

IN THE SUPREME COURT OF THE STATE OF IDAHO

Clarita Joy Loftin (NKA Mitchell),

Petitioner

v.

Aaron C Knapp,

Appellant (Respondent)

APPELLANT'S (OR RESPONDENT'S) REPLY BRIEF

Appeal from the District Court of the 5th Judicial District for Minidoka County Judge Jonathan Brody presiding.

(Original Appeal from the Magistrate Court of the 5th Judicial District for Minidoka County.

Honorable Rick L. Bollar, Magistrate Judge presiding).

Aaron C Knapp, Per Se

4220 Talbot Lane

Lorain, Ohio 44055, for Appellant (Respondent)

Brett C. Anthon

Residing at Rupert Idaho, Minidoka County, for Petitioner.

Table of Contents

Brief Cover

1.	Table of Contents
4-7.	Appellants Reply to Reply by Respondent
20.	Proof of Service

Reply Brief:

It comes now that the Petitioner would respond to the Respondents Brief, it should be noted that the Respondent feels compelled to rush this reply in order to stop the Magistrates continued abuse of authority, so with that said the Respondent will keep said brief concise.

The majority of the Respondents brief is filled with older case information that has been adjudicated prior to this appeal. The Respondent would argue that he was found innocent of both Vexatious Litigant charges and the Petitioner only quotes from the first. Yet these are not matters on appeal. The Respondent-Appellate has followed the Idaho Supreme Court Rules for filing this case and will not waste this courts time addressing all of these issues a second or third time. The Petitioner wishes to point out perceived errors in the Respondents brief without acknowledgment of the Petitioner or the Courts errors.

On Page 19 of the Petitioners Brief section 3 is the argument that the Order issued by the Magistrate was Temporary and therefore not appealable as an interlocutory order is based on a false assumption that due to its title it isn't a final order. As stated in the Appellants brief the Order was an Order to Modify the Temporary Order. Modify it to what is the question and the answer is a final order when the court included the words "judgement is entered as follows"

On Page 6 of the Petitioners Brief it states: “*Knapp filed a second pro-se modification on November 29, 2018—a mere 86 days from the entry of the prior order. (R. Vol. 2, pp. 219-229; pp. 201-207).*”

On this fact all parties agree that on November 29th, 2018 the Respondent filed a Motion to Modify based on the Petitioners lack of communication with the Respondent. The Petitioner then states:

“Knapp based his petition On a string of allegations, ranging from missed evidence in the first modification proceedings to allegations that Loftin was neglecting their child. (R. Vol. 2, p. 221). Loftin denied Knapp’s allegations and asked for the existing schedule to remain in place. (R. Vol. 2, pp. 234-36). The Magistrate Court issued a "Notice and Request for Investigation" for the Department of Health and Welfare to determine the validity Of Knapp’s abuse & neglect allegations. (R. V01. 2, p. 238).”

This is simply untrue. The Motion for Modification filed by the Respondent had nothing to do with the Court Ordered Investigation that was ordered and the results of said Investigation were not entered into the record until 01/23/2019.

“On Page 7 of the Petitioners Brief it States: During this time, Loftin and the minor child relocated to Utah, though she did not get Court permission prior to her move to Utah. (R.

Vol. 2, p. 342).” This is another fact all parties agree on that the Petitioner moved to Utah with the Minor Child on January 22nd 2019 a mere one day before the Investigation Report was issued.

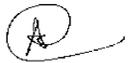
So If the Petitioner and Respondent agree a Motion for Modification was on the Docket on 11/29/2018, and both Parties agree that the Petitioner moved on January 22nd 2019 without notifying the court or the Respondent, and it is not permitted to move out of State (especially during an ongoing Modification and Health and Welfare Investigation). The Respondent would state that based on these facts nothing else in this case can move forward until the Petitioner returns to Idaho and is adjudicated on those issues.

On Page 25 of the Petitioners Brief it states Loftin believes *“that the Ohio Court system would decline Knapp’s request to transfer jurisdiction because he has engaged in “unjustifiable conduct, ...”* Respondent would state what the Petitioner “believes” is not a matter of fact and as the Respondent has already filed with the Ohio Courts the court can simply transfer Jurisdiction to the Lorain County Court in Ohio and they have accepted the case. Petitioner cannot use what ifs or maybes to prove the case and as the Respondent was found Not Guilty of both Vexatious litigant hearings the Petitioner should feel less inclined to cite them in reference. “Dangerously Close” in the first hearing to an outright dismissal in the second isn’t even harmlessly close.

On Page 26 the Petitioners Brief states: *“Knapp’s conduct falls within this section because he brought unfounded abuse complaints for the purpose of relocating the*

parties' child to Ohio. (See R. Vol. 2, p. 354, where the Magistrate Court notes that Knapp has "inappropriately utilized child protective services and law enforcement to leverage custody." Again this statement is false as the allegations of abuse were brought by the Minor Child as well, while in the custody of the Petitioner. And the Direct quote was that "*Both parties had used...*" and was from the Court Ordered investigation (page 16 paragraph 6).

The Respondent would state that based on the current charges issued in the magistrate court, without due process, could leave the Respondent an inability to reply to the Petitioners Reply Brief due to possible incarceration on charges of civil contempt. So the Respondent would ask the Honorable Court keep this in mind while reviewing the Respondents Reply to the Petitioners Reply Brief.



Aaron C Knapp, Respondent, Per Se

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on 12/ 23 /2020, a true and correct copy of the foregoing document was served by the following method indicated below to each of the following:

Brett C. Anthon
ANTHON DARRINGTON, PLLC
PO Box 536
Rupert, ID 83350
brett@minicassialaw.com

- Electronic Mail
- U. S. Mail, postage prepaid
- Personally delivered
- Telecopy/fax

Aaron Christopher Knapp
264 Moore Rd #5U
Avon Lake, OH 44012
A4xbeaverman@yahoo.com

- Electronic Mail
- U. S. Mail, postage prepaid
- Personally delivered
- Telecopy/fax



Aaron C Knapp Per Se

12/ 23 /2020

Date