

## THE CLERK'S GAMES Part II

Wednesday

July 30, 2014

I received 2 ducats in the mail tonight, informing me that I had legal mail waiting for me to pick up from the officer after dinner. When I showed up to sign for them, I learned that they were both from the clerk of the courts for the San Luis Obispo County Superior Court. I was hoping for good news, and if not good news, at least a file-stamped copy of the documents that I'd sent in on several occasions now. Unfortunately, it wasn't meant to be.

The first letter contained 2 separate letters I'd written to the court clerk over the past couple of weeks, not copies, but the originals. The first of these was a request for additional information on the "court call" system, a conference call procedure that allows people to make certain appearances via a conference call. I went on to inform the clerk that I'd received an unsigned notification stating that I had an appearance scheduled for the 21st of August, going on to explain that, as an inmate, I had to have an actual, signed order from the court if I was going to have any chance of convincing the prison to allow me to use the court call process. Furthermore, as an inmate, I didn't have access to a telephone that I could use to make 1-800 calls, so I found myself in a position in which I couldn't use the phone to find out about the procedures, as I was told to do in the form letter.

I asked them if it would be possible to obtain an official, signed document from the court so I could present it to the prison in advance, ensuring that I'd get any issues cleared up in plenty of time to make my court call. The clerk's response to this was a note scrawled on my returned letter, informing me that they didn't have any such forms, but that if I had any further questions, I was more than welcome to call their 1-800 number.

Seriously? Did they not understand a single word I said? Or is everything I've been hearing about the local court clerks true, that they'll do everything in their power to prevent inmates from bringing any issues to the court's attention in this county?

The 2nd of the 2 returned letters was my missive to them concerning the matter of postponing any further collection of my filing fee until the end of my lawsuit, and notifying them, once again, that I'd sent them money, which they continued to ignore, despite having sent me a photocopy of the money order, a receipt and a new balance recognizing my submission. In fact, after sending me these documents, they immediately turned around and sent me a new bill, insisting that they hadn't received anything. On top of this letter was a scrawled note informing me that I "would have to set the matter on the calendar."

Under normal circumstances, this might not pose much of a problem, but in this particular instance, it's an insurmountable hurdle, and the reason was in the final letter.

The last letter was the original of my application for an extension of time, along with a copy I'd mailed to them with a request to return it to me, file-stamped, in the enclosed self addressed stamped envelope. This was the 2nd time I'd tried to file this, and like before, the clerk returned it to me, claiming (falsely), that "fees are required" (referring to the initial court filing fee of \$435).

As far as fees are concerned, I was notified by the court that I needed to submit a certified financial statement for the preceding 6-months, and that I'd have to pay 20% of whatever that average monthly balance ended up being. From that point on, I'd have to submit them 20% of the previous month's balance. For me, this meant that my first payment needed to be \$10.44, so I contacted a friend of mine on the streets and asked him to mail the court a check for that amount, promising to reimburse him. He did me 1 better, sending them a money order for \$25, and as promised, he had the money within a couple of weeks. This was more than enough to cover my initial deposit, along with the next month's fee, and if this wasn't enough, the prison was garnishing my already meager wages to ensure that I didn't have any opportunity to neglect a payment.

So, not only have I submitted a \$25 fee on my own, but the prison is also garnishing my wages for 20%, which is to be applied towards my filing fee, and this is in addition to the 55% garnished from those same wages to be applied towards my court fines, for a total garnishment of 80%. I have receipts for all of this, which is why I still can't understand why the clerk of courts **refuses** to acknowledge the fact that I've paid them money, and continue to do so, and, more importantly, why they continue to **refuse** to file my documents, documents in connection with a lawsuit I've filed to seek restoration for permanent disability caused by an act of negligence committed by a employee working for the prison. At this stage of the proceedings, the **only** thing that's important is that I be given the opportunity to **present** my case, but the clerk **refuses** to allow me to do that by refusing to file my documents. They claim, falsely, that I'm not making any payments, my initial fee or my monthly fees, but as I explained earlier, I have, and I continue to do so, not having any choice, considering the fact that my wages are garnished.

At first, I thought that perhaps it was possible that the prison was taking the money out of my account, but just failing to mail it to the courts, but that can't be it, as the court refuses to recognize my initial deposit, despite having sent me a receipt and a photocopy of the money order. As a result, I'm led to the only conclusion possible: that the rumors I've heard, the general knowledge shared by the inmate population, all are true. That the clerks who work in the San Luis Obispo County Superior Court are doing everything they can to see to it that those who are incarcerated locally are completely unable to litigate their issues.

This isn't the first time I've had a problem in this court. A few years ago, I filed a petition for a writ of habeas corpus, asking that the prison follow their own rules, but they pretty much ignored me then too. In that case, the prison told me that they wouldn't make copies of an exhibit, claiming that they had a policy against making photocopies of inmate appeals, and because I wasn't able to provide them with a copy, the court ruled against me.

In all honesty, I can't say that it's all the clerks who play games. Chances are that it's just a select few, and that these select few were intentionally assigned to handling inmates' submissions, precisely because they're so willing to bend, or even break, a few rules. And why not? After all, he can't come in and speak with the clerk in person, demand to speak to a supervisor, nor can he make a phone call and give someone a piece of his mind. Instead, all he can do is send in letter after letter, which will either be thrown away, ignored or returned to him with some note scrawled on it. And to add insult to injury, the inmate has to provide a self addressed stamped envelope, or else the clerk puts his "response," whatever that might consist of, in a "will call" box, which of course, the inmate can't access.

I'm sure this saga is far from over. As disappointed as I am, I can't help but wonder how they're going to abuse their authority in an attempt to prevent me from pursuing justice. If I can't call because they refused to provide me with official documentation, will they dismiss my case, claiming that I'd abandoned it? And if they do, are they going to insist that I continue to pay the full filing fee?

A lot of questions, but only time will provide the answers.

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