No.

BEFORE THE

Supreme Court of the United States

Justice Samuel A. Alito For the Fifth Circuit (26 U.S.C. 42)

TRENISS J. EVANS,

Plaintiff – Appellant

v.

SUPREME COURT OF NEW YORK, Trial Division, Criminal Term, for the City of Manhattan, New York, Attn: Honorable Ellen N. Biben, Administrative Judge; ALVIN BRAGG, District Attorney for Manhattan, New York

Defendants-Appellees

APPEAL FROM AN ORDER OF THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS, CASE No. SA24CAO480-JKP

Emergency Application for Stay Pending the Outcome of the Fifth Circuit Court of Appeals Decision (Case No. 24-50465) and for an Injunction

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August 26, 2024

To The Honorable Samuel A. Alito, Jr., Associate Justice of The Supreme Court of The United States and Circuit Justice for The Fifth Circuit:

INTRODUCTION

Applicant, **Treniss J. Evans III**, respectfully submits this emergency application for a stay of the ongoing state court proceedings in New York and for the immediate issuance of an injunction pending the outcome of the Fifth Circuit Court of Appeals decision in Case No. 24-50465. The principles of justice, fairness, and the preservation of our democratic institutions are at stake in this case, and immediate intervention by this Court is essential to prevent irreparable harm and to ensure that these foundational principles are upheld.

As Justice Louis Brandeis warned, "The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding." The current situation is far more dire, where those entrusted with upholding justice have instead weaponized the law to further their political ambitions. These actions represent not just a disappointing failure of duty but a deliberate and dangerous manipulation of our legal system. This Court must act to stop this decline, uphold the rule of law, and ensure that our nation is not plunged into darkness by the actions of godless men who seek to ruin it.

PARALLELS WITH THE NORMA JEAN ANDERSON ET AL. CASE

The ***Norma Jean Anderson et al.*** case serves as a critical legal precedent. In that case, the courts rightly recognized the dangers of allowing state actors to overstep their bounds, emphasizing that even the appearance of impropriety must be scrutinized to preserve public trust. The actions of Alvin Bragg and Judge Merchan in this case present a similar, if not greater, threat to the integrity of the judicial process.

This Court's decision in Opinion, *per curiam*, *Norma Jean Anderson, et al. v. Donald Trump, et al..,* U.S. Supreme Court, March 4, 2024, downloadable for free to all including the public, at https://www.supremecourt.gov/opinions/23pdf/23-719_19m2.pdf further highlighted the necessity of judicial intervention when state actions threaten to infringe upon federal jurisdiction and constitutional rights. The parallels between Anderson and the current proceedings underscore the urgency of this Court's intervention to prevent further harm and to ensure that justice is served.

Under the 9-0 ruling of *Norma Jean Anderson (*a case where I was an intervenor in the Colorado courts and correct on all points of the Supreme Court Ruling as Amici Filer*)* State level court interference in a Federal election offends the Constitution, particularly the Supremacy Clause, where different States do or might be at risk of establishing inconsistent versions of Federal law from one State to another. *Norma Jean Anderson* involved an unmistakably State level election process and Colorado

State law. But it implicated Federal law under the U.S. Constitution. Looking past the many, many State aspects of the ballot access decisions, this Court vindicated the Federal law concern. And if not this Court, then who?

I, as Petitioner, respectfully invoke *Norma Jean Anderson* as Judicial Estoppel mandating the result sought here and ask for the original jurisdiction of this Court. State courts and officers cannot apply a non-uniform version of Federal law, varying from State to State.

However, the version of Federal law Bragg prosecuted, and the New York trial court advised in jury instructions bears no relationship to actual Federal law. The Federal Election Commission has consistently taken positions in court almost exactly the opposite. Therefore, the trial violates the 9-0 rule of *Norma Jean Anderson,* prosecuting a Manhattan-only "homegrown" and not legislated local version of Federal law. See final jury instructions, downloadable at no cost: https://www.nycourts.gov/LegacyPDFS/press/PDFs/People%20v.%20DJT%20Jury%20Instructions%20and%20Charges%20FINAL%205-23-24.pdf

PRECEDENT OR EXAMPLE OF STAY OF STATE LAW PROCEEDINGS BECAUSE OF FEDERAL COMPONENT

Although in courts "precedent" has a specialized meaning as a term of art, there is a common meaning of 'an example.'

Applicant suggests for clarity that what he requests here is very similar to the example set by Order of August 22, 2024, issued in *Republican Nat. Comm., et al. v. Mi Familia Vota, et al.*, Record No. 24a164, by this U.S. Supreme Court.

This Court ordered just a week ago that:

> "The application for stay presented to Justice Kagan and by her referred to the Court is granted in part and denied in part. The district court's May 2, 2024 judgment is stayed only to the extent it enjoins enforcement of Ariz. Rev. Stat. Ann. § 16-121.01(C) (2023) pending disposition of the appeals in the United States Court of Appeals for the Ninth Circuit and disposition of a petition for a writ of certiorari, if any such writ is timely sought."

This is almost precisely what Applicant is asking here: A Federal law aspect of an otherwise State law proceeding and/or function can justify a stay while the Federal law element is properly examined and decided, at least where the toothpaste cannot be put back in the tube after the fact. Once votes of non-citizens and citizens are dumped together into an anonymous pool, due to vote secrecy, they cannot be pulled back. Once sweetener is added to coffee, the sweetener cannot be taken back out. By design, it is not possible to know who someone voted for to remedy a legal mistake. So, prevention is the only path to accurate elections with integrity.

Consider that in Record No. 24a164 the stay was of "enforcement" of a *State law* in the State processes of elections held within the State of Arizona. The case stayed by Record No. 24a164 involved Federal law considerations within otherwise classically *State* election functions, processes, and mechanisms. The fact that traditionally

and overwhelmingly State law matters included some portion of Federal law issues was clearly addressed by this Court.

There, the State of Arizona enacted State legislation governing its State-run elections including Federal, State, and local elections on the same ballot on the same election day which would clarify that only U.S. citizens (and with State residency) are legally allowed to vote in Arizona elections. U.S. citizenship and the right to vote are Federal law issues.

The selection of the next President of the United States is a U.S. Constitutional and Federal law question under Article II, Section 1. The Constitution delegates (in major part) the Federal Constitutional role of choosing the next Federal President to the State legislatures.

Thus, the State legislatures are wielding Federal Constitutional power textually committed to the legislature, *not* wielding State law authority under their State Constitutions and plenipotentiary power in their status as States. Even though the States created the U.S. Government, a State would have no power under State law to choose a U.S. President except that the U.S. Constitution's design grants the legislatures the crucial role of selecting members of the Electoral College. (This Court has not yet firmly addressed directly that only State legislatures and not other State officials are empowered by Constitutional mandate. Because the Electoral College is a uniquely Federal function, and the States are only involved by

the command of Article II, Section I, only the recipient of that delegation, the legislatures, are empowered to select the Electoral College.)

And yet, nevertheless, only a week ago at this writing, this Supreme Court stayed an otherwise State process to allow the Federal interest to be fully explored by the U.S. Court of Appeals for the Ninth Circuit. Allowing non-citizens to vote offends the civil and constitutional rights of citizens whose votes are diluted. See, *Bush v. Gore*, 531 U.S. 98 (2000).

Note that this did not involve this Court limiting its authority only to subordinate Federal courts, as has been hypothesized in many Federal precedents.

Now, similarly, this is exactly what Applicant here urges as well. An ostensibly State prosecution against the leading Presidential candidate, where partisan hacks waited 6 years until the campaign was underway, depended on – and now looming sentencing depends upon – *Federal* law under the Federal Election Campaign Act of 1971 and implementing regulation by the Federal Election Commission. Without the use (egregious mis-use) of Federal law, there could be no prosecution in New York. The statute of limitations has long expired on the misdemeanor 34 counts of one single transaction.

People of the State of New York vs. Donald Trump rests entirely on a foundation of Federal law, being abused, to turn an expired misdemeanor (presented as 34 slices of the same misdemeanor) into a charged felony.

Without claiming that the conduct offended Federal campaign finance law, there could be no prosecution. Put another way, the application of Federal law will come before this Court either way: (1) Before irreparable harm is done to the fabric of our democracy in the context of a looming Presidential election, or (2) After the damage has been done as a threat to democracy in ways that cannot be remedied.

It is within the appellate jurisdiction of this Court. The past actions of the litigants make it hard to believe it won't be appealed by one side or the other.

Here, these accusations were ignored for over six (6) years or rejected by proper authorities and then candidate for President Donald Trump was charged after the Presidential election was well underway. Trump was explicitly charged in the indictment with ***using his own money*** – the explicit accusation of the indictment – from his checking account and his personal, unlimited trust to repay an advance by his attorney to fund the purchase of the story rights from Stormy Daniels. Federal regulations from the FEC proscribe that a loan is not a campaign donation to the extent it is repaid. Here, the entire controversy is about the manner in which Trump repaid him. But there was no campaign donation.

Popular myths abound. Ask most people after being subjected to news media disinformation and they believe campaign funds were used. Of course, that's false. Or, many other people – by which I mean to include government officials, prosecutors, and even judges who ought to know better (to be more circumspect and cautious with facts) – believe (and act upon that belief) that business corporate

funds were used of The Trump Organization. That of course is false. Michael Cohen has served, and represented himself, as an independent private practice lawyer (not an employee) serving both The Trump Organization in some matters and Donald Trump as a personal individual in other matters. Inexplicably, Michael Cohen mailed his invoices to Donald Trump at Trump's place of business instead of to his personal residence. However, the indictment is explicit, though tricky, that Cohen sent invoices to Donald Trump "through" The Trump Organization. Even District Attorney Alvin Bragg's indictment does not claim that Cohen invoiced the business. Though one must read carefully, the indictment is explicit that invoices to Donald Trump as an individual were merely delivered to his office at his business. As a result, there were no business records to alter. There was no business. Cohen invoiced Trump as an individual and Trump paid with personal funds. No business records are at issue. New York's definition makes this clear.

Trump used his personal funds to settle a private dispute dating back to 2006. Federal regulation demands that nothing is a campaign expenditure unless proven not to be personal. So-called wags in the commentariat of the news media argue the opposite, that everything is a campaign expenditure unless proven not to be. That is not what the FEC has argued in court. Federal regulation fears instead that dual-use expenditures will allow candidates to benefit personal interests (one might consider, expensive tailored suits, hair transplants, cosmetic surgery, dental work, a fancy car, getting engaged to a popular movie actress, holding a big October wedding) all on the excuse that it benefits the campaign *in addition to* himself.

Wouldn't a trip to Aruba put the candidate in a more relaxed, upbeat frame of mind back on the campaign trail? But Federal regulations require that anything that was not exclusively motivated by one's campaign and (impliedly) will not survive as a continuing benefit after the campaign is over is classified as personal and may not be paid with campaign funds nor reported on campaign finance reports.

Federal law and regulations govern. There is no "other crime" under Federal law necessary to transform an expired misdemeanor (in 34 parts) into a live felony. This entire matter is grounded on Federal law.

As a further precedent (at least example if not rigorously exact), the U.S. District Court for the Western District of New York just did the same thing as I am asking of the U.S. Supreme Court now. In *National Institutes for Family and Life Advocates, Gianna's House, Inc., and Choose Life of Jamestown, Inc., d/b/a Options Care Center v. Letitia James [official capacity as Attorney General],* Decision and Order, August 22, 2024, Case No. 24-CV-514 (JLS), the Western District of New York just issued a preliminary injunction against New York State enforcement against so-called "Crisis Pregnancy Centers" (variously described under different names in colloquial discussion) that provide services to pregnant women with the goal of persuading them not to abort their child out of lack of resources.

The Attorney General of New York had engaged and was further threatening New York regulatory enforcement against such private, non-profit charitable operations because the Attorney General claimed that they were providing misleading

statements about abortions and in particular some fairly obscure claims about medication-induced abortions.

Quoting George Orwell to eschew a "Ministry of Truth" and quoting this Court extensively (the answer to bad speech is more speech), the Western District intervened in otherwise purely State level proceedings because they violated the First Amendment to the U.S. Constitution.

***Note also that National Institutes for Family and Life Advocates, et al., contains an extensive legal analysis of Younger and Pullman* and abstention doctrines generally. I am tempted to attach the opinion at the risk of making the amount of paper even worse. But it is available on PACER of course. Apart from the holding outcome, the analysis is very useful to consider on injunctions to State courts and State agencies.**

PROCEDURAL POSTURE AND HISTORY OF THE CASE

On or about June 8, 2024, I submitted a request for a stay to the Circuit Judge for the Fifth Circuit, the Honorable Samuel Alito. Without official court action, I consulted with the Clerk who specializes in these types of applications and was advised that the Supreme Court would want to see actions and details from the lower courts, such as the Fifth Circuit. Consequently, I proceeded with an appeal to the Fifth Circuit, which is attached and incorporated by reference.

Despite the urgency, the Fifth Circuit denied my request to expedite the briefing schedule. Note that I filed my brief almost a month earlier than the deadline set by the Fifth Circuit. The record is extremely short.

However, the Respondent's brief will not be filed in time for the Fifth Circuit or this Court to consider the matter before September 18, 2024. Given the impending harm, I now turn to this Court again for relief, understanding that the decisions made here will have lasting consequences not only for this case but for the integrity of the judiciary and the future of our democracy.

This is not merely a legal formality; it is a battle for the soul of our justice system. The procedural history reflects a calculated delay on the part of those who wish to see this matter entangled in red tape until it is too late to prevent irreversible damage. Such tactics are not the hallmarks of a fair and just legal process but rather of a system being wielded as a weapon against political opponents. This Court's intervention is not just warranted—it is urgently required to prevent an egregious miscarriage of justice.

BACKGROUND AND JUDICIAL IMPROPRIETY

The Applicant has been subjected to a judicial process tainted by profound impropriety, led by Judge Merchan, whose conduct in this case represents a betrayal of the ethical standards that should guide every judge. From the outset, Judge Merchan has shown an alarming willingness to depart from established legal norms, issuing jury instructions inconsistent with New York state law and federal

legal standards. These instructions were not merely incorrect; they were a deliberate misapplication of the law designed to influence the outcome of the trial.

Such actions are not just errors in judgment; they are a fundamental breach of the judge's duty to ensure that justice is administered fairly and impartially. Judge Merchan's actions reflect a clear bias incompatible with his role as an impartial arbiter of the law, and his decisions have consistently favored the prosecution, often at the expense of the defendant's constitutional rights. Accordingly, I filed a judicial ethics complaint in New York which has not yet been decided.

When a judge, who should be the guardian of fairness, instead becomes a participant in a politically motivated scheme, the very foundation of our legal system is shaken. The courts are the last line of defense against tyranny, and when they are compromised, so too is the promise of justice for all. The implications of this case go far beyond the individuals involved; they threaten the very fabric of our democracy. We cannot, and must not, allow the principles of justice to be eroded by those who would use the law as a tool of oppression.

In a nation founded on the principles of liberty and justice, we must never forget the role that faith in God has played in shaping our laws and institutions. God is not absent from our legal system; He is the foundation upon which it stands. The actions of godless men, who seek to manipulate the law for their own gain, are a direct assault on the moral fabric that holds our nation together. This Court must

act to protect these principles and ensure that justice, guided by divine wisdom, prevails.

The wisdom of Proverbs 29:2 states, “When the righteous are in authority, the people rejoice; but when the wicked rule, the people groan.” The current misuse of the legal system is not just an affront to justice; it is the groaning of a nation suffering under the weight of corrupt and godless rulers. This is a clarion call to restore righteousness in the administration of justice, so that the people may once again rejoice in the fairness and integrity of the law.

THE EXPECTED DEGREES OF SEPARATION AND ETHICAL VIOLATIONS

Judicial ethics require a clear separation between a judge’s personal interests and the cases they preside over. This principle is not merely a guideline; it is a fundamental safeguard to ensure that justice is administered without bias or the appearance of impropriety. Unfortunately, Judge Merchan’s conduct in this case, compounded by his daughter’s role as a paid Democratic operative with a vested interest in the outcome of this trial, has violated these ethical boundaries.

The expected degrees of separation are designed to prevent precisely this kind of judicial misconduct. They exist to ensure that judges remain detached from any external influences that could compromise their impartiality. By ignoring these ethical safeguards, Judge Merchan has violated the trust placed in him as a judicial officer and set a dangerous precedent that threatens the integrity of the entire judicial system.

It is with great reluctance that I must point out this conflict of interest, as it represents a serious breach of the ethical standards that are supposed to prevent such situations. Judges are expected to maintain strict degrees of separation from any potential conflicts of interest to preserve the public's confidence in the fairness and impartiality of the judicial process. Judge Merchan's failure to recuse himself, despite the clear conflict presented by his family's political involvement, is deeply concerning and undermines the legitimacy of this entire proceeding.

In a system where justice is supposed to be blind, the entanglement of personal and political interests with judicial responsibilities is a betrayal of the public trust. This Court must recognize the gravity of this situation and act to restore the integrity of the judiciary. The decisions made here will not only affect the immediate parties but will also set a precedent that will resonate through the halls of justice for years to come. Our children and future generations depend on our collective commitment to uphold these standards, to ensure that the law remains a shield for the innocent, not a sword for the powerful.

IRREPARABLE HARM AND THE NEED FOR IMMEDIATE INTERVENTION

The Applicant will suffer severe and irreparable harm if this stay is not granted. The continued prosecution of this case, under the guise of a legally flawed and politically motivated charge, will not only damage the Applicant's reputation and rights but will also set a harmful precedent for the future of our judicial system. The misuse of federal campaign finance law in state court proceedings undermines

the proper jurisdictional boundaries between state and federal law, and the improper conduct of Judge Merchan exacerbates the risk of a fundamentally unfair trial.

Without this Court's immediate intervention, the damage to the Applicant and to the public's trust in the judicial system will be irreparable. The continued politicization of the judiciary must be halted, and the legal principles at stake in this case must be thoroughly reviewed before any further actions are taken.

NO HARM TO THE GOVERNMENT AND THE PUBLIC INTEREST

The government will suffer no harm by pausing these proceedings until all legal matters are fully adjudicated. In fact, ensuring that the ongoing legal issues are resolved before proceeding with the trial will enhance public trust in the legal process and protect the integrity of our democratic institutions. Allowing this case to proceed under the current circumstances, marked by judicial impropriety and the misuse of federal law, will only serve to undermine the rule of law and erode public confidence in the fairness of our courts.

The public interest is best served by ensuring that justice is not only done but is seen to be done. This Court's intervention is necessary to prevent the continued politicization of the judiciary and to restore the public's faith in the impartiality and fairness of the legal process.

A CALL TO HALT THE ABUSE OF THE LEGAL SYSTEM

These are not words I take lightly, nor are they written without careful consideration of the serious implications they carry. However, the abuse of the legal system that has been allowed to occur in this case demands a strong and decisive response. The actions of Alvin Bragg and Judge Merchan represent a dangerous convergence of political ambition and judicial misconduct that must be stopped.

This Court has a duty to intervene in this case to prevent further erosion of public trust in the judiciary. The actions of Alvin Bragg and Judge Merchan represent a convergence of political ambition and judicial misconduct that cannot be allowed to stand. The politicized lawfare that has characterized these proceedings is an affront to the principles of justice and fairness that our legal system is built upon.

This Court's intervention is necessary to restore the integrity of the judicial process and to prevent further abuse of the legal system for political purposes. The public interest demands that this trial be halted until a full review of the case can be conducted, free from the taint of judicial bias and political interference.

INJUNCTION APPROPRIATE

Federal courts can issue injunctions to prevent state court actions when there is a clear violation of federal rights or constitutional protections. This typically involves a federal lawsuit where the plaintiff seeks to enjoin a state court proceeding on the grounds that the proceeding is unconstitutional or otherwise violates federal law.

Ex parte Young 209 U.S.123 (1908): This landmark case established the principle that federal courts can enjoin state officials from enforcing unconstitutional state laws. Although not specifically about stopping state trials, the principle allows federal courts to prevent state actions that infringe on federal rights.

The federal court's jurisdiction is implicated as the ongoing state trial directly interferes with the federal electoral process. This interference extends beyond personal harm to Donald J. Trump and affects the democratic rights of voters, including myself. While my single vote is sacred, as are the rights of all voters, the process must stand beyond the pale and first recognize the process must be unfettered. In *Younger v. Harris*, 401 U.S. 37 (1971), the Supreme Court emphasized the importance of federal courts abstaining from interfering with state prosecutions, except in extraordinary circumstances. Such extraordinary circumstances include instances where the state proceedings are conducted in bad faith or for the purpose of harassment, which is evident in the politically motivated trial against Donald J. Trump. Normally, the matter could play out in the state court, and this case, much like *Norma Jean Anderson et al.*, would eventually be corrected. Sadly, Alvin Bragg knew that by the timing of this case, no such relief could be granted before the election, and the interference operation would be complete.

All forms of injunctions, stays, temporary restraining orders, or the like are subject to the same four factors, although phrased somewhat differently from jurisdiction to

jurisdiction and between different types of situations. One recent statement of the four factors is found in *Nken v. Holder*, 556 U.S. 418 (2009).

A court considers four factors when deciding whether to stay an execution: "(1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies." *Nken*, 556 U.S. at 433-34.

A) My Petition in the court below and in my opening appellate brief contends that the 9-0 March 2024 decision of the U.S. Supreme Court as Judicial Estoppel demanding Prohibition against the New York Supreme Court, Law Division, Trial Term, now. The Supreme Court found that the Colorado courts could not abuse Federal law in ways inconsistent from State to State within the adjudications of Colorado's State courts. See Opinion, per curiam, Norma Jean Anderson, et al. v. Donald Trump, et al., U.S. Supreme Court, March 4, 2024, downloadable for free to all including the public, at https://www.supremecourt.gov/opinions/23pdf/23-719_19m2.pdf

B) I as the Applicant and Appellant will be irreparably harmed along with the federally protected function of the U.S. Presidential election as an official proceeding. The election being disrupted cannot be undone or repaired in any way. It is untenable that even if the result of an election proceedings were tainted the

law could reverse the election and put a different candidate into office. The disruption and obstruction of the Presidential election as intentional and knowing election interference is causing harm to the Appellant and the Constitutional Republic by preventing the election from being carried out correctly and appropriately. As this Brief is being filed, much delayed already, the candidates for President are preparing to hold the first debate of the Presidential election in which one candidate has been restrained by an unconstitutional "gag order" (that is exceeding the criteria of "strict scrutiny" by vastly exceeding the scope of usual, typical, modest, narrowly-focused gag orders). Therefore, the election is proceeding with one candidate muzzled by the Respondents-Appellees, thus directly disrupting the Presidential election. Arguably, this is a violation of 18 U.S.C. 1512(c)(2) by obstructing or impeding an official proceeding (the federal election).

C) The issuance of the stay will not injure the other parties interested in the proceeding, substantially or otherwise. The Respondents waited about 6 years before initiating the case and then brought the case for maximum disruption to the Federal President election. In fact, the statute of limitations for the misdemeanor version of falsifying business records expired while the Respondents waited. Then they had to concoct an "other crime" fiction of a violation of Federal campaign finance law as a dodge to resurrect the expired misdemeanors. The Respondents themselves have confirmed that they do not believe there is any need to rush or to proceed with their case in New York other than to illegally and corruptly manipulate a pending election. The public has an overriding interest in hearing

from both candidates in the election. The Respondents have no interest in proceeding at the usual slow pace of litigation. The court systems are notorious for being slow, earning the epithet "The wheels of justice grind slowly but exceedingly fine," (the phrase originated long ago in a different context).

D) The public interest requires that the courts be trusted as instruments of justice not as bludgeons of injustice used to corrupt our nation's elections. There is no public interest in dubious and clearly corrupt court proceedings brought 6 years late purely for partisan electoral advantage to one candidate over the other.

AN EGREGIOUS ABUSE OF JUDICIAL POWER

I am sure that the continuation of the conversation related to Judge Merchan is becoming nauseating; one should feel the same bearing witness to his actions. The sheer repetition of his ethical violations and biased conduct is not just tiresome—it's a testament to the depth of the corruption at play. Every mention of Judge Merchan's behavior serves as a stark reminder of how deeply the rot has set into what should be an impartial and fair judicial process. It's a reflection of the disturbing reality that, despite the clear evidence of misconduct, this abuse of power continues unchecked. This is not merely a series of unfortunate errors; it is a deliberate pattern of behavior that betrays the very principles of justice that this Court is duty-bound to protect.

The involvement of Judge Merchan's daughter in this case, as a paid Democratic operative, further exacerbates the situation. This connection is not merely

coincidental; it is a direct conflict of interest that undermines the legitimacy of the entire trial and the respect Americans should have for the bench itself. The ethical standards that govern judicial conduct are clear: a judge must avoid even the appearance of impropriety, particularly when personal or familial relationships could influence the outcome of a case. By failing to recuse himself, Judge Merchan has disregarded these standards, allowing his courtroom to become a platform for political retribution rather than a forum for justice.

The actions taken in this courtroom have far-reaching implications. If this abuse of judicial power is allowed to stand, it will send a clear message that the law can be twisted to serve the interests of the few at the expense of the many. This Court must act to prevent this outcome, to reaffirm the principles that have guided our judiciary for generations, and to ensure that the rule of law remains intact for those who will come after us. The decisions made today will echo in the lives of future generations, who will either inherit a system of justice that is fair and impartial or one that has been corrupted by those who seek to undermine it.

POLITICIZED LAWFARE AND THE ABUSE OF JUDICIAL POWER

Alvin Bragg's relentless pursuit of Donald Trump, despite the absence of any substantive criminal activity, has led him to stretch and distort federal campaign finance law in an attempt to fabricate charges that do not hold up under legal scrutiny. In doing so, Bragg has revealed himself as a wayward soul, more interested in advancing his partisan agenda than in upholding the sacred duty of

his office. This is not merely a violation of legal norms; it is a profound betrayal of the public trust and an assault on the constitutional rights of every citizen.

Judge Merchan, instead of serving as an impartial arbiter, has allowed himself to become an instrument of this political vendetta. His actions, from issuing flawed jury instructions to presiding over a trial that is more about spectacle than justice, reflect a disturbing willingness to abandon the principles of fairness and impartiality that are the bedrock of our legal system. His conduct has not only compromised the integrity of this trial but has also set a dangerous precedent that threatens to undermine the very foundations of our judiciary.

This case is not just about one man's pursuit of power; it is about the preservation of the Constitution and the rights it guarantees to every American. When the scales of justice are tipped in favor of political expediency, the constitutional rights of citizens across this nation are at risk. The deprivation of these rights, weighed against the self-serving partisan efforts of corrupt men, is an affront to the very notion of justice. The beacon of justice must prevail to uphold the Constitution and serve the people. Service to anything less than the nation is an abandonment of the responsibility of the bench and a disservice to our children and future generations.

This Court must act decisively to halt this descent into lawlessness. The rights of voters to participate in an election free from interference are paramount. The actions of Bragg and Merchan not only threaten to undermine these rights but also to erode public confidence in the fairness of our elections. In this context, the

protection of voter rights and the integrity of the electoral process are not just legal obligations; they are moral imperatives that must guide the decisions of this Court.

THE IMPERATIVE OF PROTECTING THE ELECTION PROCESS

At the heart of this case lies a matter of paramount importance: the protection of the integrity of our electoral process. The actions of Alvin Bragg and Judge Merchan, if allowed to proceed unchecked, could have profound and detrimental effects on the outcome of a national election. The weaponization of the legal system to target a political opponent in the midst of an election cycle is a clear and present danger to the democratic principles upon which this nation was founded.

This Court has a solemn duty to safeguard the electoral process from any and all forms of interference, particularly when such interference arises from the misuse of judicial power. The integrity of our elections must be preserved at all costs, and this case presents a critical test of that commitment. The importance of ensuring a fair and impartial legal process that does not influence or undermine the electoral process cannot be overstated. In this context, the pending case before the Fifth Circuit is of far greater importance than the advancement of a trial schedule that can and should be rescheduled to allow for a thorough review.

This is not merely a question of legal procedure; it is a question of national importance. The public's confidence in the fairness of our elections is directly tied to their confidence in the impartiality of our legal system. Any action that undermines this confidence, particularly in the context of an ongoing election, poses a threat to

the very fabric of our democracy. This Court must act to prevent such an outcome by granting this stay and allowing the Fifth Circuit to complete its review before any further proceedings take place.

THE IMPERATIVE OF PROTECTING FAIR TRIALS AND DUE PROCESS

"At the foundation of our civil liberty lies the principle which denies to government officials an exceptional position before the law and which subjects them to the same rules of conduct that are commands to the citizen." *Burdeau v. McDowell*, 256 U.S. 465, 477 (1921) (Brandeis, J., dissenting). The idea that fair courts require equal rights of procedure has been a component of law for centuries. James Wilson, an original member of the Supreme Court, wrote that the concept of common law itself is grounded in equality of procedure. "[T]he same equal right, law, or justice," wrote Wilson, is "due to persons of all degrees." 2 Collected Works of James Wilson 749 (2007) (quoting Richard Woodeson, *Elements of Jurisprudence* (1783).

The Framers rejected the lopsided court procedures of the British Star Chamber court of the seventeenth century. In THE FEDERALIST 78, Hamilton noted the toxicity of "unjust and partial laws." Or, as Justice Stephen J. Field wrote in 1887, "[b]etween [the accused] and the state the scales are to be evenly held." *Hayes v. Missouri*, 120 U.S. 68, 70 (1887).

Yet the New York Court in Trump's case provided a one-sided trial in which the government had greater privileges in introducing evidence and greater ability to

show its witnesses' authority and expertise, and in which Trump had the burden of proving his innocence.

Equal court procedures are not simply an end; they are a means to accurate and sound court outcomes. "[O]ur adversary system presupposes," wrote Justice Potter Stewart, that "accurate and just results are most likely to be obtained through the equal contest of opposed interests."

One-sided rulings and procedures deprived the jury of information with which to fairly try Trump. This is not just a deviation from standard legal practices; it is a direct assault on the fundamental rights guaranteed by our Constitution. The protection of fair trials and due process is not a luxury but a necessity in a society governed by the rule of law. When these principles are compromised, the entire legal system is at risk of collapse.

PRAYERS FOR RELIEF

In light of the above, Applicant respectfully requests that this Court:

1. **Issue a stay** of the ongoing state court proceedings in New York, pending the final outcome of the Fifth Circuit Court of Appeals decision in Case No. 24-50465;
2. **Grant an immediate injunction** to prevent the enforcement of any state court orders based on federal campaign finance law while the Fifth Circuit reviews the case;

3. **Order a full review** of the New York trial case against Donald Trump, in light of the legal arguments and pending appellate review in the Fifth Circuit, particularly concerning the potential for election interference and the broader public importance of the case;
4. **Grant such other and further relief** as this Court deems just and proper.

CONCLUSION

The Applicant has demonstrated a substantial likelihood of success on the merits and has shown that irreparable harm will result without this Court's immediate intervention. The balance of equities and the public interest strongly favor the granting of the requested relief. Therefore, the Applicant respectfully urges Justice Alito to grant this emergency application for a stay pending the outcome of the Fifth Circuit Court of Appeals decision in Case No. 24-50465, to issue the requested injunction, and to order a full review of the New York trial case in light of the pending appellate case.

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Respectfully submitted,
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CERTIFICATE OF COMPLIANCE

I certify that this motion complies with the word limitations at a total of 6,383 words and that this petition complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word in 14-point Century Schoolbook style.

Treniss Evans
Treniss J. Evans, III, Pro Se

CERTIFICATE OF SERVICE

I certify that a copy of this Application with Attachments and all other motions, briefs, and documents have been served upon the Appellees / Respondents by U.S. mail, first-class mail, postage prepaid, on this 26th day of August, 2024.

Treniss Evans
Treniss J. Evans, III, Pro Se