

[00:00:04.680] - Appellant
Not yet.

[00:00:05.640] - Automated Attendant

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[00:02:10.450] - Jefferson Circuit Court Rep
Circuit Civil Defense, may I help you?

[00:02:12.640] - Appellant
Yes, is Evelyn available?

[00:02:16.130] - Jefferson Circuit Court Rep
One moment, please.

[00:02:16.870] - Appellant
Thank you.

[00:02:24.750] - Jefferson Circuit Court Rep
Okay, I can transfer you to her.

[00:02:26.350] - Appellant
Thank you.

[00:02:27.810] - Jefferson Circuit Court Rep
You're welcome.

[00:02:35.380] - Evelyn
Jefferson Circuit Appeals, this is Evelyn.

[00:02:37.710] - Appellant
Hi, Evelyn, this is Gay Adelman. I have a case that you're helping me with. It is 2026C— well, they assigned CA-1276MR in the Court of Appeals.

[00:02:55.240] - Evelyn
Okay.

[00:02:58.670] - Appellant
I had spoken with you on Friday and you had been kind enough to advise me on the steps to take. And the amount to send, and I did so. And it, um, I've gotten something back from the appeals court now, so I'm assuming you probably got a copy too, stating that I had filed untimely and improperly. Did you, did you get that?

[00:03:25.560] - Evelyn
Yes, ma'am.

[00:03:26.700] - Appellant
And so I'm just wondering if you can tell me, did I, did I not follow your instructions correctly? Did I misunderstand something, or is, is this possible to be—

[00:03:35.970] - Evelyn
Well, you didn't really follow my instructions, uh, about this particular type of document. When we talked, you told me that you were filing a notice of appeal. What you actually filed is something different than a notice of appeal.

[00:03:51.590] - Appellant
Oh, really? Okay. Motion to set aside is not an appeal.

[00:03:57.810] - Evelyn
No, ma'am, it's not a notice of appeal. It's a different document, like they stated within the context of the notice that they sent you. There's different time parameters based on what you file.

[00:04:13.440] - Appellant
Right, but I mailed it within the deadline, the 5-day deadline. So that was the other thing I was clarifying and confirming, is that I'm able to get it postmarked by the 5th day. So it was timely.

[00:04:28.480] - Evelyn
Well, I mean, the Court of Appeals found it not to be timely.

[00:04:36.420] - Appellant
Well, I think I can demonstrate that it is timely, but did I do something else wrong? Because you're saying it's not even the right type of filing.

[00:04:45.870] - Evelyn
All I'm telling you, okay, Because I had no idea what you were— that you were filing this here, because we spoke about a notice of appeal.

[00:04:57.030] - Appellant
And see, I'm— I'm not a lawyer, so I am appealing this.

[00:05:02.080] - Evelyn
I'm not a lawyer either, but I'm telling you that that's what we spoke about over the telephone, a notice of appeal. That's what we discussed.

[00:05:13.790] - Appellant
And that's not what I sent you, is what you're saying?

[00:05:17.200] - Evelyn
That is correct.

[00:05:18.680] - Appellant
What did I send you?

[00:05:21.880] - Evelyn
You know what you sent me.

[00:05:26.540] - Appellant
I'm just trying to— I'm— I, I used ChatGPT. I told it what I was trying to accomplish and it helped me spit out a document. I'm just trying to do what I'm asking, what do I need to do? I'm asking, what do I need to do? And I'm trying to do that.

[00:05:39.840] - Evelyn

I'm not an attorney, so I can't tell you what you need to do.

[00:05:47.330] - Appellant

Okay, so you, you got what I sent you and you sent it on, and they're saying that I need to show cause?

[00:05:58.650] - Evelyn

That's what the notice states, yes, ma'am.

[00:06:01.260] - Appellant

Okay, so my cause is that I sent you a motion to set aside and not an appeal, is that Accurate language?

[00:06:13.980] - Evelyn

I'm not an attorney. I can't phrase anything.

[00:06:19.800] - Jefferson Circuit Court Rep

All I can tell you is that you just need to follow what the notice, uh, required you to do.

[00:06:36.240] - Appellant

A motion to set aside in the Court of Appeals.

[00:06:47.990] - Evelyn

I really can't say anything about any of this because, as I said, I'm not an attorney.

[00:06:55.400] - Appellant

I'm not trying— I'm not trying to get you in trouble. I'm just trying to figure out what I should do.

[00:07:01.320] - Evelyn

Well, I mean, I can't help you in figuring that out is what I'm trying to say.

[00:07:09.260] - Appellant

But I need to understand what I did wrong, and I'm still confused as to what I did wrong.

[00:07:15.250] - Evelyn

Well, I don't know what you did wrong because, like I say, I'm not an expert.

[00:07:20.010] - Appellant

Okay. But I did send it to the right place. You were the right person to send it to. I did that right. I just didn't send you the right document, and I need to show them that I did it by the deadline. When you, when you submitted it, do you have any way of letting them know that it came by mail?

[00:07:45.090] - Evelyn

The only thing that matters when I file this paperwork is the date of payment. That's the only date that matters.

[00:07:55.000] - Appellant

And the date of payment is the day you get it?

[00:07:57.750] - Evelyn

As far as the file date with the circuit court.

[00:08:02.090] - Appellant

Do you still have my envelope?

[00:08:05.600] - Evelyn

No, ma'am, I don't keep envelopes.

[00:08:07.800] - Appellant

Interesting. So if the law states that I can meet the deadline by sending it in by mail, how do I prove that that's been done?

[00:08:21.400] - Evelyn

I'm not an attorney. I can't advise you on—

[00:08:24.280] - Appellant

I don't have an attorney. I don't have enough time to find one. This is a 5-day turnaround.

[00:08:29.720] - Evelyn

And I'm not one. So I can't really advise you about anything.

[00:08:33.130] - Appellant

And you know I'm not asking you to. I'm really not trying to get you in trouble. I'm trying to pick up where we left up on— left off on Friday because I thought I was doing everything right. And so what I didn't do right is the type of paperwork. I did not send you an appeal. I sent you a motion, and those are different. Is that—

[00:08:57.450] - Evelyn

We discussed the notice of appeal. That's what you informed me that you were sending in.

[00:09:03.100] - Appellant

Okay.

[00:09:04.070] - Evelyn

And that's what I filed on your behalf.

[00:09:06.470] - Appellant

All right.

[00:09:06.970] - Evelyn

The notice of appeal.

[00:09:07.550] - Appellant

Okay. So then that's what I want, is a notice of appeal. Okay, I don't, I don't really know what to do. Finally, a motion to set aside. All right, I'll try and figure it out.

[00:09:38.070] - Evelyn

Yes, ma'am.

[00:09:41.630] - Appellant

I'm really not— I'm not upset with you. I'm not trying to get you in trouble. I just want to— I just want to—

[00:09:46.410] - Evelyn

I don't have anything to do with this here. Like I said, I just simply filed the paperwork.

[00:09:53.090] - Appellant

I understand.

[00:09:54.090] - Evelyn

The contents and so forth.

[00:09:55.570] - Appellant

It sounds like my paperwork— it sounds like my paperwork was out of order, but I don't— I don't— I'm not— I don't know what I How to fix it, or if it can be fixed at this point. And maybe it can't. All right. Okay, thank you.

[00:10:11.330] - Evelyn
Uh-huh.

[00:10:12.240] - Appellant
Bye-bye.