

ATTACHMENT #1

**Subject:** 2012-P-0524 - Notice of Argument by Telephone  
**From:** AppealsCtClerk@appct.state.ma.us (Appeals Court Clerk's Office)  
**Date:** 4/4/2013 12:33 PM  
**To:** "Jennifer J. Adams" <jadams@jetiii.com>

COMMONWEALTH OF MASSACHUSETTS

APPEALS COURT CLERK'S OFFICE

April 4, 2013

RE: No. 2012-P-0524

JESSE E. TORRES, III & another  
vs.  
SOPHIE J. TORRES & others

Dear Counsel:

The Chief Justice has instructed me to inform you that the subject case is on the LIST FOR ARGUMENT VIA A TELEPHONE CONFERENCE on:

Date: Thursday, April 11, 2013  
Time: 2:00 PM  
Panel: Cypher, Rubin, Wolohojian, JJ.

Counsel have the option of arguing or submitting the case on brief. All counsel are to notify this office, in writing, as to their intentions regarding argument or submission on brief, on or before April 4, 2013.

Counsel shall be entitled to an oral argument (if timely requested) which is not to exceed FIFTEEN (15) MINUTES per side.

The conference will be initiated by the Appeals Court Clerk's Office. Each party is to FORTHWITH provide the Clerk's Office with the appropriate telephone number for access to the conference call.

Notice of Cancellation of Arguments. When inclement weather exists, parties are required to call 617-725-8114 to learn from the automated message of any cancellation of oral arguments. In addition, parties who registered for e-mail notice will receive e-notice that oral argument has been cancelled.

There will be no continuance except for grave cause.

Very truly yours,

Deputy Special Assistant Clerk

To: Jesse E. Torres, III, Jennifer J. Adams, Jeremy M. Carter, Esquire, Cindy A. Nuzzolo, Esquire

-----  
If you have any questions, or wish to communicate with the Clerk's Office about this case, please contact the Clerk's Office at 617-725-8106. Thank you.

ATTACHMENT #2

**Subject:** Re: 2012-P-0524 - Notice of Argument

**From:** jtorres <jtorres@jetiii.com>

**Date:** 3/11/2013 10:49 AM

**To:** Appeals Court Clerk's Office <AppealsCtClerk@appct.state.ma.us>

**CC:** <jmc@wilkinsanddeyoung.com>, "Jennifer J. Adams(jadams)" <jadams@jetiii.com>

Dear Clerk of the Appeals Court,

Please note that in July 17, 2012 we were forced to leave our home in Massachusetts. The Appellees in this matter were successful in evicting us and thereby making our appearance in this matter as difficult as possible. This is a familiar tactic they often use, as set forth in our Briefs and attachments. We were declared indigent by this Court and the Barnstable Superior Court, and were left homeless as a result of the Appellees' eviction.

We were advised to not state our location as retribution threatened by an Appellee could place us in imminent danger. The reasoning here is clear and is referenced in our brief's attachments from Federal and State Law Agencies from two (2) countries. Notwithstanding, we have been forced to take refuge with various friends and family leading us thousands of miles from Massachusetts, and leaving us without the funds to return to Massachusetts to personally argue before the Appeals Court on the date scheduled hereto.

While we have been working feverishly to complete a new product, as employment for an almost 61 year old Computer Scientist is hard to find in this economy, we are not yet ready to release the product, and do not therefore have the funds to return to Massachusetts and to pay for accommodations during the appeal hearing.

We therefore are hoping to find alternative means to argue our case. We request that we be allowed to argue via Skype Video Conferencing, or in the alternative, via Telephone. Other suggestions would be to ask the Court to appoint Counsel to represent us, or at minimum, to adjourn and delay the oral arguments for six (6) months at which time we would hope that we would have the finances to travel to Massachusetts.

We believe that this is procedural and does not therefore have to be done by Motion. Please advise if we are incorrect, or if you have any other alternatives available in this matter.

Lastly, we ask that it is taken into consideration that it was the direct and deliberate actions of the Appellees that have caused us to not be available to argue this matter, and that they should not profit from their actions.

Thank you for your consideration,

J. E. Torres III

----- On Fri, 08 Mar 2013 13:52:49 -0500 **Appeals Court Clerk's Office**  
<AppealsCtClerk@appct.state.ma.us> wrote -----

COMMONWEALTH OF MASSACHUSETTS

APPEALS COURT CLERK'S OFFICE

March 8, 2013

ATTACHMENT #2

RE: No. 2012-P-0524

JESSE E. TORRES, III & another  
vs.  
SOPHIE J. TORRES & others

Dear Counsel:

This case is scheduled for oral argument as follows:

Date: Thursday, April 11, 2013

Time: 2:00 PM

Panel: Cypher, Rubin, Wolohojian, JJ.

Place: John Adams Courthouse, Courtroom 4, Third Floor  
Pemberton Square, Boston, MA 02108

Oral argument is limited to FIFTEEN (15) minutes for each side. Please note:

- 1) You are to advise this office who will appear and argue the case. If you are counsel and have received this notice electronically, you may respond by clicking on the reply button. If you have received this notice by regular mail, please respond by regular mail.
- 2) The case cannot be submitted on brief without notice to the court.
- 3) You are required to be in the courtroom at 9:30 A.M. and complete the Attorney's Registration Form, which is in the court officer's custody.
- 4) There will be no continuance except for grave cause.
- 5) All further filings in this appeal are required to be filed electronically by e-mailing the document as a PDF; original papers will not be accepted without leave of the court. See "Standing Order Requiring the Electronic Filing of All Motions and Letters After Panel Assignment," available at <http://www.mass.gov/courts/appealscourt>.
- 6) Notice of Cancellation of Arguments. When inclement weather exists, parties are required to call 617-725-8114 to learn from the automated message of any cancellation of oral arguments. In addition, parties who registered for e-mail notice will receive e-notice that oral argument has been canceled.

ELECTRONIC NOTIFICATION. To register to receive only electronic (i.e., e-mail) notification of the court's actions, orders, rescripts, and decisions, see "Standing Order Governing Electronic Notification of Court Orders, Notices, and Decisions in Lieu of Paper Notice," available at <http://www.mass.gov/courts/appealscourt>.  
Very truly yours,

Special Assistant Clerk

To: Jesse E. Torres, III, Jennifer J. Adams, Jeremy M. Carter, Esquire

-----  
If you have any questions, or wish to communicate with the Clerk's Office about this case, please contact the Clerk's Office at 617-725-8106. Thank you.



# ATTACHMENT #3

[Print](#) | [Close window](#)

From : jtorres <jtorres@jetiii.com>  
To : "Appeals Court Clerks Office" <appealsctclerk@appct.state.ma.us>  
Cc : "jmc" <jmc@wilkinsanddeyoung.com>, "Jennifer J. Adams(jadams)" <jadams@jetiii.com>  
Subject : Re: 2012-P-0524 - Mandate, change of venue  
Date : Mon, 25 Nov 2013 08:55:29 -0800  
Attachments : AppealChangeOfVenue.pdf

Dear Clerk of the Appeals Court,

I was unsuccessful in contacting your office by phone this morning in regards to the transfer of the records and mandate to the lower court.

In addition to the normal transfer of records and mandate, we ask that the following facts unique to Barnstable County and Appellant Torres be considered.

The record is clear and well documented, both in the documents submitted with our appeal, and other actions by the Barnstable Clerks Office, such as, in charging us for two unnecessary Summons, then refusing a refund for same; with our motions not getting filed for hearing; and even not filing them for an active hearing. These actions would clearly, "make the eyebrow of the average person rise".

It would defy logic not to believe that these acts come from the association of Appellant Torres with the Impeachment of Judge Shirley R. Lewis. Many of the employees of the Barnstable County Clerks Office were employees of the office at that time, and witnessed first hand the hearings and protests that took place there. They saw the many advertisements and constant articles in local newspapers. Clearly, the actions thus far in our case dictate at minimum, that there is an appearance of bias in Barnstable County that has and will continue to deny, or at minimum, make significantly more difficult, our right to the fair administration of justice.

As we would file a motion for a Change of Venue in the lower court, and if won, would require additional transfers between Courts, we assert, that to transfer the case to another jurisdiction at this time, such as Suffolk or Middlesex Counties, would be far more efficient for all parties and the Courts.

I have additionally provided this document in pdf format and attached the same.

Thank you for your consideration in this matter,

J. Torres III  
(617) 418-4497

cc: Jermy Carter, Esq. jmc@wilkinsanddeyoung.com

# ATTACHMENT #4

[Print](#) | [Close window](#)

From : Janice Grenier <janice.grenier@wilkinsanddeyoung.com>  
To : "jtorres" <jtorres@jetiii.com>  
Subject : RE: Harrassing Us.  
Date : Mon, 23 Jul 2012 06:42:48 -0700

Seth,

Mary has called regarding this e-mail. It did not play out this way. Mary is concerned about her mother. Stuff was left behind. Drew took everything.

Can they put a sign up regarding selling the property?

Please call Mary to discuss. 508-295-9900 x 103.

---

**From:** jtorres [mailto:jtorres@jetiii.com]  
**Sent:** Sunday, July 22, 2012 8:32 AM  
**To:** Jeremy M. Carter  
**Cc:** Janice Grenier; Mary Torres  
**Subject:** RE: Harrassing Us.

Jerry,

Drew called Sophie/Mary and went down to pickup the last of my tools and items. He stated based n his exeriance as a police officer that all of my items had been opened and gone through. This was done while I was the legal tenant of the property.

I went above an beyond to accommodate your client. I placed all of my items on the left side of the garage, neatly piled and ready to be picked up. I took care in placing all of the few remaining of my fathers tools in his old box on the right side of the garage. I even left the weight machine my mother bought us as a gift and my very expensive cables running between the garage and the house so she would not have to pay \$800 to replace them or loose her TV.

Your client has never seen my fathers tools, hell he moved into another bedroom after she stold from his family's estate, yet she would not let Drew take my toolbox filled with my NEW tools, obviously not my fathers as they were purchased after his death. She even physically assaulted Gail, sneaking up behind her and ripping my pry-bar from her hands.

I and the Frampsons are willing to not file charges and a motion for contempt as they felt Sophie was showing signs of senility, if they deliver my tools to Drews house. If you don't convince your client to do the right thing here, I and the Frampsons will see you, Mary (personally) and Sophie in Court

Jerry, you know me well enough by now to know I am attempting to settle this fairly, feeling strongly we will prevail in the appeal, . You also know I will follow through if I have to. Did you know we caught Mary, camera in hand, looking through our covered personal items when she thought we were gone for the day (we also keep a camera in hand)?

Jesse

---- On Tue, 17 Jul 2012 10:12:54 -0400 **Jeremy M. Carter** <jmc@wilkinsanddeyoung.com> wrote ----

ok



Barnstable Superior Court  
BACV2011-00433  
December 20, 2013  
Barnstable Superior Court Fax: (508) 362-7754

**Request for Special Consideration due to Circumstances Beyond Our Control**

We are forced to make this a request to the Court for Special Considerations. Those special considerations prevent us from filing this as a formal motion for the very reasons stated herein. We pray the Court, on its own intuitive, change its status to a motion or other form the Court choses.

1. The decision of this Court by Judge Christopher J. Muse was overturned by the Massachusetts Court of Appeals.
2. We were declared indigent by this Court and the Massachusetts Court of Appeals.
3. We were evicted by Falmouth District Court, in large part, based on the Order of this Court, as was argued by the Defendants' Attorney.
4. We were never allowed to argue a second contract which superseded the Contract upon which this court was unjustly focused. This contract would have shown tens of thousands of dollars that were due us, for which the Defendants had the ability to pay, before our eviction.
5. As a result we we were left homeless and forced to move thousands of miles away, dependent on the charity of family and friends.
6. We are no longer Citizens of Massachusetts.
7. As acknowledged and allowed by the Massachusetts Court of Appeals, our location was kept private from the Defendants' Counsel due to the verified threats against our lives.
8. We received a call from this Court on this day regarding a hearing scheduled. When we called back, we had to leave a voice message.
9. The Massachusetts Court of Appeals, knowing of our situation, allowed us to argue our Appeal by Telephone.
10. We believe that, generally, when a Case is overturned, that the Lower Court, in this instance, this Court, should follow the example set by the Appellate Court.
11. The decision of this Court, and the actions of the Defendants, was in large part responsible for our current situation and was overturned by the Massachusetts Court of Appeals.
12. The Defendants' Counsel, Jeremy M. Carter, has at all times had ways to contact us and was very aware of our situation. If it is his action now scheduled for hearing, he willfully chose not notify us of his motion now before this Court.
13. We have recent emails between Attorney Carter and myself on this very subject.

The current situation makes it impossible for us to respond to an undisclosed motion scheduled for hearing at a time unkown to us. The following motions are being prepared and justice demands that they should be heard before any other motions are heard by this Court.

**Motions that will be filed with this Court**

1. Motion to allow the electronic filing and service, as specified by the Massachusetts

## ATTACHMENT #5

Court of Appeals.

2. Motion for Indigent Litigants to Serve Emergency and Ex Parte Motions Electronically.
3. Motion for Change of Venue as there are too many associations with the Plaintiff Jesse E. Torres III and the Impeachment effort of Barnstable County Probate Judge Shirley R. Lewis.
4. Motion to Recuse Judge Christopher J. Muse.
5. If the change of Venue is denied, Motion to hear arguments at hearings via Telephone.

As is clear, we have a catch 22, as we are homeless and have no permanent address, nor the funds for service. Therefore we argue that our first two motions will have to be ruled on before considering our, or any of the Defendants' motions.

It is the specific actions of the Defendants and the overturned order of this Court that has placed us in this very situation. We are making a few simple requests, that without their being granted, will leave us unable to defend ourselves and our claims. There is nothing in our requests that would be burdensome to the Defendants. They should not be able to profit from their actions.

We ask the Court to respond by email (preferred) or to our Internet fax number. We also have an Internet phone. Please note that we do not always have an Internet connection.

Email: [jtorres@jetiii.com](mailto:jtorres@jetiii.com)

Fax: 267-381-6137

Phone: 617-418-4497

The Plaintiffs.

Jesse E. Torres III

Jennifer J. Adams

# ATTACHMENT #6

I-3

1 THE COURT: -- son? And that's it? Donald as well?  
2 MR. TORRES: Donald Torres is an uncle.  
3 THE COURT: And who was doing what? Because I'm having a  
4 hard time with these pleadings.  
5 MR. CARTER: It's actually my motion.  
6 THE COURT: Plaintiffs -- I'm sorry.  
7 MR. TORRES: But there's also, Your Honor, I'm not sure  
8 with the storm of all of the motions I filed with it, I asked  
9 that this be combined as an evidentiary hearing, and I also  
10 have a motion to strike. I'm not sure if you got them.  
11 Did you get that, Mr. Carter?  
12 MR. CARTER: I got it today, Judge.  
13 THE CLERK: The Court has it, but it's not filed 9A.  
14 THE COURT: I know. That's --  
15 MR. CARTER: Mr. Torres files a lot of motions, Judge.  
16 THE COURT: Excuse me. Go one at a time.  
17 MR. TORRES: I was talking, Your Honor.  
18 THE COURT: Yeah.  
19 MR. TORRES: No, that's okay. (Indiscernible at 20:09:47  
20 -- garbled speech.)  
21 THE COURT: I'll tell you what the clerk just told me.  
22 That we had a motion that you filed to strike --  
23 MR. TORRES: Yes, Your Honor.  
24 THE COURT: -- claims, and that has not been filed the  
25 right way so I'm giving it back to you with instructions as to



# ATTACHMENT #6

I-4

1 how to do it. Okay? Number one.

2 MR. TORRES: May I ask a question? Okay. Yes, sir.

3 THE COURT: Number one. No, it's --

4 MR. TORRES: But that was in response to this hearing,  
5 Your Honor. That is specifically a motion to strike this  
6 motion. He made four statements in the motion.

7 THE COURT: Okay. Hold it.

8 MR. TORRES: Okay. This was filed (indiscernible at  
9 2:10:18 -- garbled speech).

10 THE COURT: We have a motion to restrain certain parties  
11 from discussing the case or the plaintiffs with the defendant.  
12 Now, hold it.

13 MR. TORRES: Okay.

14 (Pause.)

15 THE COURT: You're representing who? Defendants?

16 MR. CARTER: I represent presently the two defendants who  
17 have been served, Judge.

18 THE COURT: Okay.

19 MR. CARTER: That would be Sophie Torres and Debtmerica.

20 THE COURT: But I have here the plaintiffs' verified  
21 motion to restrain certain parties from discussing. That's  
22 your motion?

23 MR. TORRES: Yes, sir. That has not -- the final 9A  
24 filing of that, we just are sending it to the court now.  
25 That's not the motions that we have before this.

## ATTACHMENT #6

1 THE COURT: That's where my confusion is. That's why I  
2 asked you.

3 MR. TORRES: There are --

4 THE COURT: Hold it. Hold it.

5 MR. TORRES: Okay.

6 THE COURT: Hold it. Hold it. Now I have the other one  
7 that was at the head of the pile here, and that's where the --  
8 the verified motion to amend the plaintiffs' ex parte motion  
9 for a restraining order. Did you get a restraining order  
10 beforehand?

11 MR. CARTER: Judge, that's -- they have applied for a  
12 restraining order. That hasn't even been heard yet.

13 THE COURT: All right.

14 MR. CARTER: And that's not up to me, respectfully.

15 THE COURT: And the motion to dismiss is not on today?

16 MR. CARTER: No.

17 THE COURT: Okay.

18 MR. CARTER: Although that's been sent in 9A, but it's not  
19 been scheduled.

20 THE COURT: That's what I read.

21 MR. CARTER: Okay.

22 THE COURT: So your motion -- is it your motion today?

23 MR. CARTER: It is, Your Honor.

24 THE COURT: Where will I find that in the file?

25 THE CLERK: Number nine, Your Honor.

# ATTACHMENT # 7

1 MR. TORRES: Well, it was a family matter.

2 THE COURT: No, no.

3 MR. TORRES: Okay. It is a bind --

4 THE COURT: My family life is irrelevant. My judge and  
5 law life is very important. I've never seen anything like  
6 this. I've never heard of an addendum to a will that's a  
7 contract. I've never heard of it.

8 MR. TORRES: I understand that, but I couldn't find any  
9 reason that it wasn't legal at the time or now, Your Honor.

10 THE COURT: Well, I understand that, but we're still  
11 dealing with whether it's a contract or not.

12 MR. TORRES: Here's what happened, Your Honor, and the  
13 reason for that. As originally there was just going to be a  
14 contract between my mother and myself transferring the  
15 properties over. If you read further, it allowed her to live  
16 her life and do whatever she wanted with the properties while  
17 she was alive.

18 When we wrote the contract, there were things that she  
19 wanted to change in the will that was in full force and  
20 effect. After the contract was written, the addendum, with --  
21 she asked that a will be produced. So I had a copy of Quicken  
22 WillMaker which I used for my will and my neighbors have used  
23 it, and we drafted a new will with her there.

24 THE COURT: There's a problem. Don't you think that's  
25 kind of a problem that you'd be using a computer-generated