No. _____

In The

Supreme Court of the United States

———♦———

DERON BRUNSON,

Applicant,

v.

SPENCER COX, et, al.,

———♦———

TO: Justice Neil M. Gorsuch

———♦———

ON APPLICATION TO VACATE THE ORDER ISSUED BY THE SUPREME COURT OF UTAH AND REQUEST THAT THE SUPREME COURT OF UTAH ADDRESS THE MERITS OF BRUNSON'S QUO WARRANTO

———♦———

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Applicant in pro se

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PARTIES TO THE PROCEEDING

Applicant Deron Brunson ("Brunson") is an individual representing himself and is a Petitioner in the Supreme Court of the State of Utah ("SCU").

Respondents are Spencer Cox, in his personal and official capacity as Governor of Utah, and Deidre Henderson, in her personal and official capacity of Lieutenant Governor of Utah.

———♦———

QUESTIONS PRESENTED

Can the SCU, which has original jurisdiction to hear a petition for a writ of quo warranto, without cause, consideration or explanation, change a petition of writ of quo warranto while in midstream into a petition for extraordinary relief?

Can the SCU advocate for a party in court by developing its own original argument while ignoring its own case law that claims appellate courts cannot do this?

Can the SCU develop its own original argument for one party in court to the demise of the other party, and do so without it prejudicing the demised party?

Can the SCU advocate for a party in court by originating its own argument and then rule on it without it being biased?

Can the SCU ignore acts of war?

Can the SCU violated the separation or powers doctrine?

Can the SCU ignore its first requirement to be subject to their oath of office above any legal lease or procedural rules?

Can the SCU answer yes to all the questions stated above and still be in "good behavior" under Article III Section 1 of the U.S. Constitution?

———♦———

LIST OF PROCEEDINGS

- *Deron Brunson v. Spencer Cox,* et al., Supreme Court No. 20250135-SC. Supreme Court of the State of Utah. Order entered on March, 5, 2025.

JURISDICTION

Pursuant to Rule 23 of the Rule of this Court and the All Writs Act, 28 U.S.C. 1651, Applicant Brunson respectively files this application to vacate the March 5, 2025 Order and requests that this Court mandates that the Supreme Court of Utah is to address the merits Brunson's petition for writ of quo warranto without advocating for either party, and to do so under the guidance of the doctrine of The Object Principle of Justice.

STATEMENT OF THE CASE

On February 7, 2025 Brunson filed a *Petition For Writ Of Quo Warranto*, as an original proceeding in the Supreme Court of Utah, seeking to have Respondents Governor Spencer Cox and Lieutenant Governor Deidre Henderson removed from office. And then on February 18, 2025 Brunson filed a *Rule 23C Motion For Expedited Review Of The Petition For Writ Of Quo Warranto And To Invoked The Object Principle Of Justice.*

To mandate that the Supreme Court of Utah to address the merits of Brunson's quo warranto without advocating for either party, and to address the merits of the quo warranto and the expedited review under the guidance of the doctrine of The Object Principle Of Justice, thus protecting jurisprudence and the integrity of our court system.

GROUNDS JUSTIFYING THIS EXPEDITED APPLICATION

The "loss of First Amendment right freedoms…," which "…for even minimal periods of time, unquestionably constitutes irreparable injury." Garbett v. Herbert, 458 F. Supp. 3d 1328, 1349, 2020 BL 160572, at *18 (D. Utah 2020). And it is an " . . . experience harm that cannot be compensated after the fact by monetary damages." Greater Yellow-stone Coal v. Flowers, 321 F.3d 1250, 1258 (10th Cir. 2003) (quoting Adams v. Freedom Forge Corp., 204 F.3d 475, 484-85 (3d Cir. 2000)) (emphasis omitted).

If a purpose of war is to put into power its victor, and if a rigged election seeks to do the same thing, to put into power its victor, then a rigged election is an act of war.

This Application stems from the fact that Brunson filed, as an original pleading, a petition for a writ of quo warranto in the Supreme Court of Utah. "The Supreme Court shall have original jurisdiction to issue writs of mandamus, certiorari, prohibition, quo

warranto and habeas corpus." *Petersen v. Utah Bd. of Pardons*, 907 P. 2d 1148 - Utah: Supreme Court 1995.

The quo warranto factually provides the evidence that Respondents Cox & Henderson participated in an act of war during the last election in order that they may become the Governor and Lt. Governor. Therefor they are both guilty of committing acts of war that allowed them to obtain the offices of Governor and Lt. Governor where they now sit.

Cox & Henderson, as riggers of the last election that put themselves into office, now set in office as traitors. And as such, this is a continual attack against Brunson's liberties, his life, and his pursuit of happiness, which are protected by the Constitution of the United States and the Constitution of the State of Utah, which produces continual irreparable harm against Brunson as stated above. And once again, this harm includes but it is not limited to the trust in the sanctity of free and fair elections, and the "loss of First Amendment right freedoms…," which "…for even minimal periods of time, unquestionably constitutes irreparable injury." *Garbett v. Herbert*, 458 F. Supp. 3d 1328, 1349, 2020 BL 160572, at *18 (D. Utah 2020). And which cannot be fixed by monetary damages. Id. *Greater*.

The said acts of war violates the oath of office. The violation of the Oath of Office is serious; Article III, Section 3 of the said Constitution specifies that, "Treason against the United States shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort." And "Whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason and shall suffer death, or shall

be imprisoned not less than five years and fined under this title but not less than $10,000; and shall be incapable of holding any office under the United States."—18 U.S. § 2381.

How can Respondents be incapable of holding office and still retain their office without removal? Therefore, Brunson's quo warranto has the argument for SCU to remove the Respondents from office.

And pursuant to 18 USC §2382 it reads "Whoever, owing allegiance to the United States and having knowledge of the commission of any treason against them, conceals and does not, as soon as may be, disclose and make known the same to the President or to some judge of the United States, or to the governor or to some judge or justice of a particular State, is guilty of misprision of treason and shall be fined under this title or imprisoned not more than seven years, or both." Also Bouvier's Law Dictionary of 1856 states: "2. Misprision of treason, is the concealment of treason, by being merely passive; Act of Congress of April 30, 1790, 1 Story's L. U. S. 83; 1 East, P. C. 139; for if any assistance be given, to the traitor, it makes the party a principal, as there is no accessories in treason."

In addition, courtroom procures, of the Constitution was not written to protect treason or fraud, so when government officials violate their oath by giving aid and comfort to enemies of the Constitution, or by becoming an enemy themselves, they cannot hide behind statutes, or case law, procedure rules or the Constitution or any other acts of Congress. The Oath of Office is absolute! You cannot give aid and comfort to enemies of the Constitution, therefore, no interpretation of any law can exist that protects this or delays this, or stops anybody like Brunson from prosecuting such acts.

Therefore, an urgency exists to stop the said acts of war immediately thus justifying this application. Mandating the Supreme Court of Utah to expeditiously review of Brunson's quo warranto without advocating for any of the parties. The facts supporting the quo warranto are undisputable, and as such, this would stop further irreparable harm as stated above, and releases liability of misprision of treason.

ARGUMENT

Brunson's quo warranto contains undisputable factual evidence detailing how Respondents, in their personal and official capacities, had rigged the last election enabling them to take office, and as such had committed an act of war and had violated their oath of office.

After Brunson had filed in quo warranto and motion for expedited review, the SCU on February 25, 2025 issued a statement from the Office Of the Clerk stating:

> "Matter before the Court: Petition for Writ of Qua Warranto and Rule 23C Motion for Expedited Review.
>
> The above matter is scheduled to be addressed FOR COURT CONSIDERATION ONLY by Law and Motion Panel of the Court. There will be no oral arguments." (*See* "Appendix B")
>
> And then on March 5, 2025 SCU issued an ORDER (see "Appendix A") stating:
>
> "This matter is before the Court on a petition for extraordinary relief and a motion for expedited relief. The petition is dismissed, and the motion is denied. Petitioner has failed to demonstrate that he has standing to retroactively contest the 2024 primary election or that there may be viable legal grounds for the relief requested. In addition to those deficiencies, he has failed to comply with Rule 19(e) in multiple respects, including subparagraphs (e)(4) and (e)(6), which require a statement of "the reasons why no other plain, speedy, or adequate remedy exists," and "why it is impractical or inappropriate to file the petition in the trial court," respectively. See also Lyman v. Cox, 2024 UT 35, ¶¶ 7, 13, 556 P.3d 49. Moreover, Petitioner's allegations are fact-intensive and not suitable for resolution by this Court in the first instance."

This ORDER was not developed nor inferenced or inspired by Respondents even in the nth degree. The ORDER was solely developed by SCU which advocated for Respondents. Therefore, on its face it can easily be argued that SCU is the best legal defense team Respondents have.

The ORDER violated SCU's own case law. ("[T]his court is not a depository in which the appealing party may dump the burden of argument and research." (citation and internal quotation marks omitted))." *Estrada v. Mendoza*, 2012 UT App 82 275 P.3d 1024. And "("We refuse to become [appellant's] advocate by formulating arguments on its behalf or translating its problematic arguments into plausible ones.")." *Gde Construction, Inc. v. Leavitt*, 2012 UT App 298.

The Court advocating for Respondents put Brunson in the unfortunate position of arguing against the Court and not Respondents in order to overcome this ORDER. How can this be just, and doesn't this prejudice Brunson?

The Order advocated for Respondents to Petitioner's demise as if the SCU is the creator of Brunson's rights whereupon SCU can invoke them upon its own discretion, how is that just? Is it not the parties' obligation to argue what their rights are before the court in order to obtain a decision from the court based upon their arguments?

The Order changed Brunson's quo warranto into petition for extraordinary relief, and then invoked procedural rules that guide this type of relief, in order that it may deny Brunson's quo warranto. In creating the law, this violates the separation of powers doctrine.

If the SCU is to recognize that our rights come from God, and that "We The People" created law and our court system to protect these rights, then there should be no doubt

that our courts are to base their decision solely on the pleadings placed before them. In so doing both parties before this Court would have a strong understanding of how the court is going to rule. In addition, our courts would no longer be so precarious, and every loosing party would know that justice was served. Our courts would be the most just, limited, highly effective, respected and dearly admired court system that the world has ever seen. What seems to be prevalent today is the contention that our courts are heavily corrupted by the aspect that they do what they want. They don't referee their cases, they control them.

"If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy." *Olmstead v. United States*, 277 US 438 – Supreme Court 1928.

THE DOCTRINE OF THE OBJECT PRINCIPLE OF JUSTICE

The doctrine of The Object Principle of Justice is embedded in the supreme law of the land, the United States Constitution with supporting case law.

Amendment IX of the Constitution states "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." The Constitution cannot be construed by any means, by any law, by any power, by any court of law on earth to deny or disparage our rights. These rights that cannot be violated are identified in the second clause of the Declaration Of Independence, it states: "We hold these truths to be self evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness, — That to secure these rights, governments are instituted among Men, deriving their just powers from the consent of the governed. . ." Our God-given

rights are not only self evident, but they are unalienable which means you cannot give them away and nobody can take them from you. People may have the means to violate your rights, but this does not mean they took away your rights.

Knowing that God is the author of our unalienable rights, not man, then it would presuppose that no Constitution or any kind of agency erected by man, including courts of law, can ever be construed as being the giver of our unalienable rights. But we can erect agencies to protect these rights "That to secure these rights, governments are instituted among Men, deriving their just powers from the consent of the governed. . ." *Id*. This court has already recognizes that this is true as found in the case of *American Bush v. City Of South Salt Lake*, 2006 Ut 40 140 P.3d.1235 stating that "In considering State constitutions we must not commit the mistake of supposing that, because individual rights are guarded and protected by them, they must also be considered as owing their origin to them. These instruments measure the powers of the rulers, but they do not measure the rights of the governed. . . . [A state constitution] is not the beginning of a community, nor the origin of private rights; it is not the fountain of law, nor the incipient state of government; it is not the cause, but consequence, of personal and political freedom; **it grants no rights to the people**, but is the creature of their power, the instrument of their convenience. Designed for their protection in the enjoyment of the **rights and powers which they possessed before the constitution was made,** it is but the framework of the political government . . It presupposes an organized society, law, order, property, personal freedom, a love of political liberty, and enough of cultivated intelligence to know how to guard it against the encroachments of tyranny." (Bold emphasis added)

Courts of law are governed by and subject to the consent of the people pursuant to Amendment IX, and judges are bound by Article VI of the Constitution which states "This Constitution, and the Laws of the United States which shall be made Pursuance thereof; . . .shall be the supreme Law of the land; and the Judges in every State shall be bound thereby." And Article III states "The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behavior". This is known as the "Good Behavior Clause".

What is to be understood here is that the Constitution recognizes that it is not the giver of your rights nor can it be because it is self-evident that only God is the giver of our rights, not man. Therefore, no man has any right to set up any kind of agency that would act as the giver of your rights. This means that because Judges are bound by the Constitution they cannot ever at any time esteem themselves as being the giver of your rights. If a Judge ever acts as the giver of your rights it may be said that he is blaspheming God—acting as though he is the giver or rights and not God, thus violating and trampling on your rights. This would no longer be in compliant with the "Good Behavior Clause" of the U.S. Constitution.

A Judge is never in any position to help one party over another because that would make him the giver of your rights. A judge should never control, affect or guide the outcome of the case, if he does, this puts him in the position of being the one who gives us our rights which fuels statements alluring that the Judge is not God (hence the saying to a judge "you're not God").

The case of *State v. Walker*, 267 P.3d 210, 217-218 (Utah 2011) comes close to identify that a judge is not the lawgiver, it states "For the most part, the role of modern

judges is to interpret the law, not to repeal or amend it, and then to apply it to the facts of the cases that come before them. The process of interpretation, moreover, involves the judge in an exercise that implicates not the judge's own view of what the law should be, but instead a determination of what the law is as handed down by the legislature or framers of the constitution. The judge, in other words, is not a primary lawgiver but instead an agent for the legislature or framer that played that role. This allocation of power again is deliberate. The more politically accountable bodies of government make new laws; judges, who are more insulated from political processes, simply interpret them and attempt to apply them in an objective, evenhanded manner." This case identifies that the judge is not the primary lawgiver, however, allowing the judge to make any kind of interpretation of the law does make the Judge a lawgiver on that point.

A judge is not the giver or the interpreter of your rights, his job is to protect your rights and he does this by recognizing the law a party invokes in court. Canon 2.2 of the Code Of Judicial Conduct states that "A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially." However the Canon continues by stating that " [1]. . .a judge must interpret and apply the law without regard to whether the judge approves or disapproves of the law in question. [2] When applying and interpreting the law, a judge may make good-faith errors of fact or law. Errors of this kind do not violate this Rule".

The question of a judge's power to interpret the law may appear as a requirement, but is this correct? It is not. It is the party in court who must declare unto the court their interpretation of the law and how it protects or violates their rights.

Let's say a Defendant in court has found a law that unjustly enriches him and he uses it to protect his wrongdoing, and the Plaintiff's argument fails in convincing the court of this wrong doing. If the court were to create its own argument to punish the wrongdoer, that would be wholly unjust because in that moment it has helped one party over the other, it prejudices one of the parties and favors the other, it also sets up the wrong doer to argue against the court, it places the court to be involved in the arguments which makes the court the giver of our rights instead of the protector of them. Furthermore, the moment the court produces an argument for a party in court it is now protecting that party, that party is now protected by the court by the court's own volition. A court that forces the opposing party to argue with the court becomes unjust because the court and the opposing party are not on the same ground unless the court agrees to share in the liability of the case while becoming equal to the party that it protects which it cannot do and still be a judge. Under The Object Principle of Justice the court must base its decision on the most convincing argument and explain why.

Again, the last part of Canon 2.2 of the Code Of Judicial Conduct as quoted above violates the supreme law of the land including the doctrine of The Object Principle of Justice. The moment the judge makes any kind of interpretation of the law that helps one party to the demise of the other party, it has prejudiced the party it demised. It has put the party it demised in a situation that it must now argue with the court which you cannot do on equal grounds with the court because the court holds the power for the final outcome of the argument. Again, the court should not want to place itself as a contender in any court action by invoking it's own findings or arguments that is not found within the pleadings or arguments before the court. When the court invokes its own legal theory or

judicial determination it favors one party over the other forcing the losing party to argue with the court if it wants to win. Where is the justice in that? Again, a direct argument with the court is not fair nor can it be because the court holds the final decision as to the outcome of the argument. As stated above, the supreme law of the law dictates that the court must act only as a referee.

If at any time the pleadings/arguments before the court are both ambiguous upon which the court cannot make a decision, the court would then have the power to make a decision of status quo without prejudice (allowing the case to remain the same as it was before it entered the court with a chance of the parties to re-invoke their arguments). This would promote the parties to produce a better interpretation of the law for the court to understand and rule on.

The object principle of justice rests on the axiom that judges interpretation of the law must be based upon the pleadings before them, however judge can request from the parties a better interpretation of the law upon which the judge could rule. Judges cannot interpret the law on their own to the other party's demise, and they are to referee civil cases as explained above, and allow the parties to give their interpretation of the law. Again, when both arguments fail in the eyes of the Judge, the Judge has the power to deny both arguments while requesting that either party come back with a convincing argument or leave the case as it was found before the case was opened up. This would promote justice like never before seen.

THE ISSUES IN THIS CASE WARRANTS THE COURTS REVIEW

The power of this Court to mandate that the SCU address the merits of Brunson's quo warranto and to do so under the doctrine of The Object Principle of Justice would

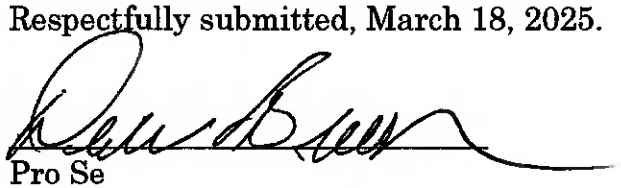
instill justice and respect like never before seen across this great country. Not only would it protect Brunson's rights from further irreparable harm, but our entire judicial system would ring with freedom and love like never before ever seen. It would forever dispel allegations that our court system is corrupt, and no longer would our courts of law think they have the burden of originating arguments in support of their rulings.

Again, under the strict Under the strict enforcement of the doctrine of The Object Principle of Justice our courts would be the most just, limited, highly effective, respected and dearly admired court system in the world, and the appellate courts would see less appeals.

CONCLUSION

Wherefore, for the above reasons given above, Brunson moves this court to mandate that the SCU address the merits of Brunson's quo warranto and to do so under the strict enforcement of The Object Principle of Justice, and to do it expeditiously. Furthermore, "It is emphatically the province and duty of the judicial department to say what the law is." *Marbury v Madison*, 5 US 137 (1 Cranch) (1803).

Respectfully submitted, March 18, 2025.



Pro Se

The Order of the Court is stated below:
Dated: March 05, 2025 03:55:41 PM /s/ Paige Petersen Justice

IN THE SUPREME COURT OF THE STATE OF UTAH

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DERON BRUNSON, **Petitioner, v.** **GOVERNOR SPENCER J. COX and LIEUTENANT GOVERNOR DEIDRE HENDERSON,** **Respondents**	**ORDER** **Supreme Court No. 20250135-SC Trial** **Court No.**

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This matter is before the Court on a petition for extraordinary relief and a motion for expedited relief. The petition is dismissed, and the motion is denied. Petitioner has failed to demonstrate that he has standing to retroactively contest the 2024 primary election or that there may be viable legal grounds for the relief requested. In addition to those deficiencies, he has failed to comply with Rule 19(e) in multiple respects, including subparagraphs (e)(4) and (e)(6), which require a statement of "the reasons why no other plain, speedy, or adequate remedy exists," and "why it is impractical or inappropriate to file the petition in the trial court," respectively. *See also Lyman v. Cox*, 2024 UT 35, ¶¶ 7, 13, 556 P.3d 49. Moreover, Petitioner's allegations are fact-intensive and not suitable for resolution by this Court in the first instance.

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Nicholas Stiles
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February 25, 2025

OFFICE OF THE CLERK

Re: Brunson v. Governor Cox **Supreme Court No. 20250135-SC**

Matter before the Court: Petition for Writ of Qua Warranto and Rule 23C Motion for Expedited Review

The above matter is scheduled to be addressed FOR COURT CONSIDERATION ONLY by the Law and Motion Panel of the Court. There will be no oral arguments.

Dated: February 25, 2025
11:41:54 AM

/s/ NICOLE I. GRAY
Clerk of Court