

No. CA-07-013
Pascua Yaqui Tribe Court of Appeals

Angel Valencia, Appellant,

v.

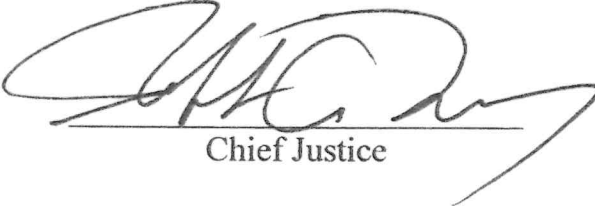
Rosa Moreno, nka Rosa Borbon, Appellee.

ORDER

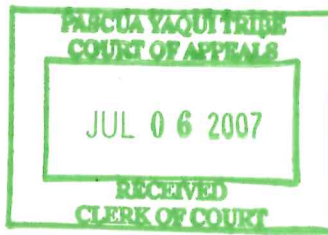
Angel Valencia, Appellant pro se, Tucson, Arizona.
Yvonne Ayers, Esq., Pascua Yaqui Legal Services, Tucson, Arizona, for Appellee.

On August 10, 2007, the Appellee filed a motion to dismiss the notice of appeal because the Appellant had not filed the trial court record with the appellate court. The Appellant did not file a response to the motion to dismiss the appeal; nor did he request an extension of time to file the record. Accordingly, the notice of appeal in this case is dismissed for failure to prosecute.

So ORDERED this 18th day of September, 2007.



Chief Justice



PASCUA YAQUI TRIBAL COURT
FILED DATE AND TIME

07 JUL -6 PM 3:18

DOCKET NO. CV-04-155

July 6, 2007

To whom it may concern.

I'm writing this letter to request an appeal of the decision made on June 7, 2007 in regards to modification of child custody. I felt that the evidence presented in the hearing was inaccurate and was unfair to my children and my self. It resulted that I was seen as callous for my children education and their medical needs. So after the hearing on July 7, 2007, I searched for evidence that would disagree with that evidence. On one piece of evidence showed excusive tardiness and I felt that it was made to seem that I was the only person responsible for those tardy days. I have evidence that show that Mrs. Barbon is also responsible for a number of those tardy days. I can show that that the children were in her caring during those times. I can/will provide copies of sign in-sign out sheets from the Pascua Yaqui Head Start program that shows when the children were with either Mom or Dad. I also gathered attendance records from C.E.Rose elementary school that shows the dates of when the children were tardy and absent. These school dates go as far back as March of 2005. As for medical needs I can present letters and documentation from the children primary doctor and from specialist and emergency room documents showing I am a participant in my children medical needs.

In this letter I am also going to include, that during the hearing I didn't mention that Mrs. Barbon was not always cooperative with me. Back in January 2005 Mrs. Barbon or Ms. Moreno at the time was living out of the country in Mexico at the time she told me she was caring for a sick grandmother. A few months later she told me that she was living with a former boy friend. During the first two months of the previous order she never saw, called, wrote the children. Only after she returned from Mexico in late February or March is when she saw the children. When she returned from Mexico it was very difficult to get in contact with her. And after month of her not being with the children I proposed that she use her time to visit with the children. She agreed with me but show very little change in doing so. When she did being to take the children for weekly visits many of those times she would choose who she was going to take with her. Many more than one of those times she would not take our son Marcos, but leave Marcos with me. Later as time passed I asked her, "Why she would leave Marcos behind at home with me"? She told me, "Because Marcos looks just like you."

Even with the court order in place at that time for weekly visits numerous times I had attempted to contact Mrs. Barbon about times and different issues regarding the children. I either got no answer on the telephone or when she would answer she would tell me "I can't talk to you". Many of our conversions took place on the phone. On one occasion I asked her "why can you talk to me?" She replied "he won't let me talk to you". I asked who is "he", your husband? She replied "Yeah". I would also like to add that she never attempted to call me to discuss any matters of any sort. So it resulted that I need to speak to her thru a third party, which was primarily my mother. Because of having to talk thru a third party I feel that the messages of any sort may have been misrelated. I have almost always have wanted to speak directly with Mrs. Barbon regarding any issues with the children and I feel that I am unsuccessful in doing so. I

As for denying Mrs. Borbon visitation rights, I have always encouraged Mrs. Borbon to be with the children especially early on when we began having to follow court

orders. I can understand how Mrs. Borbon felt when the children did not visit with her. I say this because I also know the feeling of not having my children around me. I went thru the same feeling with Mrs. Borbon when the roles were reversed. From September of 2006 to January 2007 I experienced this every time when the children were supposed to return home with me. I would aspect them home about 6:00 pm on Sundays. 6:00 pm was the arrangement at the time. There were times were two children would come home and tell me that the two other children were already asleep, another time they came home telling me the younger boys were with their aunt and weren't home. Another time the car doesn't work. Another Sunday no answer on the telephone and one would be home. During this time of about four months it became to where I was aspect some type of excuse for the children not returning home. The days the children that did not come home on Sunday, some time they would return on Monday or on Tuesday and some times on Wednesday.

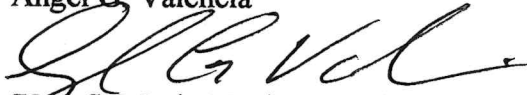
I feel that I should have mentioned all of these things during the hearing but choose not to. I know I would feel bad in doing so.

I would also like to mention that from June 7, 2007 when the new order was put in place that the children are returning late once at 7:45pm twice at 8:45pm another time they came early at about 4:00 in the afternoon with my sister. Every Thursday I've asked my mother to call Mrs. Borbon to ask if she is going to drop of the children or would she like someone to pick them up. On these times of the children coming late she stated that she would drop the children off. After waiting over thirty minutes or so I ask my mother to call her again. And she told my mother she was unable to drop them off. So my mother offered to go pick them up and did so. On Tuesday July 3, 2007 Mrs. Borbon drop of my daughter at my sister house at 1:30 in the afternoon. Then on that same day my son Carlos was dropped off at my mother's house by his friend's mother. I was at work this day and was finding out what was going on by my sister who was calling me on my cell phone.

I feel that I should have mentioned all of these things during the hearing but choose not to. I know I would feel bad in doing so.

I am unsatisfied with the with the courts order of granting Mrs. Borbon sole custody of our four children. I am not looking to be the primary parent I am only wish we would have equally joint custody again.

Angel G. Valencia



7892 S. Maala Mecha Voo'd

Tucson, AZ 85757

520-578-0988

July 6, 2007

07 JUL -6 PM 3: 18

To whom it may concern,

DOCKET NO. CV-04-155
CLERK *CV*

I am requesting a verbatim copy of the hearing of Angel Valencia vs. Rosa Borbon held on June 7, 2007 Case no. CV-04-155. I am also providing a blank compact disc so it may be copied.

Thank you
Angel Valencia



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