IN THE SUPREME COURT OF THE STATE OF IDAHO

State of Idaho	)	
Plaintiff-Respondent	)	Docket No. 47334-2019
v.	)	
Thumbs (Richard) Mitchell Heath	)	Adams County Case No.
Defendant-Appellant	)	CR-2017-0019666-MD

REPLY BRIEF

Appeal from the District Court of the Third Judicial District for Adams County.

Honorable Sr. Judge D. Duff McKee, presiding.

Thumbs (Richard) Mitchell Heath

Residing at P.O. Box 234 Pollock, ID 83547, Appellant *Pro Se*.

Lawrence G. Wasden; Colleen D. Zahn; John C. McKinney

Residing at P.O. Box 83720 Boise, ID 83720-0010, for Respondent

TABLE OF CONTENTS

Page

TABLE OF AUTHORITIES.....3

STATEMENT OF THE CASE.....5

Nature of the Case.....5

ISSUES.....5

ARGUMENT.....6

A. Introduction.....6
B. Standard of Review.....6
C. Did the District Court Correctly Affirm the Magistrate's Denial of Thumbs' Motion to Return Property?.....6
1. Contraband Is Not Returnable Property.....7
2. Delegation of Authority to the Board of Pharmacy.....7
3. Cannabis as a Schedule I Controlled Substance.....8
4. Religious Freedom.....9
5. Other Issues.....13

CONCLUSION.....16

TABLE OF AUTHORITIES

Page

Amended Reply Brief 2.....5

Appellant's Brief; District Court.....5

Appellant's Brief, Supreme Court.....5,7,10

Audio Recording of the Magistrate's Hearings [ARH].....12

Bar Commission Rules 220(a).....13

Black's Law Dictionary.....13

I.C. 18-5403.....13

I.C. 37-2702(a)-(d).....7,9

I.C. 37-2704.....5,7,8,16

I.C. 3705(d)(19).....8,11,16

I.C. 37-2732(a)(1)(B).....11

I.C. 73-401 et seq. (FERPA).....5,7,10,11,12,13,14,15,16

I.C.R. 41(f), Motion to Return Property.....6,7,16

I.S.C. Art. I, sect. 1.....10

I.S.C. Art. I, sect. 4.....10,11,14

I.S.C. Art. I, sect. 13.....10

I.S.C. Art. I, sect. 17.....10

I.S.C. Art. II, sect. 1.....7,10

I.S.C. Art. III, sect. 1.....7,10

I.S.C. Art. III, sect. 12.....10

I.S.C. Art. III, sect. 25.....13

I.S.C. Art. IX, sect. 6.....8

I.S.C. Art. XX, sect. 1.....10

I.S.C. Art. XXI, sect. 19.....5,7,10,11,13

Memorandum Decision, District Court.....6,10,12

Order Denying Defendant's Motion For Return of Property

and Order to Preserve Evidence.....6,8,16

R., p. 194-195.....6,7

R., p. 207.....12

Respondent's Brief.....5,7,10

Schedule I.....6,7,8

State v. Cordingley.....13

State v. Fluewelling.....7,8,10,11,12

State v. Rainier.....8,9

The Emperor Wears No Clothes, by Jack Herer.....9

Toncray v. Budge.....10

Uniform Controlled Substances Act.....8,9,16

U.S.C. – 1st Amendment.....10,13

U.S.C. – 10th Amendment.....7

U.S.C. – 18th Amendment.....7

U.S.C. Art. 1, sect. 8.....7

STATEMENT OF THE CASE

Nature of the Case

The State continues to make several fraudulent claims about errors of fact that are clearly disproven by the evidence before the Court (i.e., the video recording provided by Sgt. Chris Green). Thumbs has already corrected these claims in both Notices of Appeal, both Appellant's Briefs, and the previous Amended Reply Brief 2.

Once again, the Magistrate erred when it wrote: "Sergeant Green ran background checks on both occupants and issued a warning for speed, which concluded the original reason for the stop. Sergeant Green then began asking questions of both vehicle occupants regarding the odor of marijuana, and Mr. Heath ended up admitting after several minutes that he had marijuana, which he handed over to Sergeant Green, and also handed over the pipe and bong." [emphasis mine].

Said video recording proves that: 1) Hari Heath was NEVER "issued a warning for speed"; 2) Sgt. Green's "asking questions" included threats of arrest and a threat from Dpty. Sean Moore that he could impound Hari's car with all of our possessions inside, without a warrant, and send us down the road on foot. Under threats, duress, and coercion Thumbs finally handed over "Sure Luck" ("the pipe") and 4 small airtight containers of Cannabis flowers which both officers insisted they could smell through. This was blatant actual fraud intended to justify the illegal search and seizure with a fabricated pretense of probable cause; 3) Thumbs NEVER "handed over ... the bong." It was stolen by highway robbers committing *sacrilegium,* under color of law, in violation of Article XXI, section 19 of the Idaho State Constitution, Idaho Code 73-401 et seq. (FERPA), and the definition of Schedule I tests given in I.C. 37-2704.

ISSUES

Page 3 of the Respondent's Brief lists the 11 issues presented and argued in the Appellant's Brief. Then on page 4:

"The state rephrases the issues as:

Has Heath failed to show that the district court erred in affirming the magistrate court's denial of his motion to return property?"

It seems inconceivable that the State can circumvent the issues on appeal and substitute with a question it would prefer to argue. Nevertheless, Thumbs does refute the issues the State has chosen to "rephrase".

ARGUMENT

A. Introduction

The State claims:

"Heath argues that the district court erred by affirming the magistrate court's order denying his Motion to Return Property – the antler pipe and antler bong – for a variety of reasons. In the main, Heath argues that [1] a plain reading of I.C.R. 41(f) requires the return of property despite their status as contraband, [2] that the laws making it illegal to possess marijuana and marijuana paraphernalia are invalid, and [3] that his 'religious' use of marijuana as a sacrament is protected by the Idaho Constitution. Heath's arguments fail."

1) This is a misleading statement. The Magistrate acknowledged that a plain reading of I.C.R. 41(f) requires the return of property despite their status as contraband, but in the main, Thumbs has argued that this is a moot point and irrelevant since the Sacred Property in question is NOT contraband for the reasons given in parts 2) and 3) argued below.

B. Standard of Review

Thumbs has presented and argued the errors of the court repeatedly. The State fails to respond to most of the issues in this case, yet claims that "Heath's arguments fail." While this statement is unsupported, we will now address the few responses attempted.

C. Did the District Court Correctly Affirm the Magistrate Court's Denial of Heath's Motion to Return Property?

The State rephrases the issues as follows:

"In its Memorandum Decision, the district court explained that the magistrate's Order Denying Defendant's Motion for Return of Property [sic] and Order to Preserve Evidence was a 'detailed and articulate written order addressing all the salient points necessary to a resolution of this case.' (R., p.194.) The district court affirmed the magistrate's determinations, summarizing them as (1) the statutes making the "contraband" illegal controlled over I.C.R. 41(f)'s plain language, (2) despite 'the accepted medical uses that have been recognized for marijuana across the US.[,] the court is bound by the statutory classification that marijuana is a schedule I controlled substance,' and (3) as addressed in

State v. Fluewelling, 150 Idaho 576,249 P.3d 375 (2011), 'the Idaho Constitution does not protect against prosecution for conduct that violates a neutral criminal statute of general applicability, such as possession of marijuana or related drug paraphernalia, simply because such conduct may be engaged in for religious purposes.' (R., pp.194-195.)"

The District Court erred when it claimed that the Magistrate's order addressed "all the salient points necessary to a resolution of this case." The magistrate said, from the bench, repeatedly, that it did NOT have the scope of authority to rule on matters of law that pertain to Freedom of Religion or Constitutional law, and that such issues can only be raised in the higher courts, which is the purpose of this appeal.

(1) Thumbs concedes that a statute controls over the Idaho Criminal Rules, but this is irrelevant since the statutes and the Idaho State Constitution have NOT been "squarely addressed" on this issue.

(2) The Court is NOT "bound by the statutory classification that marijuana is a schedule I controlled substance", since that classification is unlawful pursuant to the defining "tests" of I.C. 37-2704; I.C. 73-401 et seq. (FERPA); and Article XXI, section 19 of the Idaho State Constitution.

(3) Once again, *State v. Fluewelling*, 150 Idaho 576, 249 P.3d 375 (2011) is NOT a controlling precedent since it fails to address most of the arguments presented in this case and the decision was based on alleged facts which are NOT true in this case.

1. Contraband Is Not Returnable Property

Thumbs concedes that a statute controls over I.C.R. 41(f), but this is irrelevant since the Sacred Personal Property in question is NOT contraband, as argued below.

2. Delegation Of Authority To The Idaho Board Of Pharmacy

The State claims that the legislature properly delegated its legislative authority to the Board of Pharmacy through I.C.37-2702(a)-(d), yet the Idaho Sate Constitution (Article II, section1 and Article III, section 1)does NOT authorize them to delegate their legislative authority to ANYONE. While the State insists that this is "a necessary and proper exercise of legislative authority", the "necessary and proper" clause is from the federal constitution (Article 1, section 8) but there is NO similar clause anywhere in the Idaho State Constitution. Later, under "5. Other Issues", the State says:

"Heath argues that '[t]he federal prohibition of Cannabis is also unconstitutional' (Appellant's brief, pp. 6, 8-9) [due to the 10th Amendment, with NOTHING like the 18th Amendment to enable the prohibition of Cannabis by due process of law], which is totally irrelevant to this state law proceeding." If the Bill of Rights in our federal

constitution ("the supreme law of the land") which limits the powers of government in this nation is "totally irrelevant to this state law proceeding", how does the State then invoke the "necessary and proper" clause from that same federal constitution? Also, in doing so, it then becomes incumbent upon the State to prove that said prohibition is in fact "necessary and proper", when in fact it is neither.

a) Necessary

The State fails to address the fact that there is NO compelling governmental interest to justify the prohibition of Cannabis. When the legislature enacted the Uniform Controlled Substances Act in 1971 it did so under coercive pressure from the federal government which prohibited all legitimate scientific research on Cannabis and promoted fraudulent "government studies" (which did NOT use scientific methods) by Dr. Gabriel Nahas and his "Crusaders Against Marijuana" who made outrageous claims which have all been disproven since. These claims are also taught as "facts" in the public school system in violation of the Idaho State Constitution, Article IX, section 6. Consequently, thousands of lives have been ruined, millions of dollars-worth of private property has been stolen, prisons overcrowded, and the People have been deprived of safe herbal medicine and Holy Sacraments to protect Society from an imaginary threat. This was NOT necessary.

b) Proper

Thumbs was not aware that it was the State Legislature that placed Cannabis under Schedule I, and this does negate the issue of delegation of authority. However , it does NOT change the facts that:

I. Cannabis is a natural herb and not a pharmaceutical drug, which puts it beyond the scope of authority of government, as argued below.

II. Even if it were a drug, I.C. 37-2704 clearly defines the tests for a Schedule I substance and Cannabis CANNOT pass these tests. The authoritative body that placed it there is completely independent of these objective criteria, since there are NO other tests mentioned for substances listed by the legislature.

3. Cannabis As A Schedule I Controlled Substance

The Magistrate agreed that "there is an internal conflict between Idaho Code 37-2704 and 37-2705, Schedule I because Marijuana and/or its derivatives have accepted medical uses across the United States. It erred, therefore, when it accepted the State's claim that the Sacred Personal Property of Thumbs is contraband.

The State cites *State v. Rainier*, 159 Idaho 142, 145, 357 P.3d 867,870 (Ct. App. 2015):

"He [Rainier] contends that such classification is untenable given the current state of science and law in regard to marijuana in this country. [emphasis mine].

....

Rainier's point that the legal landscape in regard to marijuana is changing in much of the country is indisputable. This fact, however, does not give this Court carte blanche to reclassify or ignore marijuana within Idaho's statutory scheme. This is a cause better directed to the board referenced in the Uniform Controlled Substances Act (which pursuant to section 37-2702 may consider rescheduling a substance according to enumerated considerations) and/or our legislature." [emphasis mine].

The State "rephrases" thus:
"Contrary to Heath's argument, the changing tide of public opinion 'does not give this Court carte blanche to reclassify or ignore marijuana within Idaho's statutory scheme.'" [emphasis mine].

This is a gross distortion of Truth. The "current state of science and law" is NOT equivalent to "the changing tide of public opinion". The current state of science and law has clearly determined that this prohibition of a natural herb has been an actual fraud upon the courts and the People from the beginning. All of the claims used to justify it were deliberately fabricated by Harry Anslinger, Dr. Nahas, and their ilk. Their actual intent was to eliminate the entire Cannabis plant from the market to protect the financial interests of the dominant economic monopolies of the time (i.e., petroleum, timber, cotton, pharmaceutical drugs, etc.). This is all very well documented in "the Emperor Wears No Clothes", by Jack Herer, and the Magistrate erred when it refused to admit this learned treatise as evidence. There was NEVER a valid purpose for listing a safe natural herb as a dangerous drug, and since all 3 natural herbs listed under Schedule I (Cannabis, Peyote, and Psilocybe mushrooms) are used by non-European cultures for religious purposes and have NEVER been demonstrated to pose a threat to health under those conditions, while dangerous substances (like alcohol, caffeine, nicotine, sugar, opiates and opioids, "psych. Meds.", etc.) are NOT listed, it is clear that these listings are NOT "neutral with respect to religion". They are obvious attempts by the dominant Eurocentric society to suppress and oppress racial, cultural, and religious minorities.

4. Religious Freedom

The District Court repeats the error of the Magistrate by insisting that the Idaho Supreme Court has "squarely addressed" the issue of Cannabis and Freedom of Religion.

In fact, the Magistrate admitted in open court that Thumbs has several meritorious arguments that need to be addressed by the higher courts with greater scope of authority.

The State claims in its Respondent's Brief (p. 11) that:

"The district court rejected Heath's various arguments [in a Memorandum Decision, without addressing them] that the failure to return his property violated several sections of the Idaho Constitution and I.C. [section] 73-403. (See Appellant's brief, p.9 (re: Art. III, secs.1,12), p.15 (re: Art. I, secs. 1,4,13,17; Art. II, sec. 1; Art. III, sec.1; Art XX, sec. 1; Art. XXI, sec.19), p.17 (re: Art. XXI, sec. 19).) [sic] The district court opined that the issues have been squarely addressed in State v. Fluewelling, 150 Idaho 576, 249 P.3d 375 (2011), 'which held that the Idaho Constitution does not protect against prosecution for conduct that violates a neutral criminal statute of general applicability, such as possession of marijuana or related drug paraphernalia, simply because such conduct may be engaged in for religious purposes.'"

This is another misleading statement. In *Fluewelling* the Court did NOT "squarely address" Article I, section 4, and none of the other sections listed above were even mentioned, let alone addressed, in ANY of the alleged "precedents" cited. The State is apparently unable to reply to these. The plain, clear language of Article XXI, section 19, with 4 absolutes and NO ambiguity, does not lend itself to distortion and misinterpretation.

In *Fluewelling* the Court addresses only the 1st Amendment of the U.S. Constitution and Article I, section 4 of the Idaho State Constitution, and says of the latter:

"This provision in the Constitution does not protect against prosecution for conduct that violates a neutral criminal statute of general applicability simply because such conduct may be engaged in for religious reasons. It was intended, in part, to permit the criminalization of bigamy and polygamy even if it was engaged in as a religious practice. *Toncray v. Budge*, 14 Idaho 621, 647-48, 95 P. 26, 35 (1908). This section expressly provides that 'the liberty of conscience hereby secured shall not be construed ... to permit any person ... to directly or indirectly aid or abet, counsel or advise any person to commit ... any other crime.'"

It is obvious that the intention of this section is to secure a broader, more emphatic protection of our personal religious liberty, independent of an "establishment of religion", than that offered by the 1st Amendment of the U.S. Constitution. The caveat (edited by

the Court) pertains only to oaths and sexual misconduct, and was intended to allow the persecution of the Church of Jesus Christ of Latter Day Saints for their religious practice of polygamy, since it would otherwise be included in this broader guarantee. It has NO bearing on this case. *Fluewelling* is NOT applicable for several reasons given below.

A) Mr. Fluewelling was convicted of felony distribution charges, while Thumbs was dismissed from misdemeanor possession charges and is moving for the return of Sacred Personal Property. The Court carefully edited Article I, section 4 to exclude Fluewelling from its protection. Since Thumbs was giving Thanks and Praise unto the Most High in a forest with no one around but his Brother, who does not partake in the Sacrament, he did NOT "directly or indirectly aid or abet, counsel or advise any person to commit ... any other crime." The Court also states in *Fluewelling*:

"Defendant does not contend that Idaho Code [section] 37-2732(a)(1)(B) is not a valid and neutral law of general applicability."

Thumbs has so contended throughout this case.

B) The State has misled the Court when it claims:

"As in Fluewelling, '[t]he statute[s] under which [Heath] was convicted [are] of general application and [they] do[] not proscribe any conduct because [they are] engaged in for religious reasons or because of the religious belief [they] portray[]. They are entirely neutral with respect to religion.'"

Thumbs has NEVER been convicted of a crime and he HAS shown that I.C. 37-2705(d)(19) is NOT valid, neutral with respect to religion, or of general applicability. Furthermore, I.C. 73-401 et seq. renders this argument null and void [see D) below].

C) While the State contends that *Fluewelling* "squarely addressed" this issue, and "held that the Idaho Constitution does not protect" the exercise and enjoyment of religious faith and worship, as guaranteed forever in Article I, section 4, it has NEVER addressed ArticleXXI, section 19 (which is even broader, more absolute, and contains no qualifiers or exceptions) in this case or in any of the alleged

"precedents" offered. For that reason this case should be considered *de novo* on its own merits.

D) *Fluewelling* also never mentions I.C. 73-401 et seq. (the FERPA), which completely negates the argument that a "neutral law of general applicability" may substantially burden a person's right to free exercise of religion. The State claims that Thumbs has waived his right under the "FERPA" because he "failed to present that issue to the magistrate court", and "it is well-settled that issues not raised before the trial court will not be considered for the first time on appeal... Because the 'FERPA' issue presented on appeal was not presented to the trial court, Heath has waived that issue."

First of all, the "FERPA" is not an issue, it is a statute pertaining to the free exercise of religion, which Thumbs has been presenting since his original Motion to Dismiss.

Secondly, Thumbs DID bring up the "FERPA" in open court [ARH; 11/15/2018; 1:01:30], but did not pursue the argument because the Magistrate had already explained on several occasions that the issue of free exercise of religion was beyond its scope of authority and needs to be taken to the higher courts. If the State now disallows such arguments in the Supreme Court of Idaho this "catch-22" circular argument would constitute obstruction of justice.

Thirdly, the District Court stated, on page 4 of its Memorandum Decision [R., p. 207] that:

"Appellant's arguments need to be addressed to the legislature. The courts are bound by the statutes as they exist; we may interpret the law or clarify points raised, but we cannot rewrite or ignore the plain language of existing statutes."

In the "FERPA", the Idaho State legislature clearly instructs the courts that free exercise of religion is to be protected "even if laws, rules or government actions are facially neutral" and "even if the burden results from a rule of general applicability." By its own words then, the District Court erred in denying Thumbs' rights under the plain language of an existing statute: Idaho Code section 73-401 et seq. (FERPA).

Finally, Thumbs did not properly invoke the "FERPA" in his initial motions because, untutored and inexperienced in law, he naively believed the Magistrate when it stated from the bench that "the Constitution trumps statutes" [ARH; 11/15/18; 1:07:09]. Since the "FERPA" merely sews up the loopholes in our

constitutional guarantees, it seemed unnecessary given the unambiguous and absolute language in Article XXI, section 19 of the Idaho State Constitution, given the fact that the Idaho State Legislature is bound by solemn oath to "support the constitution of the United States and the constitution of the state of Idaho..." (Article III, section 25) and all officers of the Court are bound by the same words in the Bar Commission Rules, 220(a). After being shocked at how often constitutional authority is dismissed lightly or distorted beyond recognition, Thumbs discovered a surprising explanation. The Idaho State Legislature has given everyone in said state *carte blanche* to violate their solemn oaths of office with complete impunity from the penalties of perjury through I.C. section 18-5403. If the Supreme Court is "bound by the statutes as they exist" but free to compromise the constitution at will, then it is "necessary and proper" to argue freedom of religion pursuant to the Free Exercise of Religion Protected Act.

5. Other Issues

The State then insists that "Heath's other issues should be rejected" without consideration or argument. It obviously has NO valid response to these.

(1) The State Cannot Regulate or Control the Actions of Our Natural Creator

In Black's Law Dictionary, religion is defined as:

"Man's relation to Divinity, to reverence, worship, obedience, and submission to mandates and precepts of supernatural or superior beings. In its broadest sense includes all forms of belief in the existence of superior beings exercising power over human beings by volition, imposing rules of conduct, with future rewards and punishments. Bond uniting Man to God, and a virtue whose purpose is to render God worship due him as source of all being and principle of all government of things."

In *State v. Cordingley* the Court cites:

"Furthermore, in *Thomas*, 450 U.S. at 714, 101 S.Ct. at 1430, 67 L.Ed.2d at 631, the United States Supreme Court held that 'religious beliefs need not be acceptable, logical, consistent, or comprehensible to others in order to merit First Amendment protection.' If there is any doubt whether a particular set of beliefs constitutes a

religion, the court will err on the side of freedom and find the beliefs are a religion. *United States v. Meyers*, 906 F.Supp. 1494, 1499 (D.Wyo. 1995)."

It is common to all Monotheistic religions, including this Nature Worshipper's, that our Creator is omnipotent and the source of everything which truly exists, including all natural laws. Man may plead, supplicate, worship, sacrifice, etc., but it is unthinkable that Man could defy, control, regulate, or criminalize the Natural Creator of Heaven and Earth. Only an Atheistic or Antitheistic belief system could conceive of such a concept, such as the one the State is now trying to force on us with this unlawful prohibition of Cannabis, and the Idaho State Constitution, Article I, section 4, clearly states: "nor shall any preference be given by law to any religious denomination or mode of worship." Even modern insurance laws recognize that "acts of God" are beyond the scope of Man's laws. To make the "manufacture" [sic] and distribution of any natural plant a felony is a usurpation of the authority of Creator (*hubris*), and an attempt to require us to serve "the State", which is an imaginary product of human invention, in place of and over and above our Natural Creator and Its laws. This is the most offensive and form of religious oppression and a very old story, from Daniel in Babylon to Jesus on the cross to Mahatma Gandhi's liberation of India from the British Empire. As a Satyagrahi, Thumbs WILL NOT obey any human power or authority which is directly opposed to the will of Creator.

(2) Because of this illegitimate prohibition, the Adams County Sheriff's Office has been infamous for decades for making a lucrative industry out of this highway robbery, thus victimizing the Society they are supposed to protect, in violation of their meaningless oath. Why does the State find this issue unworthy of a response?

(3) The "FERPA" clearly states that the government may NOT substantially burden a person's exercise of religion unless it demonstrates that it has a compelling reason to do so. Since ALL of the excuses for said prohibition have been squarely refuted by science, there is NO compelling governmental interest. This is why the State is trying to dodge the "FERPA".

It is a scientifically proven fact that climate change is caused primarily by the burning of fossil fuels, deforestation, and modern industrial agriculture. Cannabis could have solved these problems over 80 years ago by replacing these causes

before it was too late. This prohibition of the most important crop in history is certainly NOT the least restrictive means of furthering the compelling governmental interest which NEVER existed in the first place. Why no response?

The State and the District Court have both claimed that these arguments should be taken to the legislature or to the Board of Pharmacy for remedy. Yet the legislature has already done that with I.C. 73-401 et seq. ("FERPA") which clearly states:

"73-403. Applicability. – (1) This chapter applies to all state laws and local ordinances and the implementation of those laws and ordinances, whether statutory or otherwise, and whether enacted or adopted before, on or after the effective date of this chapter,"

If the courts were to acknowledge and uphold the plain language of this existing statute the result would be a *de facto* delisting of Cannabis, Peyote, and Psilocybe mushrooms which NEVER belonged there in the first place.

The idea of seeking relief from the Board of Pharmacy is absurd. Since the pharmaceutical industry makes billions of dollars a year selling extremely over-priced drugs with horrific side effects which are a leading cause of death, they have a serious conflict of interest. Most people would prefer safe, natural medicine that grows on trees … if it were available.

Since the State feels that the issues presented are too detailed and diverse, Thumbs will "rephrase" and consolidate them himself as follows:

I. Does the Supreme Court of the State of Idaho recognize, support, uphold, and obey the Constitution of the State of Idaho and the "statutes as they exist" which comply with said constitution?

II. Does the Idaho State Legislature have the scope of authority to criminalize our Creator (God, Yahweh, Jehovah, Jah, Al'lah, Buddha, Krishna, Tao, Great Spirit, etc.), the Messiah, and the Christ as felons?

III. If the Idaho State Legislature does criminalize Creator, does this not deny the right to free exercise of religion to ALL Monotheistic religions?

CONCLUSION

Thumbs respectfully pleads before the Court for relief from this violation of his rights under the Idaho State Constitution, Idaho Code section 73-401 et seq., and the limitations of authority defined in Idaho Code section 37-2704. This will require removing Cannabis from its unlawful listing under Idaho Code section 37-2705(d)(19) and the Uniform Controlled Substances Act and the return of his Sacred Personal Property. Should the Court fail to restore his rights and property, for any reason, Thumbs moves the Court to extend the Magistrate's Order to Preserve Evidence while he pursues civil action pursuant to Idaho Criminal Rules 41(f).

Respectfully submitted this 16th day of October, 2020.

Thumbs Mitchell Heath

Thumbs (Richard) Mitchell Heath

CERTIFICATE OF COMPLIANCE

The undersigned does hereby certify that the electronic brief submitted is in compliance with all of the requirements set out in I.A.R. 34.1, and that an electronic copy was served on each party at the following email addresses:

Supreme Court of the State of Idaho	supremecourtdocuments@idcourts.net
State of Idaho Office of the Attorney General	ecf@ag.idaho.gov
Adams County Appeals Clerk	thorton@co.adams.id.us
Adams County Prosecutor	prosecutor@co.adams.id.us
Honorable Judge John Meienhofer	cbranson@co.adams.id.us
Council City Prosecutor	attorney@matthewfaulks.net

Dated and certified this 16th day of October, 2020.

Thumbs Mitchell Heath

Thumbs (Richard) Mitchell Heath

Defendant/Appellant, *Pro Se*