

2016

**Roger Bryner, Petitioner/Appellee/Cross-Appellant, v. Utah
Department of Public Safety, Driver License Division,
Respondent/Appellant/Cross-Appellee**

Utah Court of Appeals

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**Case No. 20150564-CA
IN THE UTAH COURT OF APPEALS**

ROGER BRYNER,
Petitioner/Appellee/Cross-Appellant,
v.
UTAH DEPARTMENT OF PUBLIC SAFETY,
DRIVER LICENSE DIVISION,
Respondent/Appellant/Cross-Appellee.

REPLY BRIEF OF THE CROSS-APPELLANT

Appeal from a Judgment of the Third Judicial District Court, Salt Lake County,
Judge Andrew H. Stone

List of all parties

Roger Bryner
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Petitioner/Appellee/Cross
Appellant

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FILED
UTAH APPELLATE COURTS

JUL 22 2016


CERTIFICATE PURSUANT TO RULE 24(f)(1)(C)

I hereby certify that the Brief of Respondent/Appellant=Cross-Appellee contains 523 words, including headings, footnotes, and quotations, but excluding parts of the Table of Contents, Table of Authorities, and the Addendum.

I have relied upon the word count of the word processing system, Microsoft Word, used to prepare this brief. The font used is Times New Roman, 13 point.

Certified this 13th day of July, 2016

Dated July 13, 2016



Roger Bryner

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Argument

The opposing party raises for the first time the issue of my brief being inflammatory. However this is ineffective for two reasons, first even if it is that is not an argument or option for changing jurisdiction. Second, it would only demonstrate validity

of the criticisms of the mormon domination of the Utah Courts and State Government is true to hold that using the word “mormon” and arguing that mormons have a clear political agenda causes one’s brief to be stricken in Utah.

A party can’t waive jurisdiction or stipulate to jurisdiction for the court. See *Phoenix v. Smith*, 2002 UT 49; 48 P.3d 976; 447 Utah Adv. Rep. 15; 2002 Utah LEXIS 74 at ¶5:

In any event, it is well settled that "the parties to the action cannot, by agreement, confer jurisdiction upon the court" where it would otherwise have none. *Myers v. E. Bench Irrigation Co.*, 32 Utah 215, 221, 89 P. 1005, 1006 (1907); see also 4 Am. Jur. 2d Appellate Review § 77 (1995) ("The parties may not confer jurisdiction on an appellate court by waiver, acquiescence, or consent.")”

See also *Glezos v. Frontier Investments* 896 P.2d 1230; 265 Utah Adv. Rep. 39; 1995 Utah App. LEXIS 57 which held at 1233:

A lack of subject matter jurisdiction cannot be stipulated around nor cured by a waiver. A lack of subject matter jurisdiction can be raised at any time and when subject matter jurisdiction does not exist, neither the parties nor the court can do anything to fill the void.

It follows from that line of reasoning that a party can’t be sanctioned by a grant of jurisdiction where none exists. Thus striking the brief or not, if this court lacks jurisdiction then it must proceed no further and dismiss this appeal.

I don’t expect that outcome, because of the mormon factor. This statement may be inflammatory, but so is the composition of the Courts and State Government in Utah to any non-mormon. It is a well documented fact that only 1 non-mormon judge is in the

Supreme Court and he is a recent appointment. The entire State Government is vastly dominated by Mormons. Mormons disfavor smoking. Mike's smoke shop was disfavored as inconsistent with Mormon values, granting relief against the practice disfavored by Mormons (smoking). Honest arguments about Mormon agendas are disfavored and punished by Mormons colluding in government in Utah and historically in other states until they were removed from power. This is fact, inflammatory or not.

Conclusion and request for relief

I ask that the court of Appeals dismiss the appeal of the Defendant and my appeal for lack of Jurisdiction by the Court of Appeals as there is not a final order in this case. In the alternative I ask that the remand order of the Trial Court be modified to remand the case to await notice from the Justice Court of a warrant before taking any further action.

Dated July 13, 2016



Roger Bryner

Certificate of mailing

CERTIFICATE OF SERVICE

I certify that on July 13, 2016 I did cause this to be delivered by email to:

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