

In the Pascua Yaqui Court of Appeals
In And For the Pascua Yaqui Indian Reservation

Docket No. CA-00-002 ⁰²⁻⁰⁰⁻⁰

Patricia A. Adames,
Appellant
v.
David Ruiz,
Appellee

Response to
Opinion And Order:

Concluded in error at
no fault of mine

Comes now, Patricia A. Adames/Appellant and
most respectfully requests that this Court review my
response.

As of April 11, 2002, I am in receipt of your
Opinion and Order. The following are the reasons, that
I base my response to this Court as; "unjust at
no fault of mine."

1). I am not an Attorney, nor am I expect-
ed to have full understanding to every process.

2). I have made successful contact with this Court's Appellate Clerk, and obtained the following:

- a). Notice of Appeal from filing, 09/13/00
- b). Copy of the Title 11 Civil Appellate Procedure
- c). Requested and obtained basic information for process and to maintain compliance.

3). Since September 2000 until Present 2002, I have made successful communication with this Court's Appeals Clerk and received the following information:

- a). Complete and compliant status (Ref: Appeal)
- b). If I needed to do anything else to obtain or assist the scheduling of the briefing hearing. Information provided to me was "No". I was in compliance.
- c). Continual status checks (Ref: Appeal briefing) for status of the aforementioned Appellate case
- 4). File review of all case files at both levels of this Court to verify:
 - a). Correct mailing address.
 - b). Correct telephone number.
 - c). I received all mailings.
 - d). This Court received all mailings from me.

10 letters (and cc's)

4). All of the submitted to this Court were not meant to confuse either the Civil (General) or the Appellate levels. The purpose of them were to inform this Court of the surfacing problems. Because these issues promoting the problems were not to be neglected or ignored due to the overall immobile status created by the Appellate Court Process.

Therefore, the above mentioned letters and cc's were not meant to perfect a brief. The purpose, again, was to inform should they become even more detrimental.

5). Due to this Court's Order and Opinion a Custody hearing was scheduled for:

May 16, 2002 @ 2:30 p.m.


This was done in desperation and without my review of the Order and Opinion (received during OSC). To continue would be unusual cruelty and punishment by this Court, due to the issues for my Appeal's basis. This means repeating the process of harm again. My Appeal must be heard and a Briefing should be

scheduled expediently. Again I am not an Attorney, - however, I am very capable of explaining in brief the issues of my Appeal. This means I understand the purpose is for making known the error of this Court.

This Appellant most humbly requests for a careful review of this "Response to the aforementioned Opinion and Order," of this Court, as there has been an error at no fault of mine.

Further request is for a scheduling for a briefing expediently, and cancel custody hearing

Sincerely,


Patricia A. Adames

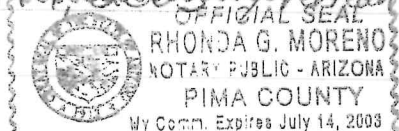
(520) 312-3334

Subscribed and sworn before me this

15th day of April 2002.

My Commission Expires: July 14, 2003 

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**IN THE PASCUA YAQUI COURT OF APPEALS
IN AND FOR THE PASCUA YAQUI INDIAN RESERVATION**

Docket No. CA-00-002

Patricia A. Adames,)
 Appellant)
)
 v.)
)
David Ruiz,)
 Appellee)

OPINION AND ORDER

C.J. Abeita, Associate Justice, for a unanimous Court.

This matter comes before the Court of Appeals by a Notice of Appeal filed by Appellant, Patricia Adames, on August 18, 2000. Neither named party filed documents required by this Court in order to proceed with the appeal process. However, in December 2001, Ms. Adames provided the Trial Court with a letter dated December 1, 2001, that was also addressed to the Court of Appeals, that discussed her position on the matter on appeal. This Court considered the fact that Appellant was representing herself, and reviewed the Appellant's Notice of Appeal and Appellant's December 1, 2001, letter and finds that Appellant has failed to perfect her appeal in a timely manner and hereby dismisses the appeal. In dismissing Ms. Adames' appeal, this Court feels that some discussion of the case is appropriate.

Ms. Adames filed her initial Notice of Appeal with the Court Clerk on August 18, 2000. She did not provide any information as to what error she believed the Trial Court made in issuing its Order. Ms. Adames did not file any other document in her appeal until December 2001, and even then, the letter was not formally filed in the appellate record. Under the Pascua Yaqui Rules of Civil Appellate Procedure in place at the time Ms. Adames filed her appeal, she

would have been required to file an appellant brief within thirty (30) days of the date the appeals notice was mailed to parties by the Court Clerk. Former PYIT-RCAP, Rule 12(a). This was not done. We also considered the fact that this Court was in the process of adopting new Rules of Appellate Procedure during the summer of 2000 when Ms. Adames had filed her Notice of Appeal. The new Pascua Yaqui Court of Appeals Rules of Appellate Procedure, currently in place, were adopted in November 2000. Even if this Court granted Ms. Adames great latitude and allowed her to comply with the new Rules of Appellate Procedure adopted in November 2000, she would still be required to file an Appellant's Brief. The letter provided to the Trial Court and the Appellate Court dated December 12, 2001, was filed over one year after the new Rules of Appellate Procedure were adopted. Ms. Adames took no other action for over one year on her appeal.

Despite the problems with filing the requisite documents needed to perfect the appeal, we believe that invoking the appellate jurisdiction of this Court at this time is not the best approach to resolve a matter which may be better handled by the Trial Court. Without a more specific discussion by Ms. Adames as to the basis for her appeal, this Court can only discuss some of the issues raised in her December 12, 2001 letter. The Trial Court issued an Order entered on July 21, 2000 pertaining only to child custody and visitation. The Trial Court advised Ms. Adames that any property issues would need to be addressed at a separate hearing. It is unclear if Ms. Adames was alleging that this determination by the Court below on the property issue was the basis for her appeal or if it involved the determination of child custody and visitation.

The matter to which Ms. Adames writes in her December 12, 2001 letter involves the failure of Respondent, David Ruiz, to remove Ms. Adames name from a life insurance policy

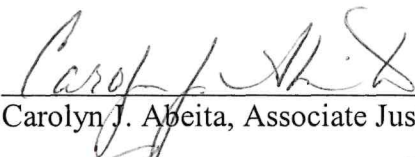
apparently held by Mr. Ruiz. This apparently has caused Ms. Adames to fear for her well-being based on alleged threats made to her by Mr. Ruiz given that she was still named on the insurance policy. This Court would have no jurisdiction to hear such a matter since it was not addressed by the Trial Court below and cannot be raised for the first time on appeal. We would presume that a better avenue for relief for Ms. Adames would be to request a hearing on matters of property as the life insurance policy would be considered property and specifically ask the Trial Court to issue a ruling on the life insurance policy. If the Trial Court finds that Mr. Ruiz must remove her name from the policy and he fails to do so, Ms. Adames could seek relief by filing a Motion for Contempt for not complying with a Court order that requires her name to be removed.

For the foregoing reasons, we conclude that Ms. Adames, by failing to file the required appellant brief with this Court, did not properly perfect her appeal before this Court. We therefore dismiss the appeal.

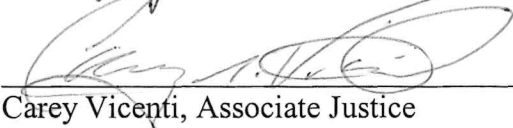
IT IS SO ORDERED this 5th day of April, 2002.



Richard Monette, Chief Justice



Carolyn J. Abeita, Associate Justice



Carey Vicenti, Associate Justice

December 1, 2001

Pasqua Yagui Tribe of Arizona
Tribal Court
7474 S. Camino De Oeste
Tucson, Arizona 85746
Attention - Judge Cruz / Appellate Court

Re: CV 99-138 / Appellate Case etc.
Purpose: Address misrepresentation by respondent/
defendant.
Effect: Substantial harm to plaintiff, et al.

Judge Cruz / Appellate Court (et al):

The purpose of this letter is to inform this Court with facts, as well as the documentation in support. Enclosed, please find the hard copies that identify the evident misrepresentation of the respondent/defendant.

Fact: AFLAC is supplemental, and accidental life insurance. It is NOT health or medical.

Fact: The plaintiff has been harmed substantially by the insurance policy, and the respondent's refusal to remove him from it, as well as AFLAC's. This enforced the plaintiff's subjection to the

(murderer)

underlying abuse by violent threats, previous hospitalizations for assault with intent to harm. I do not believe graphics are necessary, however, they can be produced with witnesses.


Fact: The respondent/policy holder refused to remove this plaintiff from the AFLAC accidental life insurance policy. Plaintiff addressed this court on numerous occasions, as well as made written formal requests to be removed from the policy by the respondent/policy holder. This plaintiff also made requests for removal directly to AFLAC, however, policy holders refusal superseded my numerous requests.

Fact: The respondent immediately removed the plaintiff from the Intergroup health/medical insurance (10/1999 - month order to maintain insurance issued by this court). In order to protect himself, the respondent misled this court. The misrepresentation of the AFLAC accidental life insurance as health/medical coverage. There is no question of competency, as respondent knew exactly what he was doing.

Fact: Statements made openly in public by the respondent, to collect from his million dollar life insurance policy for resultant accidental death of this plaintiff/insured, have caused hard substantial harm. This violent behavior should not be taken lightly.

In summary, it is the most humble request of this plaintiff that the Honorable Judge Cruz, the Honorable Appellate Court Magistrates, thoroughly review and address the respondent's behavior. The issue of misrepresentation by the respondent is unacceptable conduct for a court of law, and should be addressed to him in this manner. The respondent is subject to the order of this court that stated insurance coverage only until 12-31-99, for this plaintiff. The respondent will NOT subject this court of law to misleading protection by way of misrepresentation of the AIA accidental life insurance coverage, as a manner of obedience. Again, there is no question of competency, as the Respondent knew exactly what he was doing. Enclosed please find the documentation that supports the above-mentioned statement of facts. Upon your review, I am confident you will conclude that there has been considerable harm to the plaintiff.

Respectfully submitted,


Patricia Adames
326 E. Olive Street
Tucson, Arizona 85706

cc's: ①. AFLAC

- ②. Federal Victim Witness Program - State of AZ.
③. Better Business Bureau of: (a). San Joaquin Valley
(b). Tucson, AZ.
(c). Columbus, GA.

Encl: ①. Grievance to St. Agnes Med. Ctr., dated 11-21-01 (4 pgs.
with attachments @. Response from AFLAC - 11-5-01.

(b). Copy cc. from AFLAC - 06-12-01.

②. Hr to AFLAC - 6-29-01 (2 pgs.

(c). Hr from AFLAC - 3-9-01 (2 pgs

②. Grievance to AFLAC, dated, 12-01-01 (4 pgs

③. letter to BBB's of a). San Joaquin Valley

Ref: AFLAC

b). Tucson, Arizona

c). Columbus, Georgia

November 21, 2001

Pasqua Yagui Tribe of Arizona
Tribal Court
7474 S. Camino De Oeste
Tucson, Arizona 85746


Re: Request for a history/credentials,
for the 3 judges assigned to the
appellate court, for my appeal.

Purpose: Personal

Case #: ~~CV 99-138~~ Appeal

Requester: Patricia A. Adames
326 E. Olive Street
Tucson, Arizona 85706

I, Patricia Ana Adames, request to have
the credentials, as well as a history for their
having been placed as the presiding for my
appeal.

Sincerely,

Patricia A. Adames

FILED 8.18 2000
NO. CA 00 001 LOCKETED
AT 03:00 O'CLOCK P.M.
CLERK

IN THE APPELLATE COURT OF THE YAQUI NATION

Appellant or Petitioner,

Patricia A. Adames (Ruiz)

Vs.

David Ruiz

Appellee or Respondent.

No. CA-00-001

NOTICE OF APPEAL

1. If the appeal is from the entire judgment:

"Notice is hereby given that the above named Patricia A. Adames appeals to the Appellate Court of the Yaqui Nation from the judgment entered in this action by Honorable Pascua Yaqui Tribal Court on the 21st day of July 2000.
(Name of the court or agency)

2. If the appeal is from part of the judgment: ?

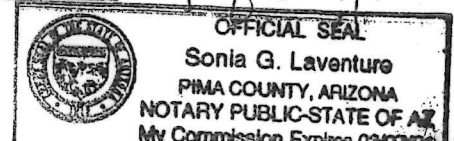
"Notice is hereby given that the above named _____ appeals to the Appellate Court of the Yaqui Nation from the following part of the judgment entered by the _____ on the _____ day of _____
(Name of the court or agency)

20 _____. (Specify the part of the judgment appealed from here.)

[Signature] (In Pro Per) Petitioner.

Name of the Attorney or Party taking appeal if not represented by Attorney

Subscribed + sworn to before me this 21th day of July, 2000.
My commission expires: 03 27-01



[Handwritten notes]