

**In the
Supreme Court of the United States**

RAYLAND J. BRUNSON,
Petitioner,

v.

ALMA S. ADAMS, *et al.*,
Respondents.

**MOTION FOR LEAVE TO FILE AMICUS BRIEF,
MOTION FOR LEAVE TO FILE BRIEF ON 8½ BY 11 INCH
PAPER, &
AMICUS BRIEF FOR PAUL PRESTON, AND
NEW CALIFORNIA STATE
AS AMICUS CURIAE IN SUPPORT OF PETITIONER**

To the Honorable John G. Roberts, Jr
Chief Justice of the United States

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Paul Preston, and New California State*

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**MOTION FOR LEAVE TO FILE *AMICUS* BRIEF
IN SUPPORT OF PETITIONER BY
PAUL PRESTON, INDIVIDUALLY AND
AS PRESIDENT OF THE NEW CALIFORNIA STATE MOVEMENT**

Paul Preston, individually and as President of the New California State Movement, and New California State (NCS51) respectfully moves for leave of Court to file the accompanying *amicus curiae* brief in support of Petitioners Raland Brunson's Petition for Writ of Certiorari.

IDENTITY AND INTEREST AND MOVANT¹

Paul Preston is an elector in Sutter County, California, and the President of the New California State Movement.

The New California State Movement is an unincorporated Association. The New California State Movement is a movement to form a new state out of the existing state of California pursuant to the United States Constitution, Article IV, Section 3. This Movement is modeled after the formation and procedure of what is now West Virginia, and expects to stand up as a State in the first quarter of 2023 by submitting a Resolution of Statehood to the United States' Congress.

Neither this attorney, Mr. Preston, nor the New California State Movement has received any payment nor any offer of payment from anyone to file this proposed *Amicus Curiae* brief.

¹ Consistent with Federal Rule of Appellate Procedure 29(a)(4)(E) and this Court's Rule 37.6, counsel for Movant and Amicus authored these motions and brief in whole, and no counsel for a party authored the motions and brief in whole or in part, nor did any person or entity, other than the Movant/Amicus and their counsel, make a monetary contribution to preparation or submission of the motions and brief.

Counsel for Applicants have orally consented to the filing of this brief on December 14, 2022. Counsel for Respondents signed a waiver of right to file a response so were not asked their position regarding the filing of this brief.

TABLE OF CONTENTS

	PAGE
TABLE OF AUTHORITIES	iv
STATEMENT OF THE CASE	v
POINTS, AUTHORITIES AND ARGUMENTS	1
CONCLUSION	4

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Puerto Rico v Branstad, Governor</i> (1987) 483 U.S. 219, 107 S.Ct. 2802, 97 L.Ed.2d 187	2
<i>Trump v Kemp</i> (2021) 511 F.Supp.3d 1325, 1335-1336	1
<i>US v Burr</i> (1807) 4 Cranch (8 US) 469, 2 L.Ed. 684	3-4
Constitutional Provisions	
United States Constitution, Article III, Clause 3.	3
United States Constitution, Article IV, Clause 3.	ii, 2
United States Constitution, Article VI, Clause 3	2
United States Constitution, First Amendment (Bill of Rights)	1-2
United States Constitution, Ninth Amendment (Bill of Rights)	v
Other Authorities	
<i>The Federalist No. 27</i> (Alexander Hamilton)	2
<i>The Federalist No. 45</i> (James Madison)	2

STATEMENT OF THE CASE

Proposed *Amicus* adopts Petitioner's STATEMENT OF THE CASE specifically including the identities of the Defendants; that said Defendants were requested to investigate possible voter/election fraud; and that said Defendants failed and neglected to so investigate.

Proposed *Amicus* states, in addition to the above, proposed *Amicus*, through this attorney, sent a letter to defendant Michael R. Pence notifying him of "irregularities" because the Presidential ballots did not comply with California law, so, pursuant to California law, could neither be cast nor counted. That advice/request was also ignored.

Then-Vice President Pence, by ignoring Petitioner's and *Amicus*' warnings, harmed both Petitioner, Mr. Paul Preston, and the people comprising the New California State organization. Thus, the harm is far wider than just the Petitioner.

Proposed *Amicus* also agrees with Petitioner that, if an election were "rigged," the net effect would be the same as if the person for whom the election were "rigged" would have been put in office by force of arms.

Proposed *Amicus* also agrees with Petitioner that the individual rights of all Americans [and all citizens of the world whether their respective governments recognize these rights or not] derive not from the US Constitution, but from the God who made them and motivated the Founding Fathers to codify *some* of these rights into the Declaration of Independence, the Constitution, and the Bill of Rights [U.S. Constitution, Ninth Amendment].

POINTS, AUTHORITIES, AND ARGUMENT

I. WAS THERE A REQUEST BY “OVER 100 MEMBERS OF THE U.S. CONGRESS” TO INVESTIGATE THE 2020 PRESIDENTIAL ELECTION?

Proposed *Amicus*, for the purpose of this submission and Petitioner’s *Petition for Writ of Certiorari*, *Amicus* will assume Petitioner’s statement that “Respondents were . . . requested to make an investigation . . .” [Petition for Certiorari (hereinafter “Petition”), page 3] is a true statement. In researching the on-line record of the Congress, acting as the Electoral College [<https://www.congress.gov/congressional-record/volume-167/issue-4/house-section>] found no reference to any warning or request. *Amicus* does not know the proper repository for such request, and invites this Honorable Court to use its vastly superior resources [or Petitioner Brunson] to find such request whether made orally or in writing.

It is clear, however, that the proper venue to challenge electors for any cause is in Congress on the 6th of January (or other date selected by Congress during the December following a Presidential election). See *Trump v Kemp* (2021) 511 F.Supp.3d 1325, 1335-1336.

II. HOW DOES AN INDIVIDUAL PETITION FOR THE REDRESS OF GRIEVANCES?

Petitioner correctly points out two important rights “we, the People” have: a right to petition our government for a redress of grievances; and to hold our government officials, appointed or elected, to their oath of office.

The right to petition our government for a redress of grievances is contained in the First Amendment of the U.S. Constitution, which states:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble,

and to petition the Government for a redress of grievances.

Traditionally, a citizen would go to a Town Hall or other public meeting and express his or her opinion and/or desires orally.

As our society became more complex, and the government at all levels became less responsive, one aggrieved by government action could use the courts to “petition the Government for a redress of grievances.” [*Puerto Rico v Branstad, Governor of Iowa* (1987) 483 U.S. 219, 228, 107 S.Ct. 2802, 97 L.Ed.2d 187].

Those who hear the grievances are bound by an oath to uphold the Constitution. The U.S. Constitution, Article VI, Clause 3 states:

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

Commenting in the Federalist Papers on the requirement that state officers, state judges, and members of the state legislatures, shall be bound by oath or affirmation to support the Constitution, Alexander Hamilton wrote:

Thus the legislatures, courts, and magistrates, of the respective members, will be incorporated into the operations of the national government as far as its just and constitutional authority extends; and it will be rendered auxiliary to the enforcement of its laws. [*The Federalist No. 27* (Alexander Hamilton). See also, *The Federalist No. 45* (James Madison).]

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III. FOR THOSE BOUND TO THE CONSTITUTION BY OATH COMMIT “TREASON” WITHOUT FORCE OF ARMS?

The broadest meaning of treason is attacking or betraying a governmental authority to which one owes allegiance. The word originally comes from the Latin verb *tradere*, which means “hand over” and refers to Christians who handed other Christians over to the Roman authorities.

Article III, Section 3 of the United States Constitution states,

“Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.”

This wording in the Constitution stops Congress from expanding the definition of treason or lowering the standard of proof for prosecution.

But that does not mean the Courts have not struggled with what constituted “treason.” The struggling US Supreme Court came to the conclusion that one need not pick up arms in order to “levy war.” In *US v Burr* (1807) 4 Cranch (8 US) 469, 2 L.Ed. 684, the Court said,

Any combination to subvert, by force, the government of the United States, violently to dismember the union, to compel a change in the administration, to coerce the repeal or adoption of a general law, is a conspiracy to levy war, and if the conspiracy be carried into effect by the actual employment of force, by the embodying and assembling of men for the purpose of executing the treasonable design which was previously conceived, it amounts to levying of war. It has been held that arms are not essential to levying war provided the force assembled be sufficient to attain, or perhaps to justify attempting, the object without them.” This paragraph is immediately followed by a reference to the opinion of the supreme court. . . . Those only who perform a part, and who are leagued in the conspiracy, are declared to be traitors. To complete the definition

both circumstances must concur. They must "perform a part," which will furnish the overt act; and they must be "leagued in conspiracy." The person who comes within this description in the opinion of the court levies war. . . . The opinion, I am informed, has been construed to mean that any assemblage whatever for a treasonable purpose, whether in force or not in force, whether in a condition to use violence or not in that condition, is a levying of war.

Thus, Petitioner is correct in his assertion that Defendants who violate their oath by failing to investigate and take action against those who act to subvert the Constitution commit "treason."

CONCLUSION

For these and all the foregoing reasons, Petitioner's Petition for Certiorari should be granted, and, further, granted on its face without necessity of a hearing.

Dated: December 28, 2022


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