

DEC 19 2018

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IN THE UTAH STATE SUPREME COURT

GRANT v. GOV. HERBERT

:
: MEMORANDUM (LETTER) IN
: SUPPORT OF PETITION FOR
: EXTRAORDINARY WRIT OF
: RELIEF
: REQUEST FOR ADDITIONAL
: BRIEFING
: REQUEST FOR HEARING AND
: ORAL ARGUMENTS

Case: 20180997 SC

Dear Justices,

I am writing in support of the petition for Extraordinary Relief assigned Case #: 20180997.
I am a pro se petitioner requesting your intervention based on the following:

This fall after watching our legislature ignore the issue of medical cannabis for years, the citizens of Utah passed Proposition 2, dubbed the Utah Medical Cannabis Act. Two days after Proposition 2 became law, at the bequest of various non-governmental special interest groups, the will of the citizens of Utah was overridden when both houses of the legislature were convened to exercise an override of the will of the people. The Governor enthusiastically signed the override into law that very evening proclaiming that the

legislature and he had improved the bill. This claim is of course arbitrary, self-serving and arguably wrong. The collaborative action has denied the citizens of Utah their voice and has signaled to us all that here in Utah at least, the lords on the hill will do as they please with no regard for the will of their constituents.

The special session, conceived and acted upon, to be nothing more than an outright veto of Proposition 2 is unconstitutional at worst and a slap in the face of all 500,000+ of Utah citizens (52.7%) who voted in support of Proposition 2 at best.

Some have claimed (House Speaker Greg Hughes leading this cry) that HB 3001 S6 is the product of a grand compromise – a compromise between the proponents and opponents of Proposition 2. A look at the process reveals that speaker Hughes (et.al.) is playing loose with the facts. The parties who wrote the replacement bill were not in fact representative of the opposing parties nor of the populace at large. Instead they were representative of special interest groups less interested in patients' rights and more interested in specific agendas. One of these interested parties, The Church of Jesus Christ of Latter Day Saints is specifically barred from participating in matters of state by Article I, Section 4 of the Utah State Constitution:

“The rights of conscience shall never be infringed. The State shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; no religious test shall be required as a qualification for any office of public trust or for any vote at any election; nor shall any person be incompetent as a witness or juror on account of religious belief or the absence thereof. There shall be no union of Church and State, nor shall any church dominate the State or interfere with its functions. No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or for support of any ecclesiastical establishment.” (Emphasis my own)

Continuing with the Utah Constitution - Article VI, Section 1 (Power vested in Senate, House, and People) addresses the issue of power stating that such power is “vested in the Legislature and **in the People of the State of Utah**” (Emphasis mine). Nowhere here is it suggested that when the will of the people has become known (or in this case law), the will of a disagreeing legislature may cause actions to trump the people's will, yet, this is exactly what has happened.

If this breach of trust and overreach of power is left standing, a strong signal will have been delivered to the citizenry, to the legislature, to the governor, and to the special interest groups involved that the Utah Legislature may do as they please ignoring the other articulated power in our state – the People of Utah.

I respectfully ask that you intervene to erase this miscarriage of justice and ask for an opportunity to be heard by the court.

Gary A Clark

X /S/ Gary A Clark

DATE December 18, 2018

CERTIFICATE OF SERVICE

I hereby certify that on December 18, 2018, a true and correct copy of the foregoing

MEMORANDUM (LETTER) IN SUPPORT OF PETITION FOR EXTRAORDINARY WRIT
OF RELIEF
REQUEST FOR ADDITIONAL BRIEFING,
REQUEST FOR HEARING AND ORAL ARGUMENTS, was deposited in the United States
mail or was sent by electronic mail to be delivered to:

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By /S/ Gary A Clark

Case No. 20180997