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**IN THE SUPREME COURT
STATE OF ARIZONA**

In the Matter of: PETITION TO AMEND COURT RULES REGARDING COURT COPY FEES IN COMPUTERLESS COURTS	Supreme Court No. R-25-0039 RE: REPLY TO DAVID BYERS COMMENTS
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In response to Administrative David Byers comments, dated on the forum 3 June 2025:

Firstly, Eli Dalton-Webb was not notified of David Byers’ comments. Mr. Dalton-Webb only found out about Mr. Byers’ comment by looking on the forum. Mr. Dalton-Webb has called in to speak with Mr. Byers and Mr. Byers has declined to speak with Mr. Dalton-Webb on the matter.

Secondly, Mr. Byers states “Commentor is not aware of any court engaging in the practices that the proposed amendments seek to address”. Mr. Dalton-Webb can name two justice courts that currently, right now, violate this would-be rule—the Sierra Vista Justice Court and the Benson Justice Court—both in Cochise County. Neither court have public records computers—so the only way to get these court records is to go in-person to the clerk window and ask to inspect copies.

On 7 April 2025, Dalton-Webb did a public records request at the Sierra Vista Justice Court. Dalton-Webb had a specific case number and named the parties of the case. Celeste, the clerk at the window, told Dalton-Webb that there would be a \$33 research fee. This case (J-0205-CV-2025000363) was only 6 days old when he requested the records.

On 8 July 2025 another citizen, Brandon Hoover, did a public records request upon the Sierra Vista Justice Court. He was able to obtain records from a clerk, this time Allie, but he was told that he was not permitted to take pictures of the documents.

On 8 July 2025, Dalton-Webb, after Brandon Hoover, did a public records request upon the Sierra Vista Justice Court with the same clerk—Allie—and was also informed that he was not permitted to take pictures of the documents.

On 8 July 2025, Dalton-Webb did a public records request upon the Benson Justice Court regarding J-0203-CF-2025000018 (State v. Jessica Creech), and the clerk at the window, Ashley, told Dalton-Webb that there was a \$33 research fee, even though he had (1) a specific case number; (2) it was for non-commercial purposes; and (3) it was for “INSPECTION”. He specifically asked: (1) if there was any way around the \$33 research fee; and (2) asked if he would be charged \$33 even if it’s for inspection and for non-commercial purposes; (3) and he asked if they charge \$0.50/page fee even for inspection. Ashley told Dalton-Webb that they charge \$33 for absolutely all situations,

and charge \$0.50/page even for inspecting documents. There is no public records computer at the Benson Justice Court.

Thirdly, Mr. Byers points out that Arizona Supreme Court Rule 123(i)(1) “...During regular business hours a person shall be allowed to inspect or obtain copies of original versions of records that are open to the public in the office where such records are normally kept...”. Nothing in here regards per-page fees for in-person inspection of records. Combine Arizona Supreme Court Rule 123(f)(3)(A) and Arizona Supreme Court Rule 123(i)(1), the court supposedly won’t charge a “research” fee for records, but is silent whether or not the court can charge a per-page for every page that is requested.

Non-appellate clerks have historically and repetitively construed the \$0.50 per-page fee from A.R.S. § 12-284 to be absolutely most in favor of the court charging fees and least in favor of the citizen. There is no way around the \$0.50 fee per-page fee—including asking for electronic copies. A 100 page PDF e-mailed, if the clerk is even willing to e-mail it to you, will cost \$50. The only way around the \$0.50 fee is to go in-person to the courthouse for the superior courts, but that requires that the court actually have a public records computer. Inferior courts in Cochise County do NOT have public records computers. Even when using a public records computer at non-inferior courts, there is no way to e-mail yourself a copy, save a copy to a thumbdrive or disc—the only way to take court records with you from the public records computer is to literally pull out your phone and take a picture of the computer screen at the courthouse.

As it stands now, the Benson and Sierra Vista justice courts charge \$33 for non-commercial “research” (even if a specific case number is provided), there is no public records computer, so there is no other way but to go to the clerk filing counter, and as Dalton-Webb reads the rules, they can charge the public \$0.50 per-page for copies of court documents. So a 100-page court case will cost a citizen \$83 to look at—a \$33 “research fee” and \$50 in printing fees. There is no public records computer, and the clerk will still charge \$0.50 per-page fee even for an e-mailed PDF.

By personal experience, these clerks of the inferior courts are extremely untrained and do not wish to hear out people from the public—they deal with the ignorant public who are angry at having pay a traffic ticket all day. The primary goal of the justice courts (inferior courts) is not quality justice—their goal is to get people in and out of the door and collect fines as quickly as possible, and it reflects in their untrained clerks who are unwilling to look at court rules. None of these inferior court clerks are interested in reading through the really really long Arizona Supreme Court Rule 123.

What is nice with the Arizona Superior Court is that they have public records computers. People can browse hundreds of documents of case records without ever fighting an untrained clerk and without paying a single penny in “research” or per-page costs. It makes research projects like “how many civil cases are filed pro se?”, “what percentage of civil rights cases are won?”, “do cases before Judge John Doe show a higher percentage of women winning over men?” possible because it requires the person

to browse lots of court documents, and if they can browse lots of court documents without being charged a per-page or a “research” fee, it enables them to do so. Money is a finite resource, and charging court fees for access to court documents hinders access to justice and deters the public from inspecting what is going on inside the courts. Charging fees for court documents violates the “administered openly” provision of Article 2 § 11 of the Arizona Constitution. The Arizona Constitution supersedes any statutory, court rule, or court administrative order regarding fees.

Mr. David Byers may or may not be correct in his legal theories, but his legal theories don’t matter. These clerks of the justice courts don’t read the 10 pages’ worth of court rules and don’t care to read them. This supreme court needs to put these legal requirements into one short paragraph and put it in the rules so a citizen can quickly reference them to a justice court clerk.

Submitted respectfully this day, 8 July 2025,

_____/s/_____

Eli Dalton-Webb