

From: keith johnson <pjkj5312@swbell.net>

Subject: RE: I will also mail this

To: "TIM KELTY" <tkelty@redoaktx.org>

Cc: abell@redoaktx.org, ahanes@redoaktx.org, ahugley@redoaktx.org, cbyers@redoaktx.org, colguin@redoaktx.org, rmadden@redoaktx.org, tlightfoot@redoaktx.org

Date: Friday, August 13, 2010, 4:06 PM

Kelty,

I am stunned by the written response you provided to my wife regarding the theft of her right to appeal a municipal court verdict. In your screed, you state, "As a result of the dismissal of your appeal, you then complain that the Court Clerk Peggy Collins, an employee of the City of Red Oak, failed to take funds from you which would constitute the posted bond for your appeal." Indeed my wife did complain. Peggy Collin's offense wasn't that she "failed" to take funds from my wife to post bond, Peggy Collins REFUSED to accept bond in order to facilitate my wife's appeal. Peggy Collins had previously told my wife that bond had to be posted, then she refused to take any amount. What part of this don't you get?

You state "...we are unable to find any demonstrative evidence, other than your verbal statement, that you tendered any funds along with your alleged appeal bond." My wife never said she tendered any funds with her appeal bond. The crux of the problem is that Peggy Collins wouldn't accept any amount of bond, which contaminated her appeal process! Is your position that Collins didn't accept bond, or didn't accept enough?

Incredibly you go on to state, "The funds which you allege were filed in this matter were insufficient to constitute an appropriate appeal bond amount as required under the CODE OF CRIMINAL PROCEDURE and in order to effect an appeal from the Red Oak Municipal Court to the County Court at Law No. 2 of Ellis County Texas." Again, there were not insufficient funds, there were NO FUNDS because your clerk Collins wouldn't accept any! What is hard to understand about this?

From you - "Moreover, we cannot find any demonstrative evidence that Ms. Collins inappropriately gave or tendered legal advice to you concerning the application and form of the appeal bond itself." Collins or someone in the court sent the appeal on to Ellis County without a bond posted - wouldn't that be evidence that inappropriate legal advice was given to Pam? One of the reasons cited for rejecting Pam's appeal from Ellis County is that, "The Appeal Bond was to the wrong Court, to wit: Ellis County Court of Appeals."

"The Court does not act as a gatekeeper but merely receives the information and/or application that is filed by an appellant. That was done in this case and there are not any grounds to indicate that Ms. Collins acted illegally or inappropriately concerning her receipt of your alleged appeal bond." Again, Collins WOULD NOT ACCEPT A CASH BOND! The court may not be a "gatekeeper" by your definition, but the Court does administer a public trust, and when my wife left the municipal building that day she assumed she was told the truth by Collins, and that her appeal would go forward. As my wife told you in a September 22 2009 email, Judge Kurth told her that her bond was "perfected" and that he had accepted it. After that conversation with Kurth, my wife tried once more to post a cash bond with Collins and Collins refused to take it, telling my wife no fee was required. No one on the Red Oak city payroll acted illegally or

inappropriately in this? You are twisting this to place the burden on my wife, rather than hold accountable the public employees that caused this disaster.

"There is not any indication that the court records would indicate that sufficient funds were attempted to be tendered in order to properly appeal this case." You are calling my wife a liar in order to protect your underlings. I remind you again that you were sent an email from my wife on September 22, 2009 when she complained about the way Kurth talked to her, and mentioned that Collins wouldn't take her bond money. While prophetic in retrospect, my wife had no idea at the time that Collin's refusal to take her bond would result in this. Did you contact former employee Angela Davis and ask her about the conversation between my wife and Collins?

"We cannot find any evidence that Judge Kurth acted inappropriately or that he provided legal advice to, as Judge of the Municipal Court, which led you to believe that your filing of the appeal bond was appropriate." KURTH TOLD MY WIFE HE ACCEPTED HER APPEAL. KURTH SIGNED THE APPEAL BOND SHEET! Want a copy? How dare you tell my wife that Kurth didn't lead her to believe her filing was appropriate?

"The mere fact that a matter is filed doesn't mean that it is filed correctly or that it is "accepted." Really? When my wife left that day she should have held no expectation that her obligations had been met? Employees of the court have no responsibility to look at the paperwork they're accepting?

"It is the responsibility of the Appellant to provide sufficient legal documents to execute an appeal in the Municipal Court to County Court at Law." Wouldn't it be the responsibility of the court to insure that they're accepting and forwarding sufficient documents to the higher court? Do your people have no responsibility at all, are they drones merely filling space? Who is responsible for accepting fines and fees for a traffic violation?

"We cannot establish that anyone is being untruthful or otherwise being uncooperative." Do you have written statements by anyone? During your "investigation" did anyone provide a sworn affidavit? Did you check the video cameras in the building for the time in question to check whether my wife came into the building twice, the second time to attempt to post bond with Collins?

I deeply resent your suggestion that my wife has lied in this matter. That ticket she received was not your garden variety officer/violator interaction, Sgt. Langham offered to "fix" that ticket before and after he wrote it, I can provide you the in car video if you're interested in seeing it. I have a hard time believing that my wife's appeal process was bungled through a comedy of errors, knowing that the officer's testimony in Ellis County, a court of record, would have been very embarrassing to the city of Red Oak. How fortunate for the city of Red Oak that the case never got to appeals court.

"As a result of our inquiry into this matter, again, we consider this matter closed and concluded." You may consider what you wish, your "inquiry" amounts to a cover up, and we consider this matter far from closed. After repeated dealings with local government in Red Oak I'm not confident that government does the right thing anymore but hopefully other governmental agencies we've reported this incident do will devote some resources into this and shine some light on this incident.

Keith Johnson