

10-4-2014

Freer v. Freer Respondent's Brief 1 Dckt. 42057

Follow this and additional works at: https://digitalcommons.law.uidaho.edu/not_reported

Recommended Citation

"Freer v. Freer Respondent's Brief 1 Dckt. 42057" (2014). *Not Reported*. 1899.
https://digitalcommons.law.uidaho.edu/not_reported/1899

This Court Document is brought to you for free and open access by the Idaho Supreme Court Records & Briefs at Digital Commons @ UIdaho Law. It has been accepted for inclusion in Not Reported by an authorized administrator of Digital Commons @ UIdaho Law. For more information, please contact annablaine@uidaho.edu.

IN THE SUPREME COURT OF THE STATE OF IDAHO

JANICE K. FREER

Appellant/Plaintiff,

vs.

CODY J. FREER,

Respondent/Defendant.

Supreme Court No. 42057-2014

Bonner County Case No. CV13-0197

Appeal from the District Court of the First Judicial District
Of the State of Idaho, in and for the County of Bonner

Honorable Barbara Buchanan, Presiding

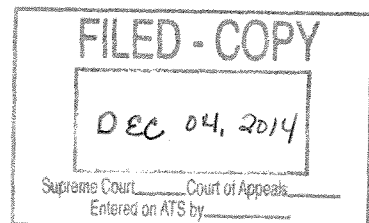
RESPONDENT'S REPLY BRIEF ON APPEAL

Cody Freer
6640 Rude St.
Coeur D' Alene, ID 83815

RESPONDENT, PRO SE

Arthur Bistline
Bistline Law, PLLC
233 E. Harrison Ave.
Coeur D' Alene, ID 83814

ATTORNEY FOR APPELLANT



IN THE SUPREME COURT OF THE STATE OF IDAHO

JANICE K. FREER

Appellant/Plaintiff,

vs.

CODY J. FREER,

Respondent/Defendant.

Supreme Court No. 42057-2014

Bonner County Case No. CV13-0197

Appeal from the District Court of the First Judicial District
Of the State of Idaho, in and for the County of Bonner

Honorable Barbara Buchanan, Presiding

RESPONDENT'S REPLY BRIEF ON APPEAL

Cody Freer
6640 Rude St.
Coeur D' Alene, ID 83815

RESPONDANT, PRO SE

Arthur Bistline
Bistline Law, PLLC
233 E. Harrison Ave.
Coeur D' Alene, ID 83814

ATTORNEY FOR APPELLANT

TABLE OF AUTHORITY

Cases

Madison v. Craven, 141 Idaho 45, 48, 105 P.3d 705, 708 (Ct. App. 2005).....2

Appellant, Janice K. Freer, makes several misrepresentations of Respondent, Cody Freer's, Respondents Brief to this court as follows.

In Respondents Br. On Appeal, p.2, end of ¶1, Cody Freer states:

"At no point did Cody ever make any direct or indirect acknowledgement that any gifted monies were to be repaid or that any kind of oral agreement ever existed."

In Respondents Br. On Appeal, p.5, ¶B.1. Cody Freer argues that:

[t]he only evidence provided by Janice to support her claims of monies being a loan came from her personal journal entries and letters she had written Cody.

Additionally, Cody Freer represents in Respondents Br. On Appeal, p.8:

Throughout the entire process Cody never once expressly acknowledged that any monies sent to him by Janice was a loan or that any of it was to be repaid.

Janice K. Freer is intentionally misleading the courts by taking Cody Freer's statements of fact out of context and relevance to the record. On March 17, 2011, Cody Freer wrote the following in an email:

...i [sic] do want to emphasize that I [sic] hope you know your generosity and kindness is most definitely [sic] appreciated!! I [sic] never did get the impression from you that this was something that was not to be paid back. I've [sic] assumed that it would be the whole time, so no worries there, we are on the same page. (Pl.'s Ex. 2.)

Plaintiffs Exhibit 2 is clearly not evidence of an understanding of monies being anything other than a gift. Since commencement of alleged loans was March 24, 2011 and the date of email was March 17, 2011, one cannot assume that Cody Freer was referring to monies that had yet to even be transferred or received. But more egregiously, Janice K. Freer has used this email out of context in association with Cody Freer's Respondents Brief in attempt to imply misrepresentation by Cody Freer as well as in attempt to support her false allegations of breach of contract. These accusations are not only outrageous but also unwarranted.

Later in Respondents Br. On Appeal Cody Freer quotes from Pl.'s Ex. 22 stating:


The sooner I am out the sooner I can and will be sending you monthly payments. Perhaps we should put some ideas to paper in regards to a contract. That way we have a more 'in stone' understanding as to what is expected, opposed to our own understanding.

The referenced letter contains more before and after this quoted excerpt and due to the fact that the letter is not quoted in its entirety Janice K. Freer claims that this is misrepresentation or the record to the courts. Cody Freer was simply using this section to add emphasis and relevance to his Respondents Br. On Appeal. Furthermore one cannot justly assume to what Cody Freer is referring to as there is no direct correlation or acknowledgement to any particular debt, loan, or other.

Lastly, Janice K. Freer claims that even while incarcerated Cody Freer had adequate access to any and all evidence, legal material, civil law libraries, and anything else needed to properly represent himself and to present his case. Janice K. Freer refers to Madison v. Craven, 141 Idaho 45, 48, 105 P.3d 705, 708 (Ct. App. 2005) citing *Bounds v. Smith*, 430 U.S. 817, 821, 97 S. Ct. 1491, 52 L.Ed.2d. 72 (1977); *Drennon v. Hales*, 138 Idaho 850, 853, 70 P.3d 688, 691 (Ct. App. 2003) "Inmates have a constitutional right of access to the courts. That access must be adequate, effective, and meaningful." This is only referring to an inmate's access to the courts in regards to the charges that they are currently incarcerated on. Not only are these claims unwarranted, but they are merely false assumptions as well as misrepresentations to the court. Not only was Cody Freer incarcerated in six separate holding facilities during the time following Janice K. Freer's filing of complaint, but the majority of Cody Freer's time was spent in a Federal Prison in Oregon. One cannot rationally expect a Federal Prison in Oregon to contain any Idaho civil law resources. Furthermore to assume that while incarcerated one would have any access whatsoever to evidence that is not also in prison is just ludicrous.

In conclusion, Janice K. Freer has yet to provide any evidence whatsoever to support her allegations of there being an agreement of any kind between herself and Cody Freer. Cody Freer has provided sufficient evidence to support his claims that no such agreement ever existed as was already adjudged and decreed upon by the District court of the First Judicial District of the State of Idaho, in and for the County of Bonner, Honorable Barbara Buchanan, Presiding. Janice K. Freer's attempts to take Cody Freer's statements out of context to use them unreasonably in support of her false allegations only brings into question her true motivations and the validity of her testimony throughout the entirety of this case.

DATED this 1st day of December, 2014.



CODY J. FREER

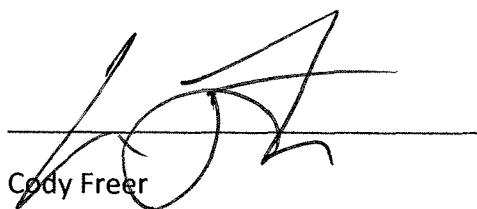
CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of December, 2014, I served a true and correct copy of the following RESPONDENT'S REPLY BRIEF by the method indicated below, and addressed to the following:

Arthur Bistline
Bistline Law, PLLC
1423 N, Government Way
Coeur D' Alene, ID 83814

- Regular Mail
- Certified Mail
- Overnight Mail
- Facsimile
- Interoffice Mail
- Hand delivered

Idaho Court of Appeals
P.O. Box 83720
Boise, ID 83720-0101


Cody Freer