

DONALD J. TRUMP, PETITIONER v. NORMA  
ANDERSON, ET AL., RESPONDENTS ON PETITION  
FOR WRIT OF CERTIORARI TO THE SUPREME  
COURT OF COLORADO

BRIEF OF ELLIOT K BOYCE AS AMICUS CURIAE IN  
SUPPORT OF DONALD J. TRUMP AND THE UNITED  
STATES CITIZENRY

Elliot K Boyce  
February 3rd, 2024

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

DONALD J. TRUMP, PETITIONER

v.

NORMA ANDERSON, ET AL., RESPONDENTS

ON PETITION FOR WRIT OF CERTIORARI  
TO THE SUPREME COURT OF COLORADO

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## INTEREST OF THE AMICUS CURIAE

As a citizen of the United States, I acknowledge my privilege of voting. I also have a strong interest in vindicating and protecting the rule of Law. The law is clear, just as it is explicit. When basic tenets of law are challenged in the way the Colorado Courts have done so, I am affronted by it. While I recognize that the law is clear, I simultaneously recognize that those who rely on administrators and those in places of authority to make determinations on matters such as these will not necessarily view the issues as such. I will seek to enumerate some positions that may make this decision more apparent in a broader context, and offer perspectives that may differ from those which receive the most “airtime”.

## SUMMARY OF THE ARGUMENT

The Colorado Supreme Court ordered Donald J Trump removed from the State’s presidential primary ballot. The Court is not allowed to do that.

As Amicus, I delve into the logical and factual departures from reality that led to the court case leaving the Circuit Court, finding its way to the Colorado Supreme Court, and on to The United States Supreme Court, ignoring all due process along the way to achieve, if not a perverse legal outcome, the appearance of the seriousness of the claims made that otherwise would have no basis at all if looked at objectively. The Colorado Supreme Court rightly identifies that Section 3 of the 14<sup>th</sup> Amendment is not self-executing, but then ignores Section 5 and the associated statutes pertaining to the text’s execution. The law is explicit. As the argument goes, this is demonstrable evidence of a far-reaching pattern of behavior.

This Court should therefore consider the following facts and make justiciable determinations pursuant to their own authority within their role as Justices of the United States.

## ARGUMENT

### **I. The Colorado Circuit Court assumed jurisdiction outside of its authority within the judicial system of the United States.**

Under 18 U.S. Code § 2383, the justiciable penalty for engaging in the acts set out under Section 3 of the 14<sup>th</sup> Amendment is outlined.

For the sake of clarity, my understanding is that the way the judicial system operates is that judges look to statutes, the “presumption of innocence” is the basis from which determinations are made with regards to both legal culpability and judicial process, in agreement with the Fifth Amendment, Sixth Amendment, and Ninth Amendment, and then, upon a jury trial, a person is determined to be guilty or not according to the evidence presented before the court pursuant to the statutes alleged to be broken. After spending a few dollars supporting Wikipedia, I see that the presumption of innocence is deeply rooted in general societal norms, spanning cultures and from around the globe, under the original latin, *Ei incumbit probatio qui dicit*. (Wikipedia)

“Jurisdiction” applies not only to the type or arena of case being brought before them, but also the very principle of due process. In stark terms, the Colorado Supreme Court has violated the Fifth Amendment by setting itself outside the bounds of the Constitution and all societal judicial philosophy.

### **II. The Colorado Circuit Court made numerous factual errors pertaining to evidence;**

In the Circuit Court’s ruling, a litmus test for accepting governmental reporting as evidence was adopted, specifying four (4) separate tests.

Per the judicial analysis in Colorado,

- 1). Was the investigation timely? Yes
- 2). Were the investigators qualified for the job? Yes
- 3). Was there a hearing? Yes
- 4). Was there any question to motivation problems? No

President Trump focuses his admissibility challenge on the fourth factor: “possible motivation problems.”

There are other reasons for why the test fails:

Under the question of timeliness, the Committee was formed after the Congress had already initiated (February 9<sup>th</sup>, 2021) and ultimately concluded (February 13<sup>th</sup>, 2021) that Trump had not incited an insurrection. The Committee then set out (May 19<sup>th</sup>, 2021) and concluded the opposite (December 22<sup>nd</sup>, 2022). Given there are no legal justifications for assuming Donald Trump engaged in insurrection nor incited insurrection, and given that the Congress is the authoritative body, the Congress’ determination that he did not incite an insurrection, much less engage in an insurrection, would be the most probable example to look to for evidence, though even that would deviate from the principle of due process.

Even if you did look to the impeachment, Trump alleged that in the absence of a valid target of impeachment, Congress was implementing a “Bill of Attainder” in violation of their sworn oaths to uphold and support the Constitution, under Article 1, Section 9, Clause 3, which would call the judgment of the Congress into question, creating a new motivation problem. Chief Justice Roberts did not sit for the trial which indicates that, while the Articles from the House target the President, the impeachment trial in the Senate was not targeting the President, as Article 1 Section 3 Clause 6 requires the Chief Justice to sit, and therefore the trial was under a new precedent where all former officials can now be impeached after they leave office outside the bounds of their position, or the Congress openly disregarded the Constitution to impeach the President, representing a rebellion against the same in furtherance of the aims of the so-called “Resistance” within the cabinet and Congress.

(2) Chief Investigator (CI) Heaphy elaborated in a New York Times interview, “*Timothy J. Heaphy Led the House Jan. 6 Investigation. Here’s What He Learned*”, Feb 19<sup>th</sup> 2023 (The New York Times),

When we started to see intentional conduct, specific steps that appear to be designed to disrupt the joint session of Congress, that’s where it starts to sound criminal. The whole key for the special counsel is intent. The more evidence that we saw of the president’s intent, and others working with him, to take steps — without basis in fact or law — to prevent the transfer of power from happening, it started to feel more and more like possible criminal conduct.

There is no consideration paid to the fact that what was interrupted was the official contesting of the election, which is a valid, legal process undertaken as part of Congressional business. Per NPR, “*Objecting To Electoral Votes In Congress Recalls Bitter Moments In History*”, January 5<sup>th</sup>, 2021 (National Public Radio) ,

According to Trump and key allies, their aim is not merely to express outrage but to alter the process going on inside the Capitol beginning at 1 p.m. on Wednesday.

Per The Epoch Times, “*Former Federal ‘Informant’ Warned of Antifa, BLM Infiltrators at Capitol on Jan. 6*”, July 8<sup>th</sup>, 2022 (The Epoch Times),

“Pantifa/BLM, Balt./DC branches, are already bussing people in to disturb Jan. 6,” the post read. “Orders [were] given to dress like ‘MAGA,’ blend in [and] cause trouble, especially around cameras. At night, arson has been ordered. All to be blamed on Trump supporters attending. Please be careful.”

There is no process for de-certifying a vote save for actions contained within the frame of 3 U.S. Code § 15 and the vote count process, and so the Vice President within his role as President of the Senate is the last line of defense to protect

the nation from State issues before they become “federal issues”, or otherwise have them bleed into the body of the Republic. While the Congress has since degraded the office of the Vice President of that authority, through the principle of unenumerated rights or “implied rights”, Mike Pence had wide latitude to take action as he saw fit within his solemn judgment. In this way, Trump’s exhortation to “cheer on our brave Senators and Congressmen” had the potential to spur any who had lingering concerns to recognize the widespread effect of fraud on the election of both technical and rhetorical impact and take a step back before taking an undemocratic and unrepresentative step forward.

With regards to (3), CI Heaphy said this:

Hearings is not the right word for what we did. We called them hearings, but they were presentations more than hearings.

With regards to (4), the Democratic Party, as the Circuit Court acknowledges, took unprecedented action to prevent their Republican colleagues from selecting their choice of their own constituency to sit on the committee. These facts are widely available, were widely reported, and these facts were even presented as evidence that *there was no bias*.

Per Politico, you may notice a (blue) color theme, “*10 House Republicans voted to impeach Trump. Cheney’s loss means only 2 made it past their primaries.*”, Joseph Gedeon, August 13<sup>th</sup>, 2022, (Politico).

Rather than following the facts, the Circuit Court accepts the Committee’s determination that SECDEF Chief of Staff Kash Patel is “not credible” because the DC National Guard (DCNG) doesn’t have 10,000 troops.

Nancy Pelosi has authoritative control over National Guard activation by two means. 15,000 troops were supplied in the days after the event without an explicit directive by President Trump. By denying contradictory

evidence at both the investigative level and at the judicial level, it allows the “litmus test” to proceed, permitting contrived, sometimes baseless, and wholly partisan narratives.

The Circuit Court mentions two references to explain why the Committee was unbiased, bi-partisan, and had no motivation problems despite the glaring bias and motivation problems:

1. A Republican member mentioned his willingness to join after the Majority refused to seat the Republican picks, but did not participate in the Committee, and Republicans were therefore blamed for “preventing the Committee from being bi-partisan”.
2. Two vocally “anti-Trump” “Republicans in name only” (RINOs) within the Party, having marginalized themselves, joined the Democrats, providing themselves leadership positions and an opportunity to self-vindicate their prior “Guilty” votes in the impeachment trial, making the Committee bi-partisan.

Other issues:

- The Chairman filed a separate lawsuit against Trump shortly after January 6, and dropped it several months into the Committee’s investigation
- Jamie Raskin and Adam Schiff were the impeachment managers in each of the prior acquitted impeachment trials.
- After previously being removed from leadership positions for lambasting the President, Cheney (R) announced she would “do everything I can to ensure that the former president never again gets anywhere near the Oval Office.” (Newsweek)
- Nancy Pelosi promised an independent “9/11-style” Commission; What she delivered is as described.
- The Committee itself was only formed with the “bi-partisan support” of the two members on the committee in a 222-190 vote in the House. (National Public Radio)

Since those two individuals with an “R” next to their names were permitted onto the Committee along with seven Democrats after having denied the Republican Party the ability to select its own members, the entirety of the Committee was selected by one individual: Nancy Pelosi. *October 14<sup>th</sup>, 2022*, (NBC News):

"I hope he comes," Pelosi responds. "I want to punch him out. This is my moment. I've been waiting for this. For trespassing on the Capitol grounds. I want to punch him out, and I'm going to go to jail, and I'm going to be happy."

As you can clearly see, there are no motivation problems, and you would have to be a Russian-colluding, black-vote disenfranchising, conspiratorial lying deceitful hateful bigoted Nazi fascist to believe otherwise.

**III. The Colorado Supreme Court laid out a set of quotations in misrepresentative form to convey a notion of incitement and absence of legal purpose:**

While I urge the Court to match the associated quotes in context from their block assessment for similarly glaring issues, for the sake of brevity,

“Our country has had enough.”

“So let's walk down Pennsylvania Avenue.

I want to thank you all. God bless you and God Bless America.

Thank you all for being here. This is incredible.

Thank you very much. Thank you.”

This was represented by the court as: “[if you don’t seize the government] ... [I will lose] and [that] is ... [bad]. ... so [murder Mike Pence] ...[this is] ... an [insurrection] ... to [destroy] ... [democracy].”

**IV. Cuoy Griffin was the first victim of misplaced political adjudication without a valid target.**

Widespread accusation and fraud sufficient to overturn an election does not grant courts the unilateral authority to disqualify individuals from public service without due process, and due process requires a statute be cited, a jury trial provided, and a decision made based on all available evidence. Major news outlets openly acknowledge that they spread disinformation that distorts the People's understanding of the truth; "*Trump says Liz Cheney deleted evidence of Jan. 6 troops. There isn't any.*", *January 3<sup>rd</sup>, 2024*, (The Washington Post):

Regular readers know we've shown, time and again, that Trump and his allies have simply invented the claim that he requested 10,000 troops before the Jan. 6 attack on the Capitol, twisting an offhand comment into a supposed order to the Pentagon. A Colorado judge recently considered testimony on this point and dismissed a Trump aide's account as "incredible."

The January 6<sup>th</sup> Committee has recently been accused of deleting close to 25% of its available evidence prior to handing over their work to the Republican side so they could continue the investigation. The deletion of their evidence represents a likely violation of 18 U.S. Code § 1519 given the Federal nature of the associated investigations.

**V. There are numerous examples of partisan bias and corruption before, during, and after decisions pertaining to both the January 6<sup>th</sup> Committee and the Colorado decision.**

I submit "*One Year Since the Jan. 6 Attack on the Capitol*", (Justice), citing \$1.5M in estimated damages to the Capitol, "*Capitol Riot Costs Will Exceed \$30 Million, Official Tells Congress*", *February 21<sup>st</sup>, 2021*,

(The New York Times); “*The financial cost of the Jan. 6 insurrection is nearly half a billion dollars so far*”, Jeff Schogol, February 8, 2021”, (Task & Purpose), “*House Committee on Appropriations, \$1.9B, Emergency Security Supplemental to Respond to January 6<sup>th</sup>*”, May 20<sup>th</sup>, 2021, (Politico), and “*Capitol Attack: Federal Agencies Identified Some Threats, but Did Not Fully Process and Share Information Prior to January 6, 2021 [Reissued with revisions on Jul. 21, 2023]*”, (United States Government Accountability Office), citing \$2.7B. It is fascinating how a one-day protest that delayed the Congress by a total of a few hours ballooned from costs of \$1.5M to \$2.7B under Democrat control of the House, and threatened to end democracy for parading through the Capitol, accusing solely President Trump for the entirety of the mayhem.

As a comparison on indictments, I have produced a chart:

	<i>Trump</i>	<i>Clinton</i>	<i>Biden</i>
<i>Took Classified Documents after leaving office</i>	<i>Maybe – there is dispute over declassification process. Trump claims that any documents he took when he left office were automatically declassified by his process and authority.</i>	<i>Yes</i>	<i>Yes</i>
<i>Were they indicted for doing so?</i>	<i>Yes</i>	<i>No</i>	<i>No</i>
<i>Is there evidence classified documents reached foreign adversaries?</i>	<i>No</i>	<i>Yes</i>	<i>Yes</i>
<i>Is there evidence of</i>	<i>No</i>	<i>Yes</i>	<i>Maybe - boxes were held in</i>

<i>reckless disregard?</i>			<i>his unsecured garage, photographed by a civilian reporter while the door to the garage was open. Access to the other boxes has not been reported on.</i>
<i>Did they produce all documents when asked?</i>	<i>Unclear* - A lawyer searched and believed all were given, but some documents were found after a search by FBI. There are questions of whether any are classified.</i>	<i>No</i>	<i>No* - Biden maintains records from Congressional years, additional boxes were found where he and his son worked and reported by his lawyers</i>
<i>Did they maintain chain of custody?</i>	<i>Yes</i>	<i>No</i>	<i>No</i>
<i>Do they have authority to declassify?</i>	<i>Yes</i>	<i>No</i>	<i>Maybe (if he was the one that classified it)</i>
<i>Do they have the authority to take classified documents temporarily?</i>	<i>Yes</i>	<i>No</i>	<i>Maybe (if he was the one that classified it)</i>

## Parallel Constitutional Violations

### FIRST AMENDMENT VIOLATIONS

On January 6<sup>th</sup>, the Right of the People to Peaceably Assemble to Petition Their Government for Redress of Grievances was obstructed. Without a proper investigation, I would not dare to judge.

*“New video of ‘QAnon Shaman’ at Capitol riot angers judge”, March 16<sup>th</sup>, 2021 (CNN)*

*“Tucker: Here is unseen video from January 6”, March 6<sup>th</sup>, 2023, (Fox News)*

On one side of the building, police officers removed barricades and advised people to be respectful. On the other side of the building, barricades were held in place, resisting the group of protesters who began stacking up on the police line as more protesters arrived. The protesters began shoving the gate, an officer threw a punch at a protester, and subsequently the line was breached. Recordings include “testimony” that police efforts to disperse the crowd were missing their intended targets and were “pissing people off”. *J6: A True Timeline, January 2<sup>nd</sup>, 2024, (Zinemagilea).*

Congress was evacuated, evading the imminent “Petition”, further obstructing the rights of the People.

Other violations under this Amendment from 2016 forward include collusion and conspiracy to target and censor specific individuals through communications with social media administrators, censoring based on name and subject. (The Intercept) (National Review) (CNN) (NCLA) (State of Missouri ex rel. Schmitt, et al. v. Joseph R. Biden, Jr., et al.) (The Hill)

Additional violations include the prohibition and restriction of peaceable assembly for the purposes of religious worship during the COVID-19 pandemic, creating, according to Dr. Fauci, “unscientific” methodologies of control while denying worshipers of all stripes their right to commune. (The Wall Street Journal)

Joe Biden said he would not implement a vaccine mandate *"Joe Biden: Covid vaccination in US will not be mandatory"*, December 4<sup>th</sup>, 2020 (British Broadcasting Company), compared to the reality, (*"Biden Mandates Vaccines for Workers, Saying, 'Our Patience Is Wearing Thin'"*, September 9<sup>th</sup>, 2021, (The New York Times). From, "Biden's COVID-19 strategy: lockdowns, mask mandates and more", *J.T. Young, Opinion, November 12<sup>th</sup> 2020*. (The Hill):

## SECOND AMENDMENT VIOLATIONS

As a direct result of January 6<sup>th</sup>, members of the protesting group had their firearms seized, including, in one instance, a private passcode for a gun safe purchased from a manufacturer, followed by entry to the protester's home, opening his safe, and taking his weapon (The New York Times).

Joseph Biden has been open about his policy position to restrict gun ownership in the United States, while having simultaneously a vested interest in producing and sending Assault Weapons to arm Ukrainian civilians. The stark contrast in positions of giver and taker demonstrates the complete disrespect for the law, and a disregard for human life and property—and dignity, and respect—which armament, as the founders theorized and stated, is a fundamental component of protecting a free and secure society from tyrants and invaders.

As Biden opined,

*"I love my right-wing friends who talk about the tree of liberty is water of the blood of patriots," he said. "If you need to work about taking on the federal government, you need some F-15s. You don't need an AR-15."*, Jan 16<sup>th</sup>, 2023, (Fox News)

At the same time he was sending US-made assault weapons to Ukraine, he said this, November 24<sup>th</sup> 2023, (The White House):

I'm sick and tired of these shootings. We should have much stricter gun laws.

...

The idea (that) we still allow semiautomatic weapons to be purchased is sick, it's just sick. It has no social redeeming value, zero, none. Not a single, solitary rationale for it except profit for the gun manufacturers.

## FOURTH AMENDMENT VIOLATIONS

As mentioned in the prior section, violations occurred that served to breach the privacy and property rights of protesters. This included search and seizure of licensed concealed carry firearms from their person. In principle, the right to life and property were violated in numerous instances, primarily for those protesters who lost their lives that day.

Upon Kash Patel and Acting Defense Secretary Miller's proposition and offer for Nancy Pelosi to activate the national guard so as to call in 10,000 or more National Guard troops pursuant to President Trump's authorization and order to Defense Secretary Miller to "protect the American People", Nancy Pelosi's calculus regarding Trump, based on prior false allegations, caused imminent and catastrophic harm to a large number of protesters and officers for lack of sufficient security detail. FBI Director Christopher Wray has attested that no FBI officers caused or incited or encouraged any violence at the Capitol. *"FBI Director Rejects Claim That Agents Orchestrated January 6 Violence"*, November 16<sup>th</sup>, 2023, (C-SPAN).

With regards to Tarrio of the Proud Boys, by his lawyer Mr. Feiler,

"Frankly, in all the years, which is now more than 30 that I've been doing this," he said at the hearing, "I've never had a client as prolific in terms of cooperating in any respect."

Tarrio's own public statements prior to being sentenced to 22 years in prison despite not being in DC on January 6th,

“They weren’t trying to get the truth,” Tarrio said.

“They were trying to coerce me into signing something that’s not true.”

The FBI's actions that might have otherwise respected the sanctity of an individual's personal autonomy and property rights under the fourth amendment, such as this latest reported instance: “*FBI Seizures From Safe Deposit Boxes Violated US Constitution: Federal Court*”, January 24<sup>th</sup>, 2024, (The Epoch Times), instead has the discretionary balance in favor of governmental and agency interests, over the interests of the People.

## FIFTH AMENDMENT VIOLATIONS

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

In how many instances were January 6<sup>th</sup> prisoners held to answer for a capital, or otherwise infamous crime, upon a presentation or indictment of a Grand Jury? If “wrenching away a barrier” gets you six years in prison, and ten years is the maximum for insurrection, then that most certainly must be an infamous crime.

While not a violation of the Fifth Amendment directly, the January 6<sup>th</sup> Committee effectively served as an end-around the Fifth Amendment with regards to Double Jeopardy, where, upon being acquitted by the Congress, a part of

Congress set out to “try” Donald Trump without a jury so as to “convict him” in the court of public opinion, and manufacture a rationale on which to indict him. This is a fraud on the people, but not against the law. From “*The Big One: Trump Is Indicted for Jan. 6, August 1, 2023*,” (Lawfare):

The government does not allege that Trump was engaged in sedition or that he attempted to overthrow the government. It does not allege that he incited the crowd to violence on Jan. 6. And it does not allege that he sought to engage in a putsch to retain power by force. And yet, the indictment is pregnant with all of these implications.

However, in the case of this question of ballot access, by removing the requirements guaranteed by the Constitution through the judicial process with regards to jurisdiction and rights afforded to the defense, in addition to the requirement for an indictment to the charges by a Grand Jury, this is a violation of the Fifth Amendment with the structure of due process and an assault on the rule of law.

Each instance where a January 6<sup>th</sup> prisoner was denied their charges or trial and held based on simple accusation is a violation of due process, up to a thousand-some violations of Constitutional law.

## SIXTH AMENDMENT VIOLATIONS

One protester, likely only in violation of a misdemeanor according to the letter of the law, committed suicide in the absence of charges within “probation purgatory”. Incendiary reporting around that time indicated that all participants should be charged with treason, insurrection, and sedition. In some instances, protesters are still being held without a trial, three years after the event, prompting some competent representatives to begin calling them “hostages”.

Without calling them hostages, it is simply a gross violation of both the letter and spirit of the law, using

“unlimited discretion” to simply hold US Citizens without bail. The failure to observe the presumption of innocence is a travesty, and, in context, a wholesale disregard for the letter and spirit of the Sixth Amendment.

## **EIGHTH AMENDMENT VIOLATIONS**

Through legal machinations, suddenly, penalties of 20 years imprisonment, stripping a person of their livelihood, multi-million dollar penalties, solitary confinement, unlimited detention, and any imaginable penalty can be inflicted without the individual being involved in the claims against them, there being no claimed victims, and all merely by claiming a person is guilty—without substantive evidence, without due process, without a trial, withholding evidence merely for the ability to do so. “Claimant” suddenly becomes synonymous with “winner” even if it is only in the court of public opinion. In an “information war” it’s not about the result, even if you can get what you say is the appropriate penalty for a crime that never existed—it’s about the process.

## **NINTH AMENDMENT VIOLATIONS**

The Ninth Amendment serves to protect the other Amendments and the Constitution itself from the unlimited role of Congress to write federal law. One example of this is the right of Congress to create federal statute outlining accessibility to Public Property such as the Capitol, in protection of the explicit interest of the Congress to perform its business without unreasonable interruptions. However, as the Ninth Amendment articulates:

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

This principle carries forth the extension that the Congress cannot write law that unduly restricts the rights of the

People. In this sense, the First Amendment and the right of Congress to write federal law must “harmonize” to the extent possible, without restricting the right of the other.

Protesters routinely disrupt official business, and yet they are not obstructed from doing so. By obstructing the right to peaceably assemble to petition the government for redress of grievances, this was the use of federal statute to deny protesters’ First Amendment rights. In this sense, such actions represent a violation of the Ninth Amendment, by presuming that the rights of the Congress or the Police supersede the rights of the People. There is ample historical basis for concluding such a presumption was definitively not in the founder’s intent.

The absence of a penalty is the penalty itself while keeping them imprisoned indefinitely, and is a violation of the Fourth, Fifth, Sixth, Eighth and Ninth Amendments. To restate what was stated previously, one protester killed himself after such torture.

## TENTH AMENDMENT VIOLATIONS

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

Upon the overturning of Roe v Wade, returning the right of the People and the States to decide in the absence of agreement amongst these States, Joseph Biden declared so as to deny the principle that the People have the right to choose. He declared that the Supreme Court was not acting on behalf of the law nor the Constitution, and instead was exercising “*raw political power*” (“*Biden: Supreme Court Roe decision ‘an exercise in raw political power’*”, July 8<sup>th</sup>, 2022, (The Hill)). Protests by those opposing the freedom to choose occurred outside Justices’ homes upon the consideration for rights being restored to the People, and, despite there being an explicit statute for the occasion, there was no enforcement by the Justice Department under 18 U.S. Code § 1507.

## FOURTEENTH AMENDMENT VIOLATIONS

Pursuant to Section 3;

Pursuant to Section 5;

Pursuant to 18 U.S. Code § 2383;

Pursuant to 8 U.S. Code § 1324;

Pursuant to 18 U.S. Code § 1001;

And Pursuant to the First, Second, Fourth, Fifth, Sixth, Eighth, Ninth, Tenth, and this Fourteenth Amendments, those who have engaged in such actions in furtherance of an insurrection against the Constitution are subject to the laws herein.

Refusal to faithfully execute the nation's laws is a violation of the oath of office. While pretty words are spoken and the transactions and graft may be hidden behind layers of bureaucracy and conspiracy and shell companies and "talks about the weather", endless litigation awaits We, the American People, while Congressional staffers and constituents at the border "get the shaft". Accusatory remarks in a long history of usurpation, contemptuous disrespect, and a continuous stream of empty promises and talk of "justice" and "dignity" and "respect" are *wielded*, as the President flaunts his disregard for *due process* and the *law*. (Elder)

*Los Angeles Declaration on Migration and Protection, 2022*, (White House Press Room)

*New York Faces Record Homelessness as Mayor Declares Migrant Emergency, 2022* (The New York Times)

*Anticipating a surge in border crossings amid cold temperatures, El Paso declares a state of emergency, 2022* (Texas Tribune)

*NYC Mayor Eric Adams asks the White House to declare a state of emergency over asylum seekers, 2023* (NBC News)

*Governor Abbott Renews Border Disaster Declaration In September 2023, (Governor)*

*Abbott declares Texas has 'right to self-defense' from migrant 'invasion' amid feud with Biden admin, 2024 (Fox News)*

*Governor Healey Declares State of Emergency, Calls for Support for Newly Arriving Migrant Families, (Driscoll)*

*Mayor Lightfoot issues emergency declaration in response to surge of Chicago migrants, (ABC Chicago)*

*THE PRESIDENT'S CONSTITUTIONAL DUTY TO FAITHFULLY EXECUTE THE LAWS, 2013 (COMMITTEE ON THE JUDICIARY)*

*26 States Rebel Against Biden Administration, 2024, (The Epoch Times)*

*John Kennedy Issues Shocking Warning About Threat Of Terrorism Due To State Of U.S. Border, 2024 (Forbes)*

For Ashli Babbitt, Rosanne Boyland, Kevin Greeson, Benjamin Philips, Brian Sicknick, Howard Liebengood, Gunther Hashida, Kyle DeFreytag, Sgt. Johanny Rosario Pichardo, Sgt. Nicole L. Gee, Staff Sgt. Darin T. Hoover, Cpl. Hunter Lopez, Cpl. Daegan W. Page, Cpl. Humberto A. Sanchez, Lance Cpl. David L. Espinoza, Lance Cpl. Jared M. Schmitz, Lance Cpl. Rylee J. McCollum, Lance Cpl. Dylan R. Merola, Lance Cpl. Kareem M. Nikoui, Navy Corpsman Maxton W. Soviak, Staff Sgt. Ryan C. Knauss, and the 170 Afghani civilians killed as a result of Joseph Biden's reckless disregard for the authority vested in him by the United States People, to live up to his promises, to unite the nation, to faithfully execute the laws, to defend the border, and to live up to his own values and the values of the People he has taken an oath to defend, from enemies foreign and domestic.

## CONCLUSION

" . . . there is no act, however virtuous, for which ingenuity may not find some bad motive."

- Thomas Jefferson to Edward Dowse, April 19, 1803

Over Five Million counts of violations, 200,000 causal deaths, and instances of murder perpetrated by illegal immigrants during DHS Secretary's "operational control", under both the direction and allowance of Joseph Robinette Biden, and with aid from the Democratic Party, before, during and after, intoxicated with the power of the microphone. Just as Hitler and the Nazis systematically marginalized and slaughtered the Jews, they acted to assuage their peoples' fears that they themselves created, under the cynical and annihilistic premise of a "return to normal" that in the United States the people voted to move past in 2016, to move forward with "Hope and Change" to "Make America Great Again".

These acts of the past now-eight years deprive the citizenry of the full body of evidence and serve to keep a knee on the neck of the American People, suffocating truth. "I can't breathe" has become the motto of those who seek justice, and this brief is the last gasp in my own willingness to contend with such violence as the spirit of equanimity is degraded, just as the standard of trust was degraded with the leaking of the Roe v Wade draft opinion. For all the folksy-isms and verbiage, the facts lay the case bare. Those who support and apologize for and make excuses for this administration are destroying the Constitution, mens rea or no. An ice-cream-loving "Uncle Joe" creature has become the enemy of the People and has usurped the authority of the Congress to disarm the People in the name of "justice".

I hold Joseph Biden and his entire administration in contempt—to "fulfill promises" against the rights of others, under 18 U.S. Code § 241.

"nothing can now be believed which is seen in a newspaper. truth itself becomes suspicious by being put into that polluted vehicle."

- Thomas Jefferson to John Norvell, June 11, 1807

"Whenever the people are well informed, they can be trusted with their own government; that whenever things get so far wrong as to attract their notice, they may be relied on to set them to rights."

- Thomas Jefferson to Richard Price, January 8, 1789

This suit should be taken as the most egregious legal gambit in the history of the United States by the court, in seeking to disenfranchise the People and to bar a legal candidate for President of the United States under false pretense, convicted under no law except the parallel court of public opinion which this administration, and this Democrat Party, and this Colorado Court, is attempting to wield in legalistic violence to circumvent and overcome the authority of the Constitution and the rule of law itself. Application of 18 U.S.C. § 3553(a) to protect the public from future crimes should be considered in this light.

To quote Bennie Thompson of the Select Committee,

"To all those who were complicit (elected officials & cabinet members)," he said, "You all supported this foolishness for 4 years and benefited from it. You don't get to excuse yourself now and pretend to be blameless."

8 US Code §2381. Treason;

8 US Code §2382. Misprision of treason;

***Proverbs 6:16-19:***

There are six things that the Lord hates, seven that are an abomination to him: haughty eyes, a lying tongue, and hands that shed innocent blood, a heart that devises wicked plans, feet that make haste to run to evil, a false witness who breathes out lies, and one who sows discord among brothers.

*Georgia election systems could have been hacked before 2016 vote, 2020, (Politico)*

*Georgia election server had crucial files deleted days after lawsuit, 2017, (CNET)*

*Incompetence or Cover-Up? (Slate)*

*Georgia election workers fired, accused of shredding voting applications, 2021, (The Hill)*

*Raffensperger: 'What he said was not factually correct': Georgia secretary of state on Trump phone call (NBC News)*

*How Georgia officials defended the election from Trump pressure / Jan. 6 hearing, June 21<sup>st</sup>, 2022, (PBS NewsHour)*

In Summary, with special attention to Philip Stark's Statement:

(DONNA CURLING, et al., Plaintiff, v. BRAD RAFFENSPERGER, et al....)

2015 Georgia Code § 21-2-408.

State and Federal statute grants the right of Election Observers to be present during the counting process. Just as in every other case involving guilty parties in control of the evidence, they seek to obfuscate and obstruct to give the impression of "normal" conduct.

*Fact Check: Did Fabricated Water Main Break Affect Vote Counting in Georgia as Trump Says?, 2021, (Newsweek)*

The fraud has been evident since the first impeachment ended in an acquittal, exposing the machinations of the State Department and the Justice Department, the conspiracy of the Democratic Party and the agents in the Republican Party against the authority of President Trump, to the detriment of all. (Al Jazeera English)

*Biden administration bypasses Congress on weapons sales to Israel, 2023, (Al Jazeera)*

*Nancy Pelosi Explains Why She Ripped Up Trump's State of the Union Speech, 2020* (Variety)

*Democracy on Trial: Bennie Thompson (interview) / FRONTLINE, 2024* (PBS FRONTLINE)

I cite the accuser's case as the defense's.

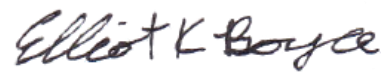
*Trump impeachment defense focuses on First Amendment and Democrats' rhetoric, February 12<sup>th</sup>, 2021* (CBS News)

*Biden targets Trump in campaign speech: 'Trump's campaign is about him. Not America', 2024* (NBC News)

*Truth Social, Trump, 2023* (@realDonaldTrump)

*Lawrence: Historians' brief teaches Supreme Court 14<sup>th</sup> Amendment's real history, 2024* (MSNBC)

Respectfully submitted,

A handwritten signature in black ink that reads "Elliot K Boyce". The signature is written in a cursive, slightly slanted style.

Elliot K Boyce

February 3rd, 2024

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