIFFS'**  
**MOTION FOR RECONSIDERATION**

**NOW COMES THE PLAINTIFFS** in the above entitled action and sets forth the following undisputed facts from the record and transcripts of this action.

**I - History**

This Court made the decision to not hear our Motion For A Restraining Order dated July 11, 2011 which was attached to the Complaint of the above entitled action. By the Court's order, that motion was refiled 9A, but still it went unheard. We would hope that the Court now knows of the seriousness of the death threats contained in that Complaint, as was reflected in the handling of our Appeal by the Massachusetts Court of Appeals, when they withheld our address from the Defendants and their Attorneys. The Appellate Court overturned this Court and sent the case back to this Court for trial. The Complaint of this matter contained attachments, warrants and sworn statements from law enforcement agencies as absolute proof of those allegations.

We argue, in accordance to the transcript, that the Court was unfamiliar with the use of Certified Mail for service of a Complaint to out of state defendants [Trans A, Pp 9–11, Lns 5-25; 1-25; 1-18] even though it is clearly allowed under Massachusetts Rule 4e(3) and as such it was perhaps why the Plaintiffs' Motion for Restraining Order was not heard.

The transcripts leave no doubt that the Court didn't like our putting up, what at that time, was a password-protected website of our Court Filings, even though it was the only way to get them to the Defendants before a hearing scheduled by the Court in two work days. [Trans A, Pg 8, Lns 12-18]

## **II – The California DEA**

Be that as it may, the following facts would have been made known to the Court over two years ago if our Motion for a Protective Order had been heard:

1. After the death threats against the Plaintiffs, I called the California State Police from Baja Mexico to report the death threats as we feared for our lives.
2. My call was transferred to the California DEA and I told them what I knew of James Kimberly Torres' drug smuggling and U.S. distribution ring.
3. Only after a second death threat did I testify to the California DEA as to my knowledge of those drug crimes, which included personal knowledge of how they were being distributed.
4. When James Torres, my cousin, came to visit me, he observed at my workplace, how my company at the time, Corporate Computer Systems, Inc., shipped computers throughout the United States.
5. James Torres started buying computer cases, removing their power supplies and stuffing them with drugs and baby powder.
6. James Torres then shipped the “computers” through multiple package services like

UPS and FedEx to locations and dealers throughout the United States.

7. In anticipation of a DEA raid on James Torres' house, I warned the DEA of the full-height safe James Torres kept in his bedroom closet which was filled with cash, sometimes drugs and always numerous automatic weapons and handguns, including a 50 Caliber Desert Eagle.
8. When the DEA asked me how I had such personal knowledge of James Torres' criminal activity, the answer was simple, "*Jimmy loved to brag about it*", believing he was some kind of western cowboy, like the pictures that covered his walls.
9. With the above facts in mind, the California DEA told me they could not protect me in Mexico and that I should leave, telling no one but them and close family members who could be trusted of our location. Instructions which we followed to the letter.
10. I kept in contact with the DEA while I stayed in Big Bear California. I was told that James Torres was under surveillance and was asked particulars as to the surrounding neighborhood where James Torres lived and the nearby market where he shopped.
11. The unanswered question of the DEA was, where was James Torres getting his drugs from within Mexico? We specifically discussed the Defendant, his father, Donald F. Torres as to what I had seen and how he lived so well on a union pension.
12. While I had seen Donald Torres store only small amounts of drugs in his freezer, I did warn the DEA of the many guns he stored in his hall closet, bedroom closet and under his bed. He, like his son, liked to brag and show off his guns.
13. Conversations with the DEA left little doubt that, while unable to prove it, they were suspicious Donald Torres was the source of, or contact, or knew who, supplied the drugs for his son's distribution network.
14. Further, it was discussed that Donald Torres was the beneficiary of numerous "toys"

like Sea-Doos, three wheelers and quads stored at his house. These included those allegedly owned or gifted by James K. Torres and the Defendant Jesse E. Torres IV, also part of a small group that had bought the home across the street from Donald Torres, a house which was left vacant.

15. I had catastrophic heart failure while in Big Bear, as it was discovered too late that I had built up fluids in my lungs which caused the Heart Failure. Fluids which would not have built up at our sea-level home in Mexico.
16. While I lost touch with the criminal investigation after my heart failure and returning to Massachusetts, I was notified that James Torres was dead from a gun shot wound to the head from a 50 Caliber Desert Eagle.
17. I cannot say whether or not the gun shot was self-inflicted. However, if it was self-inflicted, was it caused by the California DEA investigation which could have resulted in a third strike against him? It would be hard not to conclude that my actions, as described herein, were blamed by his father, my uncle, the Defendant Donald F. Torres and my sons, to be the cause of his death.

### **III – Attorney Jeremy M. Carter**

This Court listened while Attorney Carter made baseless allegations in open court and, in effect, testified to a version of the events which were intended to dismiss the seriousness of true facts before the Court. It is easy to make such baseless claims from the comfortable confines of Barnstable Superior Court, and while not under oath. [Trans B, Pg 16, Lns 14-16]

While Attorney Carter rambled on, the Plaintiffs relived the reality of the attacks on them while in Mexico. I slept with a loaded gun under my pillow and walked around the walls that surrounded the house hourly each night, with that same loaded gun. Plaintiff Jennifer Adams and I had to live through the continued rocket, yes rocket, assaults over our home,

getting little or no sleep.

I'm sure that there is a legal argument to strike the fact that my family's greed has already killed me when they forced me to mountains of Big Bear California, where the altitude caused fluid to build up in my lungs. I had Catastrophic Heart Failure as a direct result of the altitude, which for a 55 year old, is statistically a death sentence. The only question is not if my family killed me, but when. I do not therefore, find Attorney Carter's comments the least bit humorous, and in fact find them insulting.

When the record is examined, it is apparent that Attorney Jeremy M. Carter was arguably allowed to state any baseless claims he wished to the Court. There is a difference between arguing one's case and testifying to one's opinion and a cross examination of Mr. Carter would have clearly shown it to be the latter.

Again, it is obvious by the Court's transcript that the Court did not like us, the Plaintiffs, posting information nor giving interviews on the Internet. Our first amendment rights are, respectfully, a right and not something to be adjudicated by this Court. Arguing that our statements were demeaning is not an argument. If solely for the sake of argument we say this Court, in reference to this case, was the proper venue for such argument, the only question that should have been heard, was: were the statements true? If not, as this Court informed Mr. Carter, he could file a separate action, which he obviously did not. [Trans B, Pg 16, Lns 17-18]

The only argument now before the Court is whether or not Attorney Carter and his law firm should be entrusted with information that could lead to the loss of the Plaintiffs' lives or force the Plaintiffs to once again live in a state of terror.

The standard for this determination should be no less than that used for determining whether deadly force can be used. This is ironically the consequence of this Court's ruling,

and that is whether in this case, the Plaintiffs believe that their lives and safety would be at risk.

Attorney Carter's own words demonstrate that he is arguably incapable of seeing the facts before him. He testified with a straight face, clearly verbalizing his feelings, that there is no danger to the Plaintiffs when he openly mocked news blogs who interviewed the Plaintiffs, to this Court:

*“he [Torres] describes cases such as the one before the Court as an ongoing international criminal conspiracy that was directed at the plaintiffs on or about May 11, 2001 and has been successful in threatening the live of the plaintiffs. It talks about his, I believe great uncle, another defendant who I don't represent, as being a head of a drug cartel” - [Trans B, Pg 13, Lns 13-17]*

Attorney Carter should have been admonished for bringing a motion for short order of notice and a motion [*Exhibit 'E'*] to effectively disavow the First Amendment, by claiming that his 90-year old client was “*defamed*” and “*emotionally distressed*” by the postings about her on the Internet [Trans B, Pg 13, Ln 25; Pg 14, Lns 14-16]. This “defamation” referred to a document that was only filed as an exhibit to show that she was capable of signing a contract with me. Yet the entire text of the document, text that he claimed was “defaming” and “distressing” her was:

*“Sophia Torres is of sound mental and physical health.” - [Exhibit 'A']*

According to the transcripts, the Court had prepared for the wrong hearing [Trans B, Pg 2, Lns 12-15; Pg 5, Ln 15], and because the Clerk had *mistakenly* not filed our motions in opposition to Attorney Carter's Motion [Trans B, Pp 3-4, Lns 24-25; 1], the Court was only left with the Defendants' attachments.

Be that as it may, if the Court had simply reviewed the Defendants' attachments (images of the website), the Court would have known that Attorney Carter's claims were false,

as was his motion [Exhibit 'E']. If a claim of libel was available to him, if the postings about him were not true, he could have, as the Court stated, filed his own lawsuit [Trans B, Pg 16, Lns 17-18]. Instead, he falsely and with malice-aforethought, used his "90-year old client" to front his claims which were clearly for his personal benefit, knowing of the Court's dislike of the websites that carried the Plaintiffs' stories:

*"Plaintiffs have recently published inappropriate and untrue information in regard to Defendant Sophie J. Torres legal counsel." - [Exhibit 'B']*

Attorney Carter in his two page Emergency Motion [Exhibit 'E'] refers to himself three (3) times. However, in the attachments showing images from the former New England Watchdogs website which he argued as the basis of his claims, there is NOT ONE MENTION OF HIS CLIENT. The facts speak for themselves.

#### **No Trespass and Notice To Quit:**

The transcripts are unarguable, when directly questioned by this Court as to the Notice to Quit [Exhibit 'D'] AND the No Trespass Order [Exhibit 'C']:

*"THE COURT: What happened there, what happened there --"*

*"MR. CARTER: I have no Idea what he's talking about, Judge. The Falmouth Police --"*

*"THE COURT: ... – who filed the eviction process?"*

*"MR CARTER: I filed a Notice to Quit" - [Trans B, Pg 21, Lns 8-14]*

Whether Attorney Carter was oblivious or untruthful in his statement, it was his law firm where he is a named partner who filed a No Trespass [Exhibit 'C'], on file with the Court, served at the same time and date on the Plaintiffs.

But when he got a chance to argue that a blog article about the Plaintiffs stopped the Police from enforcing his firm's No Trespass [Exhibit 'C'], he suddenly claims that the No Trespass [Exhibit 'C'] was issued by the Falmouth Police when his "90-year old client" called them:

“MR. CARTER: He's talking about his mother calling the Falmouth Police”

“THE COURT: On what issue?”

“MR. CARTER: – as well as Elder Services. Has not – I had nothing to do with it.”

“THE COURT: Okay.”

“MR CARTER: Detective Atherton --”

“THE COURT: For what purpose? Why did she call to--”

“MR. CARTER: My understanding is because they wanted a no trespass notice. She was originally told that they were not going to give a no trespass notice. They would not enforce it.” - [Trans B, Pg 21, Lns 16-25; Pg 22, Lns 1-2]

Mr. Carter first claimed he only served a Notice to Quit [Exhibit 'D'], then claimed he knew nothing about the No Trespass [Exhibit 'C'], then claimed it was his Client who called the Falmouth Police for the No Trespass [Exhibit 'C']. We argue that his real goal was simply to add fuel to the Court's disapproval of our use of the Internet and the fact that the story may have stopped the Falmouth Police from enforcing what they determined to be an illegal order after they took the time to review Mr. Carter's, or his firm's or some “*unknown person's*” writing of No-Trespass orders. [Trans B, Pp 21-22, Lns 24-25; 1-2]

While the Court stated that these orders are routinely handed out by the Courts [Trans B, Pg 20, Lns 10-18], it is not so matter-of-fact when it is you being thrown to the street and made homeless *unlawfully*. But for the Court to have arguably punished us for using the First Amendment to have prevented Mr. Carter's No-Trespass [Exhibit 'C'] from being enforced, an order determined to have been illegal by the Falmouth Police who refused to enforce it, was injustice. Being overturned by the Massachusetts Court of Appeals cannot begin to make right the affect on of us of this act.

Our point is not to embarrass the Court, but to clearly, factually and beyond reasonable doubt, show that Mr. Carter has already been party to actions that have been so egregious that the Falmouth Police refused to enforce his order. Also on point and on record, is that this Court has not ever admonished Mr. Carter for his actions, thus, he has no fear. Respectively,



how could the Plaintiffs or any reasonable person put their lives at risk with this history? If our address is leaked, *will Mr. Carter simply say oops?*

Rather than being demeaning to Mr. Carter by further pointing out his obvious skills at “misinformation”, we'll leave it that the transcripts speak for themselves. The Court has only to read the two notices [*Exhibits 'C' and 'D'*] to ascertain that it was he or his law firm who wrote the orders and hired the process server to serve those orders simultaneously on the Plaintiffs. Perhaps because we are Pro Se he was confident that the facts simply didn't matter.

While we could provide countless more examples of Attorney Carter's antics from the Court record and emails to us, we will simply state the fact that he openly accused the Plaintiffs of libel [Trans B, Pg 14, Ln 16] but has never once brought a law suit against the Plaintiffs or any of the many websites he would like silenced for publicly exposing his actions. As the best defense against libel is truth, it is very simple to figure out why Attorney Carter has filed no such lawsuit, only motions thinly veiled behind his now 93-year old client. If Mr. Carter doesn't like the publicity his actions draw, *don't do them.*

It is clear that this Court does not like us posting Court Documents on the Internet nor giving interviews about this case. That is without question. Even with the reservations of this Court, it still specifically upheld that it is our right to say and post anything we choose, with very narrow restrictions. If what we say is not true, this Court has openly advised Attorney Carter of his right to file a lawsuit against us and those websites for libel. While we may be Pro Se, we are citizens of the United States, and here, in this country, although you may not like what we say nor about whom we say it, it is our right to say it.

These examples are clear and come directly from this Court's record and transcripts. Mr. Carter's own words are clear warnings that express our concerns that Attorney Carter and/or his law firm of Wilkins, DeYoung & Carter, would inadvertently or not, ultimately

disclose our location.

Only in the interest of Judicial Economy are we now limiting the additional long list of acts which would bring to bear more questions connected to the valid and serious safety concerns we have of Attorney Carter. Upon request of the Court, we can produce emails between the Plaintiffs and Attorney Carter as well as many other examples from the record, of his and his law firm's documented history, that overwhelmingly support our concerns.

Lastly, without question we have shown that Mr. Carter is personally vested in this litigation. He has filed a Motion [*Exhibit 'E'*] that was clearly for his benefit. Was this an improper motion or is he a litigant? I would argue that as no action was taken by the Court, it appears it considered his motion was proper, and if so, this clearly defines Mr. Carter as a litigant. Therefore, Mr. Carter and his law firm, by this Court's own Order, does deny him access to knowledge of our location and as such, the Court has contradictory orders in effect.

#### **IV - Breach of Privilege**

Attorney Carter's law firm, Wilkins, DeYoung & Carter, fares no better than does Attorney Carter when examined under the light of historical fact. His law firm sent their clients', the Defendants, privileged documents to us, the Plaintiffs [*Exhibit 'F'*]. This action clearly demonstrates their lack of controls in handling "*privileged*" documents in this case. Their record leaves no room for argument, they should not have access to information on which our lives depend. The facts dictate that It is very likely they could, inadvertently or not, disclose our location.

The record of Attorney Carter's law firm, Wilkins, DeYoung & Carter, is not something we should be asked to bet our lives, safety and well being on.

#### **V - The Standard**

Again, the standard for this determination should be the same as used for determining

whether deadly force can be used. This is ironically the consequence of this Court's ruling, and that is whether, in this case, the Plaintiffs, believe that their lives and safety would be at risk.

## **VI - Conclusion**

The overwhelming evidence is clear and absolute. It would not be safe to disclose our address to Attorney Carter or his law firm of Wilkins, DeYoung & Carter.

*“MR. CARTER: ...It does not allow him to allege drug cartels and that his life has been threatened and things of that nature, Judge”.* [Trans B, Pg 16, Lns 14-16]

Would any Judge entrust their family's life in a similar situation and circumstance?

## **VII – Precedent**

The Massachusetts Court of Appeals has already allowed the removal of, and non-disclosure of, our address to Attorney Jeremy Carter and his law firm of Wilkins, DeYoung and Carter. This Court has an obligation to follow the example of the Appellate Court in this matter.

## **Attestation**

I, Plaintiff Jesse E. Torres III, personally prepared this memorandum. I swear under the pains and penalties of perjury that the facts contained herein are true to the best of my knowledge and recollection.

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Jesse E. Torres III, Pro Se

**Dated:** January 16, 2014