



**ORIGINAL**

**FILED**

09/06/2023

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: DA 23-0475

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 23-0475

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PAMELA JO POLEJEWSKI

Plaintiff/Appellant

Vs

STATE OF MONTANA, TYLER FRIES

Defendants/Appellees

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SEP 06 2023

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State of Montana

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APPELLANT'S REPLY TO STATE RESPONSE THAT M.T.R. APP. P.7 INAPPLICABLE

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This matter is subject to appellate mediation. Appellant made statements that money was not the foundational reason for the Misrepresentation claim because "there was not enough money in the world to compensate me for all the damages I have sustained prior to any criminal trial and or conviction". The real foundation behind a misrepresentation complaint is that constitutional rights are priceless. When they are not protected the damage an individual sustains is irreparable but that doesnt mean a court or a Judge just sweeps that under a rug. I was not

represented as outlined by our state and federal constitutions therefore the State just continues to regurgitate past proceedings built on unconstitutional faulty foundations that should not be allowed to stand.

I have requested oral arguments regarding this Complaint in order to enhance dialogue with the court for clarity purposes. This was never allowed. I am always open to discussions involving fairness and equity for all.

BACKGROUND HISTORY is Judge Best initially would not approve the fee waiver when I first tried filing the Complaint on May 12th, 2023. Judge Best did not want to have jurisdiction over the Complaint thus routed the Cause to three other District Court Judges that all refused to assume jurisdiction also. Judge Best inherited the case again. I filed a Motion for Change of Venue concerned about the fact that there was no support for my court filings. Judge Best raised an argument that I was insinuating that her court would not be fair in my case. I raised the argument that there was the issue of Conflict of Interest since she was the Judge that submitted the warrant days later after the initial onslaught of illegal searches and seizures. That was the primary source of my complaint against Public Defender Tyler Fries that he never questioned the unconstitutionality of a warrantless search, seizures and then ultimately how a warrant was later obtained. I believe a Judge will try to protect the validity of the warrants they issue. Thus, my concern is there is a Conflict of Interest for Judge Best to be involved in this case and not be biased against the Plaintiff. 2.

This State Litigator for the Defendants just plays the role of a State Prosecutor that has no bearing on this case. It is used as a way to keep the fact that her client did absolutely nothing to defend his client as an excuse for his unethical behavior. Now, because none of the prosecuting attorneys' proceedings went unchallenged by Tyler Fries they are continually being used against the Plaintiff. This resulted in the Plaintiff spending the next three years of her life trying to rectify the absolute disaster Fries made of this case. I have been met with the res judicata argument at every conjecture since he failed to raise any arguments in the initial hearing of May 26th, 2020. I argue that Senate Bill 320 is unconstitutional on its face and or as applied in my case. The Public Defender told his client he was going to make those arguments but ended up not even practicing criminal law 101 in the May 26th, 2020 Hearing. Refer to my initial Complaint and Amended Complaint. I also have the right to amend pleadings.

It is an absolute lie I have attempted to interfere in any way with the impending criminal trial. That is an insult to Judge Kutzman that he would ever allow such manipulation from a party in a criminal trial. This argument is laughable if it wasn't for how pathetic it is as a way to grasp at straws. The truth of the matter is the State has tried to manipulate the court system which indicates they are desperate because their false "narratives" and deception are unraveling. The state defense attorney is of the mind set if she keeps repeating falsehoods it will eventually brainwash people into 3.

believing them. This house of cards is coming down just watch. If a Judge is not interested in being a part of addressing constitutional right violations stemming from misrepresentation then Stay your decisions until the other courts involved in this whole case scenario do address them. We "the people" have every right to bring a complaint forward and challenge proceedings, Judges, Attorneys, the judicial system ect. when our constitutional rights are being ignored and violated. Misrepresentation is a violation of Plaintiff's constitutional rights and all the judgments that are rendered because of it. Judge Best would certainly have jurisdiction over a misrepresentation and constitutional right violation complaint. All Judges should take that complaint very seriously and not just dismiss it because there was no discussion made about "money." All these judgments obtained because of constitutional right violations stemming from misrepresentation should not be allowed to stand as lawfully obtained.

The fact I did not emphasize monetary damages does not mean that would not have been addressed in further dialogue with the court. Something Judge Best refused to do. This whole court proceeding ended up being about the Appellant and a compilation of past court proceedings all barred by res judicata because Fries failed to raise any arguments in Plaintiff's defense. Judge Best has never interacted with the Plaintiff but allowed the State Defense Attorneys to make the proceedings all about prosecutorial allegations against the Plaintiff. There is not one argument by this defense attorney

making the argument her client actually defended his client. An argument she cannot make because it does not exist therefore she uses "straw man" deflections.

I did not seek injunctive relief as the defense attorney falsely implies. I asked the court to defend my constitutional right to be effectively represented as outlined by the state and federal constitutions and defended by the Montana Supreme Court. The damages I have sustained because a Public Defender did not perform as an ethical professional will never be compensated for but that does not mean a court could not use its discretion to allow for relief from damages as it sees fit. I find it a slap in the face to talk about money when my animals were ruthlessly and needlessly murdered by the State. But if a Court is saying that is all they have jurisdiction over as a means for compensation I am receptive to that conversation for now.

Please do not allow this defense attorney to speak on my behalf because she uses the work of taking everything out of context and she gives it her own meaning which is far from the truth of the matters.

Judge Best allowed this defense attorney to make this cause another prosecutorial attack by the State. The State is of the mind set if they say something repetitively enough they can get anyone to believe their absurdities. Do not fall into these rabbit holes.

Judge Best made no ruling of her own accord but let the State dictate the court filings and ultimately signed off on their Order to Dismiss which I have appealed. Judge Best

signed an electronic Order submitted by the State late Tues evening August 22nd, 2023. I was not even aware of this Order until the State informed the Plaintiff August 25th, 2023 about the Complaint being dismissed for lack of jurisdiction.

Refer to Plaintiff's sur Reply brief dated August 22nd, 2023 and filed August 23rd, 2023 attached.

Again, the true focus is this is a complaint about misrepresentation and all the constitutional violations that have been inflicted on the Plaintiff because of a lack of an adequate defense by attorney ,Tyler Fries. Period. I did not seek money as the primary reason for the complaint but I do not believe that is a sufficient reason to dismiss a cause involving constitutional right violations stemming from misrepresentation.

I have sustained catastrophic damages because of Tyler Frie misrepresentation.

Therefore the Courts and Judges should be addressing ways to rectify the wrongs that have been inflicted upon the Appellant. Judge Best has discretionary power to offer any type of relief she does have jurisdiction over "as the court sees fit." If money relief is all that can be offered then lets have that dialogue. I did not seek "injunctive relief" "interference in the criminal proceedings" or whatever bogus argument the State wants to make. I want justice, the truth in all matters and unconstitutional judgments be nullified that should be within the judicial system's focus.

I am open to mediation.

Dated September 4th ,2023



Respectfully submitted, Pamela Jo Polejewski pro se litigant JMJ

CERTIFICATE OF SERVICE

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I hereby swear a true and accurate copy of the response to mediation not being applicable was placed in the mail to;

Montana Depart of Administration  
Risk Management and tort Defense division  
PO Box 200124  
Helena, MT 59020-0124

Dated September 4th, 2023



Pamela Jo Polejewski Plaintiff pro se

<b>To</b>	<u>ppolejewski@yahoo.com</u>
<b>Cc</b>	
<b>Bcc</b>	
<b>Subject</b>	