

COMMONWEALTH OF MASSACHUSETTS
APPEALS COURT

Appellate Court Docket No.
2012-P-0524

JESSE E. TORRES III
JENNIFER J. ADAMS
Appellants

v.

JESSE E. TORRES IV, DONALD F. TORRES
DEBTMERICA, LLC. and SOPHIE J. TORRES
Appellees

Appeal from Superior Court, County of Barnstable,
Civil Docket #BACV2011-00433

APPELLANTS' AFFIDAVIT CONCERNING THE REQUESTS
FOR TRIAL COURT HEARING TAPES

I, Jesse E. Torres III of Barnstable County,
Massachusetts, do hereby certify under the pains and
penalties of Perjury that on this 9th day of May, 2012,
that the attached seven (7) separate copies of
correspondence for our requests for Trial Court
Hearing Tapes hereto attached, are true copies of our
correspondence with the various departments and
officials of the Courts in our attempts to obtain

same.

By,



Jesse E. Torres III
562 Waquoit Highway
East Falmouth, MA 02536
(617) 840-7880
jtorres@jetiii.com

Dated: May 7, 2012

CERTIFICATE OF SERVICE

I, Jesse E. Torres III, hereby certify that on May 9, 2012, I have served the Defendants, through their attorneys of record, at Wilkins and DeYoung, 270 Winter Street, Hyaniss, MA 02601, a true copy of this affidavit by postage prepaid U.S. Mail, and electronically by email.

Jesse E. Torres III
Jennifer J. Adams

562 Waquoit Highway

East Falmouth, Massachusetts, 02536

Home: (617) 800-9858 | jtorres@jetiii.com - (617) 506-3495 | jadams@jetiii.com - (617) 939-9559

Work: www.jetiii.com - jetiii@jetiii.com - Voice: (617) 418-4497 - Fax: 267) 381-6137

December 21, 2011

Barnstable Superior Court
Scott W. Nickerson, Clerk
Office of the Clerk
Civil Department
PO Box 425
Barnstable, MA 02630

RE: Civil Docket #BACV2011-00433

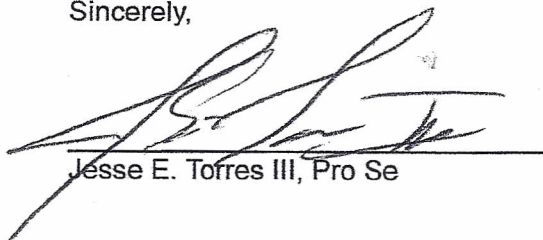
Dear Mr. Nickerson,

Please be advised that the Plaintiffs, jointly this day, ordered copies of the tapes and the transcripts thereof, from the three hearings in the above-captioned matter on: July 26, 2011, August 30, 2011 and November 17, 2011 from the Office of Transcription Services (OTS) . While unclear whether required, we have enclosed the completed copies of the Superior Court TRANSCRIPT ORDER FORM.

Enclosed is our Emergency Motion for Allowance of Plaintiffs' Affidavit of Indigency and the Certificate of Service thereof.

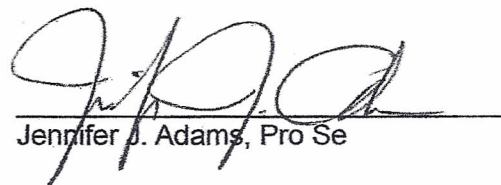
If you have any questions in this matter, or there are any additional items required, please don't hesitate to contact us.

Sincerely,



Jesse E. Torres III, Pro Se

Sincerely,



Jennifer J. Adams, Pro Se

Jesse E. Torres III
Jennifer J. Adams

562 Waquoit Highway

East Falmouth, Massachusetts, 02536

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Work: www.jetiii.com - jetiii@jetiii.com - Voice: (617) 418-4497 - Fax: 267) 381-6137

December 26, 2011

Barnstable Superior Court
Scott W. Nickerson, Clerk
Office of the Clerk
Civil Department
PO Box 425
Barnstable, MA 02630

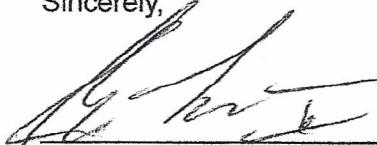
RE: Civil Docket #BACV2011-00433 and ordering "the cassette"

Dear Mr. Nickerson,

In accordance with Appellate Rule 8(b)(3)(ii), we herein order a copy of "the cassette", a cassette copy of the electronic recording, of each hearing of July 26, 2011, August 30, 2011 and November 17, 2011 regarding the above-cited Civil Docket number.

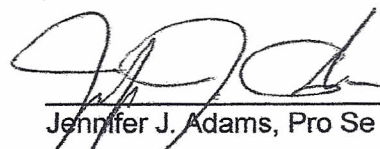
If you have any questions in this matter, or if there are any additional items required, please do not hesitate to ask.

Sincerely,



Jesse E. Torres III, Pro Se

Sincerely,



Jennifer J. Adams, Pro Se

Subject: Fwd: Torres v Torres BACV2011-00433
From: "Jesse E. Torres III" <jtorres@jetiii.com>
Date: 1/5/2012 8:51 AM
To: jadams@jetiii.com

----- Original Message -----

Subject: Torres v Torres BACV2011-00433
Date: Wed, 4 Jan 2012 13:02:35 -0500
From: Therese M Wilson <therese.wilson@jud.state.ma.us>
To: jtorres@jetiii.com

Dear Mr. Torres,

The docket indicates that your Emergency Motion to accept affidavit of indigency was allowed as to court cassette recording and transcripts for motion hearings. Please provide the allowed motion to OTS in order for us to process your request.

Please be advised that the Office of Transcription Services only prepares transcripts of proceedings that were recorded on the Electronic Recording Devices installed in Superior Court courtrooms. The dates of August 30 and November 17, 2011 were recorded on this device. The date of July 26, 2011 was recorded by Court Reporter Linda Kelly. You must contact Ms. Kelly directly for that transcript.

Therese Wilson
Court Recording Coordinator
Office of Transcription Services

Print | Close window

From : Cindy Crowley <cindy.crowley@comcast.net>
To : "jtorres" <jtorres@jetiii.com>
Subject : RE: Torres v. Torres Transcripts/Cassette Recordings
Date : Wed, 15 Feb 2012 13:49:56 -0500

Hi Mr. Torres,

You should call Office of Transcription Services at 617-878-0225 and they will be able to assist you with audio.

Cindy

From: jtorres [mailto:jtorres@jetiii.com]
Sent: Wednesday, February 15, 2012 11:33 AM
To: cindy.crowley@comcast.net
Subject: Torres v. Torres Transcripts/Cassette Recordings

Hello Cindy,

We received the transcripts you sent us. Thank you for the prompt and thorough job you did on them.

One question: we did not receive copies of the cassette recordings which we had requested to the Office of Transcription Services. These had been approved by Judge Robert C. Rufo's order and are needed in our appeal. Can you send us copies of the cassette tapes or let us know who is responsible for sending them to us?

Any help would be greatly appreciated.

Sincerely,

Jesse Torres
617-418-4497

Subject: RE: Torres v Torres BACV2011-00433
From: Therese M Wilson <therese.wilson@jud.state.ma.us>
Date: 2/21/2012 1:45 PM
To: Jennifer Adams <jadams@jetiii.com>

To my knowledge, Superior Court does not provide copies of the audio recordings.

Therese Wilson
Court Recording Coordinator
Office of Transcription Services

----- Original Message -----
From: Jennifer Adams <jadams@jetiii.com>
Sent: Tue, 2/21/2012 1:18pm
To: Therese M Wilson <therese.wilson@jud.state.ma.us>
Subject: Re: Torres v Torres BACV2011-00433

Dear Ms. Wilson. Could you tell us how we can obtain copies of the audio recordings? Thank you for any help.

Sincerely,

Jennifer Adams

On 2/21/2012 1:05 PM, Therese M Wilson wrote:

Dear Ms. Adams,

The Office of Transcription Services only prepares transcripts of Superior Court proceedings. We do not provide audio recordings.

Therese Wilson
Court Recording Coordinator
Office of Transcription Services

----- Original Message -----
From: Jennifer Adams<jadams@jetiii.com>
Sent: Fri, 2/17/2012 3:01pm
To: Therese M Wilson<therese.wilson@jud.state.ma.us>
Subject: RE: Torres v Torres BACV2011-00433

Dear Ms. Wilson,

We have received the transcripts from Aug. 30 and Nov. 17, 2011 from Cindy Crowley. All that's missing are the cassette recordings in our OTS request. If you could send us copies of the tapes, it would be greatly appreciated. Thank you.

Sincerely,

Jennifer Adams

Jesse E. Torres III
Jennifer J. Adams

562 Waquoit Highway

East Falmouth, Massachusetts, 02536

Home: (617) 800-9858 | jtorres@jetiii.com - (617) 506-3495 | jadams@jetiii.com - (617) 939-9559

Work: www.jetiii.com - jetiii@jetiii.com - Voice: (617) 418-4497 - Fax: 267) 381-6137

February 23, 2012

Barnstable Superior Court
Scott W. Nickerson, Clerk
Office of the Clerk
Civil Department
PO Box 425
Barnstable, MA 02630

RE: Civil Docket #BACV2011-00433


Dear Mr. Nickerson,

We have received copies of the transcripts from the three hearings on July 26, 2011, August 30, 2011 and November 17, 2011 in the above-captioned matter. We have not, however, received copies of the cassette recordings of these three hearings as requested on our order form to the Office of Transcription Services (OTS) and as ordered by the Honorable Judge Robert C. Rufo in the Clerk's Notice of 01/09/2012. These recordings are central to our Appeal.

The OTS said they don't provide the cassette recordings and referred us back to your office. Please advise whether these cassette recordings come from your office or where we can obtain them.

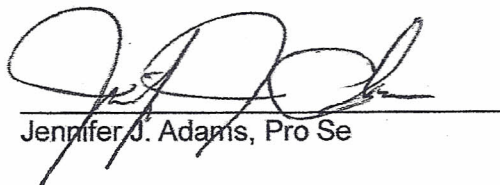
Thank you for your assistance.

Sincerely,



Jesse E. Torres III, Pro Se

Sincerely,



Jennifer J. Adams, Pro Se

Jesse E. Torres III
Jennifer J. Adams

562 Waquoit Highway

East Falmouth, Massachusetts, 02536

Home: (617) 800-9858 | jtorres@jetiii.com - (617) 506-3495 | jadams@jetiii.com - (617) 939-9559

Work: www.jetiii.com - jetiii@jetiii.com - Voice: (617) 418-4497 - Fax: (267) 381-6137

February 29, 2012

Barnstable Superior Court
Scott W. Nickerson, Clerk
Office of the Clerk
Civil Department
PO Box 425
Barnstable, MA 02630

RE: Civil Docket #BACV2011-00433

Dear Mr. Nickerson,

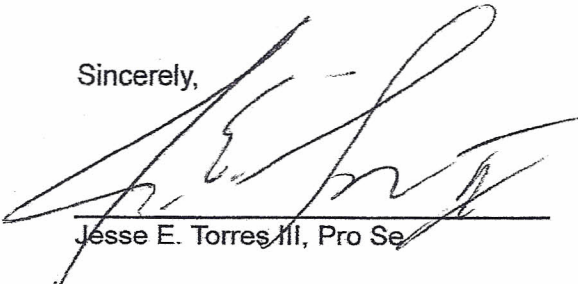
Enclosed, please find two copies of the transcript from the Preliminary Injunction of July 26, 2011. Additionally, please find the original and a copy of the transcripts from each Motion Hearing of August 30, 2011 and November 17, 2011. Note that we received only one copy, and no original, of the transcript for the Preliminary Injunction of July 26, 2011.

We were unable to make contact with you by phone this morning to confirm that we should send you this now, but we felt we should err on the side of caution and therefore, enclosed are the above documents as you requested.

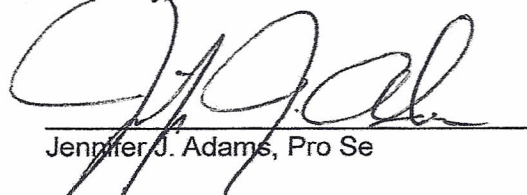
However, please note that Jesse is looking into going before a single justice of the Appeals Court in order to obtain the cassette recordings (or CD recordings or whatever media on which audio was recorded), since, in addition to the written transcripts, voice tone and demeanor are essential to our Appeal. We're not sure how this will affect the assembling of the record. Please advise.

Thank you for your assistance.

Sincerely,


Jesse E. Torres III, Pro Se

Sincerely,


Jennifer J. Adams, Pro Se

Enclosures

cc: Jeremy Carter