

Eli Dalton-Webb
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Sierra Vista, Arizona 85650
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Plaintiff

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF COCHISE

Eli Dalton-Webb, Plaintiff v. CITY OF SIERRA VISTA, a municipal corporation in Arizona, OFFICER E. SLUSSER, R. Hertman, OFFICER S. McHunting, M. Partidge, peace officers of the Sierra Vista Police Department, Defendants	Case No. CV202400628 Assigned to: Hon. David Thorn Civil Rights Violations; Article 2 § 5 of the Arizona Constitution, etc. RE: Motion for Reconsideration Regarding Fees
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MOTION FOR RECONSIDERATION REGARDING FEES

1. The Plaintiff, on 16 April 2025 requested to skip payment of fees for the month of April. On 24 April 2025, this Court denied the request, stating “no details regarding his employment status, sources of income, or financial obligations”, stating no other reason for the denial.

2. On 25 April 2025, Plaintiff made another request to skip payments, curing these defects, including sharing his employment status. On 14 May 2025 (stamped 15 May 2025), this Court denied this request, adding another requirement upon Plaintiff: being “incapable of being gainfully employed.”.

1 3. There are three main sources of authority regarding court fee deferrals and
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3 court fee waivers: the Arizona Constitution, the Arizona legislature, and the Arizona
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5 Supreme Court.
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7 4. Article 2 § 13 of the Arizona Constitution mandates access to the courts to
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9 indigent litigants. The legislature has passed A.R.S. § 12-302, which fine-grains what
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11 “access to the courts to indigent litigants” looks like, as well as the Arizona Supreme
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13 Court establishing Arizona Code of Judicial Administration § 5-206.
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15 5. Nowhere in either A.R.S. § 12-302 or ACJA § 5-206 does it consider
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17 “seeking employment” as a consideration for a fee deferral. “Income” is the only
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19 consideration for a fee deferral, which is actual money income that was actually
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21 received by applicant. It does not provide for the Court to speculate as to whether or
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23 not the applicant could have obtained more income.
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26 6. When Plaintiff filed his requests to “skip payment”, Plaintiff was intending
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28 it to be construed as another fee deferral—being that the amount due did not change,
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30 but when it was due changed. Although a fee waiver is always welcome, and this
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32 Court is capable of granting one pursuant to A.R.S. § 12-302(L).
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35 7. Pursuant to A.R.S. § 12-302(C)(3), it says “...the court **SHALL** grant an
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37 application for deferral...if the applicant establishes...that the applicant...**HAS** an
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39 **INCOME** that is insufficient or barely sufficient to meet the daily essentials of life
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41 and that includes no allotment that could be budgeted for the fees and costs that are
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43 required to gain access to the court” with the consideration of subdivision “a” of that
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45 paragraph being “The applicant has a gross income that as computed on a monthly
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1 basis is one hundred fifty percent or less of the current poverty level established by
2 the United States department of health and human services. Gross monthly income
3 includes the applicant's share of community property income.” (emphasis added).
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7 8. The Plaintiff has satisfied the requirements of A.R.S. § 12-302(C)(3)(a) by
8 having an income (which Plaintiff stated was \$401/mo in his 25 April 2025 request)
9 below 150% of the poverty level (150% of the poverty level is \$1,956/mo) and is
10 “barely sufficient to meet the daily essentials of life”, and thus, is entitled to a fee
11 deferral. To further illustrate, Eli Dalton-Webb has some very worn shoes, his car’s
12 radiator is leaking, and he has some dental issues that needs to be addressed. These
13 are “daily essentials of life” that Plaintiff’s income is “barely sufficient to meet”.
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16 9. Nothing in A.R.S. § 12-302 or ACJA § 5-206 prohibits the Plaintiff from
17 filing multiple fee deferral applications within the same case. Plaintiff reads this as
18 meaning that the Court can set a payment plan, but if the applicant cannot meet the
19 payment plan, the applicant can apply for another fee deferral. Because the Plaintiff’s
20 income is below 150% of the poverty line, the Court has a non-discretionary duty to
21 grant the fee deferral.
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24 Submitted respectfully this day, 19 May 2025,
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27 _____/s/
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30 Eli Dalton-Webb
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