

COPY

RECEIVED

JAN 13 2009

CLERK SUPREME COURT

CASE No. S168066

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

ROBIN TYLER, an individual and DIANE OLSON, an individual, CHERI
SCHROEDER, an individual and COTY RAFAELY, an individual,

Petitioners,

v.

THE STATE OF CALIFORNIA, a political body acting in its own right
and/or through EDMUND G. BROWN, in his capacity as Attorney General,
and/or DEBRA BOWEN, in her capacity as Secretary of State,

Respondents.

DENNIS HOLLINGSWORTH, ET AL.
INTERVENERS

AMICUS CURIAE BRIEF

THE CHURCH OF THE MESSIAH

OPPOSING ALL ATTACKS ON

CALIFORNIA CONSTITUTION ARTICLE 1 SEC. 7.5

SUPREME COURT

FILED

JAN 15 2009

Frederick K. Ohlrich Clerk

T.M. REVEREND MESSIAH

P.O. BOX 11111

MARINA DEL REY,

CA 90295

Deputy

TABLE OF CONTENTS

Table of Authorities	ii
Body of the Brief Discussion and Argument	1-2
Amicus Letter Made an integral part of the Brief	3-7
Conclusion	7
Proof of Service	8

TABLE OF AUTHORITIES

Authority	Page
California Constitution Article 1 § 7.5	1, 2
California Constitution Article 1 § 1	1
California Constitution Article 1 § 4	6
California Constitution Article VI	2
Evidence Code 451 (f)	3

THE BODY OF THE BRIEF
DISCUSSION AND ARGUMENT

I concur with the brief filed by the state Attorney General (AG) to the extent of briefing this court on the first two issues stated in this court's order. Also, I concur with the brief filed by the interveners addressing the same issues and interveners response to AG affirmative offense which was raised outside the court's said order. There is no need to add more as to those two issues.

AMICUS LETTER IDENTIFYING THIS PARTY INTEREST IS HEREBY
MADE AS INTEGRAL PART TO THIS BRIEF. THIS COURT FAILED TO
DOCKET SAID LETTER OR POST IT AMONG AMICUS LETTERS.

EXCEPTIONS TO AG AND INTERVENERS BRIEFS

AG contends that CA constitution article 1 section 7.5 violates or in conflict with same article section 1 (inalienable rights). This is false because:

An example to illustrate my point and not for exact analogy is the parking spaces for handicapped. Nobody can honestly argue that such restriction on parking in those spaces which encroach on other motorists liberty is in violation of that section, or for that matter that there is any violation of equal rights or equal protection. Why can't everybody accept the fact that there are different things

for different persons. Marriage is for heterosexuals and not for homosexuals.

Secondly: Said amendment is very clear. It uses the present tense (is) (valid) for permanency i.e. regardless of time and location. Obviously the people who obtained marriage licenses which are inconsistent with said amendment their licenses are not recognized i.e. invalid or void. Those individuals, as well as this court, known or should have known of the signature collections of prop. 8.

Four justices of this court did an utter damage to the citizens on 5/15/08 and more importantly not staying said decision pending the Nov. 4 election. Said 4 justices need to apologize to all the citizens of this state and in particular to the persons who relied on their decision. They pulled a stunt using the constitution "Equal Protection" as a subterfuge. See the above illustrative example.

Moreover an article of the constitution cannot invalidate another because both are on equal level. The illustrated example shows clearly that there is no conflict between the constitution article 1 section 7.5 and any other articles or sections of the same constitution. For the sake of argument only, if there is such conflict, it must be resolved in favor of the most recent. The only way to deal with those licenses issued between June and November 2008 is for the four justices to issue an apology and to have those licenses declared void or invalid. **NO:** dragging, lingering, agonizing, twisted or time consuming procedures are needed.

**FACTS THAT ARE SO UNIVERSALLY KNOWN THAT THEY
CANNOT REASONABLY BE THE SUBJECT OF DISPUTE**

Please see the amicus letter received by this court but never docketed nor treated as others like it. Now it is made an integral part of this brief pages 3-7

THE FUNCTIONS OF THE JUDICIAL BRANCH

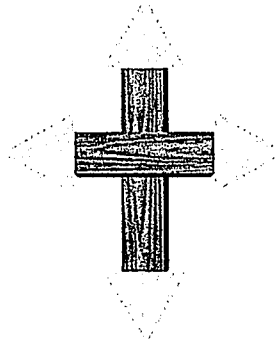
The functions of the judicial branch are stated in California Constitution Article VI. Nowhere said article states that judges can make laws or that the duty or the job of a judge is to interpret or expound the law. Nowhere said article states that the supreme court is the guardian of the constitution. I challenge anybody to point out where each phrase is located in the constitution. All those have been fabricated by judges and repeated by their colleagues (lawyers) in clear attempt to elevate and exercise more power over the citizens and other governmental institutions. Enough is enough. There is a good number of them in the legislative and executive branches and of course they constitute 100% of the judiciary and almost 100% of litigators.

If marriage is open, what is next: 3 or more persons or even with animals ?!!!!!!

Any interpretation is a subjective matter and not objective, people can interpret the same thing in many ways. Also the citizens of this state are the true guardian of the constitution. Again the function of judges is to apply the law, as written, to the facts period. I will leave you with a verse from the Holy Bible illustrating this point.

**2 PETER 1:20 KNOWING THIS FIRST, THAT NO PROPHECY OF
THE SCRIPTURE IS OF ANY PRIVATE INTERPRETATION.**

Of course meaning when the prophecy was received and of course perpetually. No interpretation whatsoever because interpretations are very dangerous.



THE CHURCH OF
THE MESSIAH
T.M. REVEREND MESSIAH
P.O. BOX 11111
MARINA DEL REY
CA 90295



**IN THE NAME OF THE FATHER, THE SON AND THE HOLY SPIRIT,
ONE ETERNAL LOVING MERCIFUL GOD, THE CREATOR, AMEN**

**AMICUS CURIAE LETTER, IRON CLAD OPPOSITION TO ALL PETITIONS [RELIEVES
REQUESTED THEREIN] ATTACKING PROPOSITION 8 (DEFINING MARRIAGE)**

CASE: S168066

RELATED CASES: S168047, S168078 S168281, S168302, S168332 and possibly others

GREETINGS: TO ALL JUSTICES OF THE CALIFORNIA SUPREME COURT

The Church of The Messiah is the seed and nucleus of One Christian Church throughout the world, united together in one unwavering Faith, one Body of Christ that is indivisible. Therefore, this church represents the Faith of our Lord and Saviour Jesus Christ as written down in the Holy Bible. It represents every True believer and every True Christian on Earth till the ultimate unification of all Christian churches in one Christian Church (regardless of nomenclature) centered in Jerusalem under the papacy of Twelve. True Christians believe in a Holy Matrimony between one man and one woman. Verses will be cited in the body of this letter.

JUDICIAL NOTICE PURSUANT TO EVID. CODE 451 (f)

Please take mandatory judicial notice pursuant to Evid. Code 451 (f) Facts and propositions of generalized knowledge that are so universally known that they cannot reasonably be the subject of dispute.

1. The Holy Bible is the book of the Holy Scripture, the words of God from The Lord Jesus Christ and the words of God inspired to the disciples, apostles and prophets, universally known and accepted as infallible FACTS to billions of people for almost 2000 years in the New Testament and over 3500 years of the Old Covenant. The bible is the book of TRUTH [True Facts]. NO BOOK IS MORE UNIVERSALLY KNOWN, FULL OF FACTS [TRUTHS] FROM COVER TO COVER. Those FACTS [Truths], in all verses cannot truthfully or honestly be disputed unlike history books which could and have been manipulated depending on the writer or historian, yet we accept those as undisputed facts. Courts and citizens accept true science, not pseudo or voodoo science, as facts.

2. The undisputed history of marriages starting from Adam and Eve till present time, spanning over 4000 years. All those marriages were between a man and a woman, male and female. Other perverted and devious acts were also recorded but never were identified as marriages. Such conduct was and is strongly condemned, however the rightful, real and ultimate judge is God, the Creator.

3. True Democracy which simply means "The Rule of the People" i.e. the God given right of the people to be free and be able to rule themselves. It is not the rule of 4 individuals or a group of people less than 10% who are free as well, however they cannot, must not and will not be allowed to offend the majority or create chaos. As a matter of fact when the conduct is offensive to the majority of the general public, such conduct is categorized as criminal and is punishable. Each country, nation, tribe, society or community establishes set of rules / laws for everybody to abide by.

4. There are 2 recognizable genders: Male or Female, despite the fact that both genders secrete both testosterone (androgenic) and estrogenic hormones. Testosterone is much higher in males and estrogen is much higher in females. Depending on genetics and the balance of hormones we may have extremely small number of persons who are born with female and male organs but in most of these cases one is more dominant. Higher number of newborn are born with deformities, abnormalities or ailments than those of mixed organs. We pray for those to overcome those adversities. We thank God for giving those tests of faith and if they have to live with those adversities, their reward is much greater as long as their faith is steadfast. Does not everyone marvel and cheer when we see a child, for example, using his leg and toes to write, etc. because he / she was born without fingers or hands. Verily, their reward is greater. Likewise we must marvel, cheer and thank the creator when we see a person who was not born in that range of 100% male or 100% female if they overcome such small variance and remain steadfast in faith. Indeed, their reward is greater.

FACTS OF GENERALIZED KNOWLEDGE, UNIVERSALLY KNOWN BY BILLIONS FOR OVER 3500 YEARS. THEY CANNOT REASONABLY BE THE SUBJECT OF DISPUTE

AND ON THE SUBJECT AND DEFINITION OF MARRIAGE

GOSPEL ST. MATTHEW 19:4 AND HE ANSWERED AND SAID UNTO THEM, HAVE YOU NOT READ, THAT HE WHO MADE THEM AT THE BEGINNING MADE THEM MALE AND FEMALE,
GOSPEL ST. MATTHEW 19:5 AND SAID, FOR THIS CAUSE SHALL A MAN LEAVE FATHER AND MOTHER, AND SHALL CLEAVE TO HIS WIFE: AND THEY TWAIN SHALL BE ONE FLESH?
GOSPEL ST. MATTHEW 19:6 WHEREFORE THEY ARE NO MORE TWAIN, BUT ONE FLESH. WHAT THEREFORE GOD HAS JOINED TOGETHER, LET NOT MAN PUT ASUNDER.

1 CORINTHIANS 7:2 NEVERTHELESS, TO AVOID FORNICATION, LET EVERY MAN HAVE HIS OWN WIFE, AND LET EVERY WOMAN HAVE HER OWN HUSBAND.

1 CORINTHIANS 7:3 LET THE HUSBAND RENDER UNTO THE WIFE DUE BENEVOLENCE: AND LIKEWISE ALSO THE WIFE UNTO THE HUSBAND.

1 CORINTHIANS 7:4 THE WIFE HAS NOT POWER OF HER OWN BODY, BUT THE HUSBAND: AND LIKEWISE ALSO THE HUSBAND HAS NOT POWER OF HIS OWN BODY, BUT THE WIFE.

1 CORINTHIANS 7:5 DEFRAUD YOU NOT ONE THE OTHER, EXCEPT IT BE WITH CONSENT FOR A TIME, THAT YOU MAY GIVE YOURSELVES TO FASTING AND PRAYER; AND COME TOGETHER AGAIN, THAT SATAN TEMPT YOU NOT FOR YOUR INCONTINENCY.

1 CORINTHIANS 11:9 NEITHER WAS THE MAN CREATED FOR THE WOMAN; BUT THE WOMAN FOR THE MAN.

EPHESIANS 5:22 WIVES, SUBMIT YOURSELVES UNTO YOUR OWN HUSBANDS, AS UNTO THE LORD.

EPHESIANS 5:23 FOR THE HUSBAND IS THE HEAD OF THE WIFE, EVEN AS CHRIST IS THE HEAD OF THE CHURCH: AND HE IS THE SAVIOUR OF THE BODY.

EPHESIANS 5:24 THEREFORE AS THE CHURCH IS SUBJECT UNTO CHRIST, SO LET THE WIVES BE TO THEIR OWN HUSBANDS IN EVERY THING.

EPHESIANS 5:25 HUSBANDS, LOVE YOUR WIVES, EVEN AS CHRIST ALSO LOVED THE CHURCH, AND GAVE HIMSELF FOR IT;

PROVERBS 19:14 HOUSE AND RICHES ARE THE INHERITANCE OF FATHERS: AND A PRUDENT WIFE IS FROM THE LORD.

B. GOD (JESUS CHRIST) IS THE CREATOR, HAS SET LAWS

GENESIS 1:1 IN THE BEGINNING GOD CREATED THE HEAVEN AND THE EARTH.

GENESIS 1:26 AND GOD SAID, LET US MAKE MAN IN OUR IMAGE, AFTER OUR LIKENESS: AND LET THEM HAVE DOMINION OVER THE FISH OF THE SEA, AND OVER THE FOWL OF THE AIR, AND OVER THE CATTLE, AND OVER ALL THE EARTH, AND OVER EVERY CREEPING THING THAT CREEPS UPON THE EARTH.

GENESIS 1:27 SO GOD CREATED MAN IN HIS OWN IMAGE, IN THE IMAGE OF GOD CREATED HE HIM; MALE AND FEMALE CREATED HE THEM.

GENESIS 1:28 AND GOD BLESSED THEM, AND GOD SAID UNTO THEM, BE FRUITFUL, AND MULTIPLY, AND REPLENISH THE EARTH, AND SUBDUE IT: AND HAVE DOMINION OVER THE FISH OF THE SEA, AND OVER THE FOWL OF THE AIR, AND OVER EVERY LIVING THING THAT MOVES UPON THE EARTH.

GOSPEL ST. JOHN 1:1 IN THE BEGINNING WAS THE WORD, AND THE WORD WAS WITH GOD, AND THE WORD WAS GOD.

GOSPEL ST. JOHN 1:3 ALL THINGS WERE MADE BY HIM; AND WITHOUT HIM WAS NOT ANY THING MADE THAT WAS MADE.

One of God's laws is leaving the wrong doers and the good doers side by side until harvest time.

GOSPEL ST. MATTHEW 13:30 LET BOTH GROW TOGETHER UNTIL THE HARVEST: AND IN THE TIME OF HARVEST I WILL SAY TO THE REAPERS, GATHER YE TOGETHER FIRST THE TARES, AND BIND THEM IN BUNDLES TO BURN THEM: BUT GATHER THE WHEAT INTO MY BARN.

GOSPEL ST. MATTHEW 13:39 THE ENEMY THAT SOWED THEM IS THE DEVIL; THE HARVEST IS THE END OF THE WORLD; AND THE REAPERS ARE THE ANGELS.

C. ON THE SUBJECT OF HOMOSEXUALITY AND OTHER UNNATURAL ACTS

LEVITICUS 18:22 YOU SHALL NOT LIE WITH MANKIND, AS WITH WOMANKIND: IT IS ABOMINATION.

LEVITICUS 18:23 NEITHER SHALL YOU LIE WITH ANY BEAST TO DEFILE YOURSELF THEREWITH: NEITHER SHALL ANY WOMAN STAND BEFORE A BEAST TO LIE DOWN THERETO: IT IS CONFUSION.

LEVITICUS 18:24 DEFILE NOT YOURSELVES IN ANY OF THESE THINGS: FOR IN ALL THESE THE NATIONS ARE DEFILED WHICH I CAST OUT BEFORE YOU:

LEVITICUS 20:13 IF A MAN ALSO LIE WITH MANKIND, AS HE LIES WITH A WOMAN, BOTH OF THEM HAVE COMMITTED AN ABOMINATION: THEY SHALL SURELY BE PUT TO DEATH; THEIR BLOOD SHALL BE UPON THEM.

JUDGES 19:23 AND THE MAN, THE MASTER OF THE HOUSE, WENT OUT UNTO THEM, AND SAID UNTO THEM, NAY, MY BRETHREN, NAY, I PRAY YOU, DO NOT SO WICKEDLY; SEEING THAT THIS MAN IS COME INTO MINE HOUSE, DO NOT THIS FOLLY.

1 KINGS 14: 24 AND THERE WERE ALSO SODOMITES IN THE LAND: AND THEY DID ACCORDING TO ALL THE ABOMINATIONS OF THE NATIONS WHICH THE LORD CAST OUT BEFORE THE CHILDREN OF ISRAEL.

1 KINGS 15:12 AND HE TOOK AWAY THE SODOMITES OUT OF THE LAND, AND REMOVED ALL THE IDOLS THAT HIS FATHERS HAD MADE.

DEUTERONOMY 23:17 THERE SHALL BE NO WHORE OF THE DAUGHTERS OF ISRAEL, NOR A SODOMITE OF THE SONS OF ISRAEL.

JOEL 3:3 AND THEY HAVE CAST LOTS FOR MY PEOPLE; AND HAVE GIVEN A BOY FOR A HARLOT, AND SOLD A GIRL FOR WINE, THAT THEY MIGHT DRINK.

ROMANS 1:24 WHEREFORE GOD ALSO GAVE THEM UP TO UNCLEANNESSTHROUGH THE LUSTS OF THEIR OWN HEARTS, TO DISHONOUR THEIR OWN BODIES BETWEEN THEMSELVES:

ROMANS 1:26 FOR THIS CAUSE GOD GAVE THEM UP UNTO VILE AFFECTIONS: FOR EVEN THEIR WOMEN DID CHANGE THE NATURAL USE INTO THAT WHICH IS AGAINST NATURE:

ROMANS 1:27 AND LIKEWISE ALSO THE MEN, LEAVING THE NATURAL USE OF THE WOMAN, BURNED IN THEIR LUST ONE TOWARD ANOTHER; MEN WITH MEN WORKING THAT WHICH IS UNSEEMLY, AND RECEIVING IN THEMSELVES THAT RECOMPENSE OF THEIR ERROR WHICH WAS MEET.

ROMANS 1:28 AND EVEN AS THEY DID NOT LIKE TO RETAIN GOD IN THEIR KNOWLEDGE, GOD GAVE THEM OVER TO A REPROBATE MIND, TO DO THOSE THINGS WHICH ARE NOT CONVENIENT;

ROMANS 1:29 BEING FILLED WITH ALL UNRIGHTEOUSNESS, FORNICATION, WICKEDNESS, COVETOUSNESS, MALICIOUSNESS; FULL OF ENVY, MURDER, DEBATE, DECEIT, MALIGNITY; WHISPERERS,

ROMANS 1:32 WHO KNOWING THE JUDGMENT OF GOD, THAT THEY WHICH COMMIT SUCH THINGS ARE WORTHY OF DEATH, NOT ONLY DO THE SAME, BUT HAVE PLEASURE IN THEM THAT DO THEM.

1 CORINTHIANS 6:9 KNOW YOU NOT THAT THE UNRIGHTEOUS SHALL NOT INHERIT THE KINGDOM OF GOD? BE NOT DECEIVED: NEITHER FORNICATORS, NOR IDOLATERS, NOR ADULTERERS, NOR EFFEMINATE, NOR ABUSERS OF THEMSELVES WITH MANKIND,

1 CORINTHIANS 6:10 NOR THIEVES, NOR COVETOUS, NOR DRUNKARDS, NOR REVILERS, NOR EXTORTIONERS, SHALL INHERIT THE KINGDOM OF GOD.

1 TIMOTHY 1:10 FOR WHOREMONGERS, FOR THEM THAT DEFILE THEMSELVES WITH MANKIND, FOR MEN STEALERS, FOR LIARS, FOR PERJURED PERSONS, AND IF THERE BE ANY OTHER THING THAT IS CONTRARY TO SOUND DOCTRINE;

1 TIMOTHY 4: 4 THAT EVERY ONE OF YOU SHOULD KNOW HOW TO POSSESS HIS VESSEL IN SANCTIFICATION AND HONOUR;

JAMES 1: 15 THEN WHEN LUST HAS CONCEIVED, IT BRINGS FORTH SIN: AND SIN, WHEN IT IS FINISHED, BRINGS FORTH DEATH.

Please take stern notice that the so called doctrine of separation of state and church does not exist in either the US Constitution or California Constitution period. Said phrase was manufactured and fabricated by judges. Amendment I of the US Constitution, in pertinent part simply states:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, no more and no less. Obviously a lot of laws are influenced by religion e.g. the number of jurors are 12 and that is biblical. California Constitution states in Article 1 section 4: The

~~free exercise and enjoyment of religious~~ profession and worship, without discrimination or preference, shall be forever guaranteed in this state; **again no more, no less. We must strictly adhere to the exact words of both constitutions from the legal standpoint.**

Please take stern notice that the phrase which purports to imply that judges interpret the law is also manufactured and fabricated by judges and it is an utter falsity. The duty imposed on every judge at all levels is to apply the law as written and it is the function of the legislators to make good laws. Laws must be simple, address every possible situation and be understood. Obviously we need to elect legislators intelligent enough to do just that.

Please take stern notice that any constitution is not a sacred or infallible document, on the other hand God's words are infallible and sacred.

Please take stern notice that only 4 individuals on 5/15/08 did an utter damage to our state and its citizens, substituting the will of the people with their own power grabbing using the "Equal Protection" as a subterfuge. The voters of this state voted to undue that damage in Prop. 8. There is no revision, it is an amendment in form but restoration in actuality. Any person with sound mind should comprehend that. Said damage badly hurt a lot of people straight and gay. In the latter group, who chose to get married their marriage **must** be annulled or invalidated.

Please take stern notice that the only thing gained from this court's actions is publicity, some judges and definitely some lawyers seek publicity at any cost. However the cost to the tax payer, which this court does care about, is so tremendous aside from the hurt this court did to all the citizens of this state, nationally and even internationally. However internationally they may think that we are losing our brains because there are still sane people around the world. Do not make a spectacle of us to the people to whom the idea of a man marrying another man or a woman marrying another woman is nothing but mental insanity.

Please take stern notice that homosexual marriage is OFFENSIVE to the majority and to the exercise of the Christian Faith, goes against the natural and most importantly the Creator who set laws for the operation of the Universe (One Verse). HE gave mankind free will and that is why there is judgment. Judges should be thankful to God that they have a job and thankful to the citizens of this state for paying their big salaries and benefits. A judge under any title is a public servant.

I hereby concur and incorporate by this reference the letters written by the following entities:

1. CENTER FOR CONSTITUTIONAL JURISPRUDENCE
2. The American Center for Law and Justice
3. Pacific Justice institute
4. Campaign for California Families (motions and future briefs)

CONCLUSION

For the foregoing reasons all the petitions attacking proposition or initiative 8 and all relieves sought therein must be denied.

Dated: January 9, 2009

Originally: Nov. 21, 2008

Submitted by:

J.M. Reverend Messiah

J.M. Reverend Messiah

PROOF OF SERVICE

I am a citizen of California in the County of Los Angeles. I am over the age of 18 and not a party to the within action; my business address is: P.O. Box 11111 in Marina Del Rey, CA 90295
I served the foregoing document described as: AMICUS BRIEF in case S168066 on the parties in this action by serving:

SERVICE LIST

GLORIA ALLRED MICHAEL MAROKO JOHN STEVEN WEST Allred Maroko & Goldberg 6300 Wilshire Boulevard, Suite 1500 Los Angeles, CA 90048 Fax: (323) 653-1660	Edmund G. Brown, Jr. Christopher Edward Krueger christopher.krueger@doj.ca.gov KIMBERLY J. GRAHAM Deputy Attorney General MARK R. BECKINGTON Mark.Beckington@doj.ca.gov Deputy Attorney General State of California, Department of Justice Office of the Attorney General 1300 "I" Street, Suite 125 P.O. Box 94255 Sacramento, CA 94244-2550	ANDREW P. PUGNO Law Offices of Andrew P. Pugno 101 Parkshore Drive, Suite 100 Folsom, CA 95630 andrew@pugnotlaw.com Kenneth W. Starr 24569 Via De Casa Malibu, CA 90265 Attorneys for Interveners
---	--	---

Service was effected as indicated in the list above. Parties served by email when email is indicated.
Parties which were served by US mail by placing a true copy of said Amicus Brief in US mail, first class, enclosed in sealed envelopes, postage prepaid addressed as indicated above.
Parties which were served by facsimile as indicated above when FAX number is shown.
Executed on January 12, 2009, at Los Angeles County, California.
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Declarant

T. M. Reverend Messiah

T. M. Reverend Messiah