

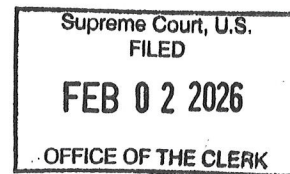
SUPREME COURT OF THE UNITED STATES

ANTONIA BLACKWELL, Petitioner,

v.

MICHAEL BOEHM, et al., Respondents.

Case No. 25M52 (Tenth Circuit Case No. 25-4081)



SECOND SUPPLEMENTAL BRIEF

Petitioner Antonia Blackwell respectfully submits this Second Supplemental Brief to inform the Court of extraordinary developments that have occurred since Petitioner's filing and that are directly relevant to the questions presented. None of the information presented herein constitutes new claims. Each development corroborates allegations Petitioner made in her petition and demonstrates that the systematic violations she documented are continuing in real time.

I. THE UTAH STATE BAR HAS DECLARED ITSELF "DEEPLY ALARMED"

On January 29, 2026, the Utah State Bar issued a statement declaring itself "deeply alarmed" by seven bills advancing through the Utah Legislature. The Bar stated these bills are "coordinated to work in conjunction with each other to make it easier for lawmakers and the executive branch to remove judges, and just as quickly replace them, based on subjective political judgments rather than legal skill, experience, and demonstrated ability to be fair and impartial."

This statement represents over 900 licensed attorneys in Utah.

The Bar further stated: "A fair court system requires judges to decide on cases based on the law and the Constitution, not on fear of political retaliation. When lawmakers gain the power to subjectively determine whether judges may continue to serve, courts can no longer serve as a meaningful check on government power."

The Bar warned that these bills "would fundamentally remake the state's judicial system" and emphasized: "This is not a hypothetical concern."

Attorney Kristy Kimball testified: "When lawmakers are unhappy with constitutional rulings, this bill gives them a way to change the forum, redirect cases, and shape the process by which their own laws are reviewed and decided. That is not separation of powers. That is power protecting itself."

She added: "You are not reforming the courts. You are attempting to rig them."

HB392 would allow the Legislature or the state attorney general to transfer civil cases "deemed to be of significant public importance" from district court to a new constitutional court. This means the Legislature could transfer cases like Petitioner's to a court it controls.

Despite overwhelming public opposition, both bills passed committee 7-2.

On January 30, 2026 - while this petition is pending - SB134 passed the Utah Legislature (House 57-18, Senate 21-8) and now goes to Governor Cox, who is expected to sign it immediately. Because it passed with a two-thirds majority, it takes effect immediately upon signature. The Governor can then begin appointing two new Utah Supreme Court justices, subject to Senate confirmation.

The Seven Bills - Every Bill Helps the State, Every Bill Hurts Citizens or Honest Judges:

Bill	What It Does	Who It Hurts	Why It Hurts	Status
SB134	Expands Supreme Court 5→7, Court of Appeals 7→9, adds district judges	Independent judiciary	7 new seats filled by political loyalists; judiciary never asked for Supreme Court expansion	PASSED Jan. 30, 2026
HB392	Creates "constitutional court" - Legislature/AG can transfer "important" cases	Citizens challenging state laws	Governor appoints ALL 7 nominating commissioners; can fire any "at any time with or without cause"; Governor's staff serves the commission; defendant picks the judge	Advancing
HB262	Raises judicial retention threshold from 50% to 67% (highest in nation)	Every judge in Utah	Only need 34% NO votes to remove a judge; a judge with 66% approval gets removed	Advancing
HB274	Removes ALL 3 defense attorneys from Sentencing Commission; adds prosecutors/sheriffs	Criminal defendants	Defense: 3→0; Prosecutors: 2→6; Sheriffs: 1→3; Total prosecution/law enforcement: 3→9; no one speaks for defendants when sentencing guidelines are set; sponsored by House Speaker Mike Schultz who controls which bills advance	Advancing
HB366	Gives municipalities control over which judges hear their cases (1 judge per 500 cases, heard in municipality's backyard)	Citizens prosecuted by municipalities	Same judge every time; cozy relationship between municipality and "their" judge; sponsored by defendant Rep. Teuscher	Effective May 6, 2026
HJR5	Governor bypasses nominating commission, appoints any judge	Judicial independence	CURRENT: Governor must appoint from commission's list within 30 days or Chief Justice fills vacancy. NEW: Governor "may request" list (optional); can appoint anyone; no time limit; Chief Justice backup ELIMINATED . Nominating commission becomes meaningless.	To voters Nov. 2026

Bill	What It Does	Who It Hurts	Why It Hurts	Status
HJR13	Legislature calls "special retention elections" for judges	Every judge	Legislature can remove any judge for being "unfit," "incompetent," making "untimely decisions," or conduct that "creates an appearance of impropriety" - completely subjective; explicitly bypasses BOTH impeachment AND Judicial Conduct Commission ; Legislature decides what "appears improper"	To voters Nov. 2026

If enacted, these bills will not remove judges who set bail at 14 times the legal limit against innocent mothers. They will remove judges who rule against the state.

The voting record confirms coordination:

On January 30, 2026, SB134 (court packing) passed the House 57-18. The roll call reveals that every sponsor of the seven bills voted YES:

Legislator	Voted YES on SB134	Also...
Teuscher, J.	✓	Defendant in Petitioner's RICO case ; sponsors HB366 (municipalities pick judges)
Schultz, M.	✓	House Speaker; acknowledged families pay \$80,000 fighting false accusations; sponsors HB274 (removes defense attorneys)
Kyle, J.	✓	Sponsors HJR5 (Governor bypasses nominating commission)
MacPherson, M.	✓	Sponsors HB392 (Constitutional Court controlled by Governor)
Snider, C.	✓	House Sponsor of SB134 itself

What is not normal: A defendant in a federal RICO lawsuit voting on bills that would help him and his co-defendants win that lawsuit. Representative Teuscher is a named defendant in Petitioner's case. He voted YES on court packing. He is sponsoring HB366, which would let his co-defendant (South Jordan) control which judges hear their cases.

The question is: Should defendants in federal lawsuits be permitted to vote on bills that would help them escape accountability in those lawsuits?

This voting record corroborates what Petitioner alleged in her petition: "This case establishes a replicable playbook: (1) fabricate evidence under oath; (2) coordinate prosecution through institutional allies; (3) capture legal defense networks; (4) weaponize protective systems; (5) maintain indefinite threat through pending

charges; (6) courts ignore contradictions." (Petition at 12). The January 30, 2026 vote is not a new claim - it is real-time proof that the coordination Petitioner documented is continuing while her petition is pending before this Court.

II. A DEFENDANT IN PETITIONER'S RELATED RICO CASE IS SPONSORING ONE OF THESE BILLS

Representative Jordan Teuscher is a named defendant in Petitioner's related federal RICO case (Case No. 2:25-cv-00689-RJS-DBP, District of Utah). He is currently sponsoring HB366, one of the seven bills identified by the Utah State Bar.

A defendant in Petitioner's lawsuit is actively sponsoring legislation to change how cases are assigned while Petitioner's case is pending.

Meanwhile, Petitioner has been waiting months for movement on her case while living under an illegal warrant. There are no deadlines for courts to act - but Petitioner must follow every rule, every deadline, every procedural requirement. Petitioner has complied with every rule. The courts have not. This system is fundamentally unfair to the victim.

III. JUSTICE GORSUCH'S OWN WORDS ON JURISDICTIONAL LIMITS

On January 9, 2026, Justice Gorsuch wrote in his dissent in *Bowe v. United States*, No. 24-5438:

"It is also one of our paramount responsibilities to respect the limits on our jurisdiction."

He also criticized the majority for "pure invention":

"But from there, the majority engages in pure invention, devising a broad new legal rule."

Justice Jackson, in her concurrence, addressed what happens when panels fail to follow required procedures:

"Consider a panel that completely ignores the statute's specified gatekeeping requirements when making the authorization determination. Maybe the panel consists of five judges instead of three... It would be exceedingly strange for us to conclude that Congress meant to insulate a rogue panel's actions from further review."

Petitioner agrees that courts must respect jurisdictional limits, must not engage in "pure invention," and that "rogue panels" that ignore statutory requirements should not be insulated from review. The Tenth Circuit did all three when it:

- Used two-judge panels in violation of 28 U.S.C. § 46(b) - Justice Jackson's hypothetical about panels with the wrong number of judges describes exactly what happened here. When Petitioner filed an en banc petition challenging the two-judge panel, the same two judges (Carson and Rossman) declined it - meaning they ruled on whether their own violation should be reviewed. Then they used a different three-judge panel (Federico, Baldock, Murphy) for the denial of the Certificate of Appealability. The panel changed, but the outcome was predetermined.

- Engaged in "pure invention" by fabricating a finding that "the district court found Younger abstention applied" - Judge Stewart's order contains no such finding
- Denied a Certificate of Appealability without addressing the Eighth Amendment violation

If respecting jurisdictional limits is a "paramount responsibility," if "pure invention" is grounds for dissent, and if "rogue panels" warrant review, then the Tenth Circuit's conduct demands this Court's attention.

IV. WHY THIS IS RELEVANT TO THE PETITION

Petitioner's case presents the question of what happens when state courts fail to protect federal constitutional rights. The Utah State Bar's statement confirms that the state judiciary is being captured by the very actors Petitioner is suing.

There is no state remedy. Every entity that could act has a reason not to:

Entity	Power	Status
Utah Legislature	Could reject bills	Passed SB134 (57-18 House, 21-8 Senate); other bills advancing
Governor Cox	Could veto	Expected to sign SB134 immediately; takes effect upon signature
Attorney General	Could challenge constitutionality	HB392 gives him power to transfer cases - he benefits
State Courts	Could rule bills unconstitutional	Being captured by these bills
Utah State Bar	Can speak out	900 attorneys alarmed - but no enforcement power
Federal District Court	Could intervene	Dismissed with one sentence; no analysis
Tenth Circuit	Could grant relief	41% of judges ignored evidence of innocence; used two-judge panels; fabricated findings
DOJ	Could investigate	Silent; state is captured, AG benefits from capture, Governor turns blind eye - no state actor will refer. DOJ will not act on a pro se complaint. The only way DOJ investigates is if this Court orders it.

This Court is the only remaining federal institution capable of providing relief.

When the entire legal profession of a state sounds the alarm - when 900 attorneys declare themselves "deeply alarmed" - this Court must act. Petitioner has proven that federal courts will stand with state courts rather than

protect constitutional rights. Judge Stewart dismissed with one sentence. The Tenth Circuit fabricated findings. Every federal court that could have intervened instead deferred to the captured state system.

This is not just unfair to citizens. It is unfair to every attorney in Utah who is not part of this system. Attorneys who actually fight for their clients will face judges who know that ruling against the state means removal. Defense attorneys will watch as cases become completely one-sided - prosecutors with unlimited power, defendants with no voice, and judges who cannot rule fairly without risking their careers. The attorneys who testified against these bills - who said "you are attempting to rig the courts" - will be forced to practice in those rigged courts. The honest attorneys will leave. The complicit ones will remain. And citizens will have no one left to fight for them.

If this Court does not intervene, expect more habeas corpus petitions from Utah. Most petitioners will not make it this far - they will be sitting in jail without proof that a crime occurred, and will lose everything trying to fight.

THE MANUFACTURED DESTRUCTION PIPELINE - How Utah's System Destroys Citizens Who Stand Up For Their Rights:

- **Step 1: Citizen Exercises Rights** - A parent advocates for their child. A tenant asks questions about excessive fees. An employee reports wrongdoing. *Result: Target identified.*
- **Step 2: Retaliation** - The child is expelled. An eviction is filed. False criminal charges are brought. *Result: Stability destroyed.*
- **Step 3: Evidence Suppression** - Courts refuse to file exculpatory evidence. The citizen's proof of innocence never makes it into the record. *Result: No record of innocence.*
- **Step 4: The "Defense" Trap** - The citizen hires an attorney. The attorney sabotages the case, refuses to file motions, tells the client "unconstitutionality is not a defense." *Result: Citizen pays to be betrayed.*
- **Step 5: Pro Se Discrimination** - If the citizen goes pro se, courts apply different standards, fabricate findings, refuse filings. *Result: No path to justice.*
- **Step 6: Theft by Court** - Courts accept filing fees and never proceed. Money is taken, no service is provided. *Result: Money stolen.*
- **Step 7: Economic Destruction** - Criminal charges mean the citizen loses their job. No job means they can't pay rent. A warrant means they can't get a new job. *Result: Financial collapse.*
- **Step 8: Criminalization of Poverty** - The citizen becomes homeless. They are sent to camps or forced to live on the street. With no address, they can't receive court notices. *Result: Citizen disappears.*
- **Step 9: Cycle Completes** - No documentation exists (December 2025 audit confirmed prosecutors keep no records). No metrics exist (27 of 29 prosecutors refused to provide them). No defense attorneys speak for them (Utah's HB274 removes all defense attorneys from the Sentencing Commission). No independent judges protect them (Utah's pending bills allow the legislature to remove any judge they deem "improper"). *Result: You don't exist and you have no rights.*

This is not incompetence. This is a system. Each step feeds the next. Each institution plays its role. Once you are in the system, you don't have a chance.

Petitioner has lived every step of this pipeline. Petitioner lost hundreds of thousands of dollars attempting to stand up for her civil and constitutional rights in Utah. Money does not protect citizens from this system - it simply extends how long they can fight before being destroyed.

This Court previously held in *A.J.T. v. Osseo Area Schools*, 145 S. Ct. 1647 (2025), that school officials who retaliate against parents for advocating for their children's IDEA rights violate clearly established law.

Petitioner's case involves exactly such retaliation - and now the entire state legal system is being restructured to prevent accountability.

If this Court denies certiorari, Petitioner will be remanded to a state court system that 900 attorneys have declared is being rigged - with no other entity willing or able to intervene.

Petitioner asks this Court to consider not only her case, but all the innocent people being harmed by this system who will never make it this far. The parents who will stop advocating for their children because they saw what happened to Petitioner. The tenants who will pay illegal fees because they cannot afford to fight. The employees who will stay silent about wrongdoing because they know the system will destroy them. The citizens sitting in jail right now, without proof that a crime occurred, who do not have the resources or knowledge to reach this Court. Petitioner had the education, the resources, and the determination to document everything and fight for over 700 days - and she still lost hundreds of thousands of dollars and became homeless. Most people will simply be destroyed in silence.

V. FINALITY CANNOT JUSTIFY DEFERENCE TO A MALFUNCTIONING SYSTEM

A few days ago, this Court held in *Klein v. Martin*, 607 U.S. ____ (2026), that "AEDPA review provides an important but limited safeguard: It protects against 'extreme malfunctions' in the state courts' adjudication of constitutional claims."

If AEDPA exists to protect against "extreme malfunctions," Petitioner's case presents exactly that:

- \$10,000 bail on a \$680 statutory maximum (over 14 times the legal limit)
- Courts refusing to file exculpatory evidence for 290 days
- Prosecutors keeping no records (December 2025 audit)
- 27 of 29 prosecutors refusing oversight metrics
- 900 attorneys declaring the system is being "rigged"
- A defendant in Petitioner's related RICO case sponsoring legislation to capture the courts

On January 30, 2026 - the same day SB134 passed - a separate legislative audit found the Utah Division of Child and Family Services exhibited "weak oversight" and "concerning patterns" that left children less safe. Auditors found fatality reviews "made no mention of policy violations even though they occurred" and were "more heavily redacted than necessary." One family paid \$80,000 fighting false accusations that a judge

ultimately dismissed. **House Speaker Mike Schultz himself acknowledged this, stating "the family ended up paying \$80,000 to fight the allegations."** This is the same Mike Schultz who is sponsoring HB274 - the bill that removes ALL defense attorneys from the Sentencing Commission. He acknowledges families are destroyed fighting false accusations, then sponsors legislation to ensure defendants have no voice.

That family spent \$80,000 fighting one DCFS case. Petitioner is fighting an entire coordinated system: criminal prosecution, DCFS investigation, wrongful housing eviction, legislative retaliation, two sabotaging attorneys, state courts refusing to file evidence, federal courts refusing to act, and now seven bills to capture the judiciary - not to mention the opportunity cost of over 700 days spent fighting for survival instead of working, parenting, and living.

This is the same pattern: agencies that harm the people they are meant to protect, documentation that omits wrongdoing, families financially destroyed fighting false claims, and legislators who acknowledge the harm while advancing bills that make it worse. (Appendix P: Utah News Dispatch, January 30, 2026)

Finality cannot be the goal when the system producing the "final" result is itself the malfunction. Klein involved whether one state court's analysis was reasonable. Petitioner's case involves whether the entire state system is capable of providing a fair forum. The Utah State Bar has answered that question: it is not.

This is why people are forced to fight from jail - and then "finality" is used as an excuse to deny relief. The system is designed to make fighting nearly impossible. Citizens are arrested, held on excessive bail they cannot pay, lose their jobs, lose their homes, and must fight for their freedom while incarcerated - without resources, without access to documents, without the ability to gather evidence. By the time they exhaust state remedies and reach federal court, years have passed. Then federal courts invoke "finality" as if the passage of time itself justifies the injustice. But the delay was manufactured. The difficulty was by design. Finality cannot be a defense when the system deliberately makes timely relief impossible.

Had Petitioner remained in Utah and been captured on the illegal warrant, she would be fighting from jail right now. Finality would apply. This petition would never have been filed. But the same system who set the illegal warrant also discriminated against Petitioner in housing so severely that she could not find a place to live and was forced to leave the state. The very discrimination they used to destroy Petitioner is what allowed her to reach this Court. Their overreach created the opening to challenge it. Future petitioners will not be so fortunate - they will be sitting in jail, unable to file, while "finality" closes every door.

And even if a citizen can afford attorneys - as Petitioner could - the attorneys are part of the system too. Petitioner hired two paid attorneys. Both sabotaged her case. The first refused to file constitutional motions, told Petitioner "unconstitutionality is not a defense," and the second collected money every month for nine months while doing nothing and refused to file any motions. When Petitioner requested a public defender, she was denied. The system is designed so that whether you pay for representation or seek appointed counsel, the result is the same: no one fights for you. HB274 - which removes all defense attorneys from the Sentencing Commission - is simply the legislative formalization of what is already true in practice.

Governor Cox will sign HB274, removing the voice of criminal defendants from sentencing guidelines. The same Governor who admitted "groups were working together" will sign a bill ensuring the accused have no voice when sentencing rules are made. The same Governor who will control the Constitutional Court through

his appointed commissioners will also control sentencing through a commission where prosecutors outnumber defense attorneys 6 to 0.

Every "solution" leads to the same result:

"Solution"	Reality
Pay bail	Bail set at \$10,000 on \$680 statutory maximum - facially invalid, exceeds statutory authority by over 14 times, violates Eighth Amendment
Fight from jail	No resources, no documents, no ability to gather evidence
Hire an attorney	They sabotage your case
Request public defender	Denied
Go pro se	Courts fabricate findings, refuse filings, apply different standards
Exhaust state remedies, reach federal court	"Finality" - years have passed, too late
Appeal to Tenth Circuit	41% of judges participated in violations; two-judge panels; fabricated findings
This Court	Last door. If this door closes, there is nowhere left.

In Petitioner's case, at least 8+ judges across state and federal courts have seen mathematical proof that \$10,000 bail exceeds the \$680 statutory maximum. None have addressed it. Courts cannot operate this way. When judges ignore arithmetic, when evidence of innocence is deemed irrelevant, when 41% of an appellate court refuses to engage with documented proof - that is the "extreme malfunction" AEDPA was designed to remedy.

VI. RELEVANCE TO QUESTIONS PRESENTED

Question	New Authority	Bills That Ensure This Continues	How Constitutional Relief Survives State Capture
Q1 (Two-judge panels)	Justice Jackson in <i>Bowe</i> : "rogue panel" with wrong number of judges should not be insulated from review	HJR13: Judges who rule against the state face "special retention elections"	If this Court rules two-judge panels violate 28 U.S.C. § 46(b), that federal statutory requirement cannot be overridden by state legislation
Q2 (Excessive bail)	Klein confirms AEDPA protects against "extreme malfunctions"; Stewart	HB262: 67% retention threshold means judges who rule bail is excessive face removal	If this Court rules \$10,000 bail on \$680 maximum violates the Eighth

Question	New Authority	Bills That Ensure This Continues	How Constitutional Relief Survives State Capture
	dismissed with one sentence; 41% of judges ignored evidence		Amendment, Utah judges must follow that precedent regardless of retention threats
Q3 (First Amendment retaliation / municipality prosecution)	Utah State Bar confirms system being restructured to prevent accountability for retaliation	HB366: Defendant Rep. Teuscher sponsors bill giving municipalities control over which judges hear their cases; South Jordan is both prosecuting Petitioner AND is a defendant in Petitioner's RICO case - they would get to pick their own judges for lawsuits against them	If this Court rules municipalities cannot prosecute citizens for protected speech with whom they had no contact, that binds every Utah judge regardless of who assigns cases
Q4 (Younger abstention)	900 attorneys confirm state remedies are illusory; state judiciary being captured	HB274: No defense attorneys to fight for you; HB392: AG transfers cases; HJR5: Governor appoints loyalists	If this Court rules Younger abstention does not apply when state remedies are illusory or being captured, federal courts remain open regardless of state court capture
Q5 (Systematic suppression)	Seven coordinated bills; defendant sponsoring legislation; Bowe confirms "pure invention"	SB134 (PASSED): Court packing; all seven bills work together	If this Court rules systematic suppression of evidence violates due process, that federal constitutional requirement cannot be legislated away

The conflict of interest is undeniable. HB366 would allow the City of South Jordan to control which judges hear their cases. South Jordan is currently prosecuting Petitioner. South Jordan is also a defendant in Petitioner's related RICO case. Under HB366, a defendant in Petitioner's lawsuit would get to pick the judges who hear lawsuits against them. If this is not a conflict of interest, what is?

The Full Protection Scheme - How These Bills Shield Municipalities and State Actors From Accountability:

HB366 is specifically about criminal cases. The bill defines "municipal case" as "a criminal case filed in a district court by a city attorney on behalf of a municipality." This means HB366 protects municipalities when they prosecute citizens - the municipality gets to develop a relationship with "their" assigned judge.

But what about lawsuits AGAINST municipalities and state actors? The other bills fill that gap at the state level:

If a citizen...	The state uses...	Result
Is prosecuted BY a municipality (criminal)	HB366 - municipality gets one dedicated judge, cases heard in municipality's backyard	Municipality controls the forum
Sues the state in STATE court (civil)	HB392 - AG transfers case to "constitutional court" staffed by governor's appointees	State controls the forum
Sues in FEDERAL court (§1983, civil rights)	Younger abstention - "exhaust state remedies first"	Sent back to captured state courts
Sues in FEDERAL court with RICO	Direct federal jurisdiction - no Younger, no state law can block	The hole in their protection

RICO cannot be blocked by state legislation. It is federal law in federal court. The Supremacy Clause (Article VI) prevents state laws from overriding federal jurisdiction. No bill Utah passes can create immunity from federal RICO claims.

But here is what Petitioner has proven: Federal courts are CHOOSING not to enforce federal law.

Federal Court	Could Enforce Federal Law	Chose Not To
Judge Stewart (Habeas)	Yes - had jurisdiction	Dismissed in one sentence with no analysis
Magistrate Pead (RICO) (Related to this Petition)	Yes - has jurisdiction	Recommended dismissal
Judge Shelby (RICO)(Related to this Petition)	Yes - has jurisdiction	Has had Petitioner's case since October 15, 2025; Petitioner filed motion for emergency status requesting warrant be quashed; 108 days later, still waiting; the seasons have changed from fall to winter. Imagine if 911 took 108 days to respond to an emergency.
Tenth Circuit	Yes - had jurisdiction	Used two-judge panels, fabricated findings

The protection scheme does not work because state law blocks federal jurisdiction - it works because federal courts are choosing to defer rather than enforce. This is why SCOTUS intervention matters: this Court can order federal courts to do their job.

This is why SB134 passed while this petition is pending. This is why a defendant in Petitioner's related RICO case is sponsoring HB366. This is why the Attorney General benefits from HB392 instead of challenging it. At the state level, they are building complete protection. At the federal level, they are relying on federal courts to continue choosing not to act.

The only court they cannot control is this Court.

The conflicts compound:

- **Legislators can remove judges hearing their cases.** Under HJR13, if a legislator is named as a defendant in a lawsuit, that legislator can vote to initiate a "special retention election" against the judge hearing their case. Defendants can remove their own judges.
- **The Attorney General benefits from and controls case transfers.** HB392 gives the Attorney General power to transfer cases "deemed to be of significant public importance" to the new constitutional court. The Attorney General is supposed to enforce the law - instead, he benefits from these bills and could transfer Petitioner's case to a court he controls.
- **The DCFS/expulsion contradiction proves retaliation.** The school claimed Petitioner's child was dangerous enough to warrant a DCFS investigation. But then the school expelled the child to Petitioner's care. If the child were truly dangerous, expelling the child to Petitioner would have endangered Petitioner. The school's own actions prove their motive was retaliation for Petitioner's IDEA advocacy, not safety. DCFS then lied directly to Petitioner, claiming she "didn't cooperate" - after a full investigation with Detective Todd Palmer of the South Jordan Police Department. The January 30, 2026 DCFS audit confirms this is a pattern: the agency exhibits "weak oversight," makes false accusations against families, and omits policy violations from its own records. (Appendix P, DCFS Audit)
- **Senate President Stuart Adams admitted coordination and benefits from it.** Adams stated "every bill has connections to a constituent, to a lobbyist, to an industry leader, to a personal experience a legislator has." Adams sponsored legislation expanding penalties for the very conduct Petitioner is being prosecuted for. The same legislators who created the laws are now creating the system to ensure those laws cannot be challenged.

This is not a justice system. This is a system where defendants pick their own judges, legislators remove judges who rule against them, and the officials supposed to protect citizens are the ones benefiting from the capture.

This is why this Court's intervention now matters. If this Court rules on these constitutional questions, those rulings bind Utah courts regardless of how many justices are appointed, how cases are reassigned, which judges are removed, or how the sentencing commission is stacked. Federal constitutional law cannot be overridden by state legislation. The bills currently advancing can capture state courts - but they cannot overrule this Court.

Specifically regarding Utah's proposed "Constitutional Court" (HB392):

HB392 would create a "Constitutional Court" with three judges to hear cases "of significant public importance." The Attorney General or Legislature can transfer any case they choose to this court.

The structure of HB392 eliminates judicial independence by design:

Component	Who Controls It
Constitutional Court Nominating Commission (7 members)	Governor appoints ALL 7

Component	Who Controls It
Commission chair	Governor appoints
Commission staff	Governor's own staff serves the commission
Commissioner tenure	Governor can remove ANY commissioner "at any time with or without cause"
Judge selection	Governor picks from nominees

There is no bar association representation. No public members appointed by other branches. No independence. The Governor controls 100% of who nominates judges, can fire any commissioner at will for any reason or no reason, and has his own staff running the commission. A commissioner who nominates someone the Governor dislikes can be fired the same day.

The conflict of interest is structural:

Who is sued	Who effectively picks the judge
The State	The Governor (head of the state)
The Governor's agencies	The Governor
Officials appointed by Governor	The Governor
The Governor himself	The Governor

The defendant picks the judge. Every time. For every case "of significant public importance."

This is not about whether any particular Governor is trustworthy. It is about the STRUCTURE.

Even if this Court trusts THIS Governor, the structure allows ANY future Governor to:

- Control all nominations through commissioners he appoints and can fire at will
- Transfer any "important" case to his court through the Attorney General he appoints
- Ensure no lawsuit against the state or its municipalities ever succeeds

That is not a court. That is a mechanism for the executive branch to control outcomes in cases against the state. The "nominating commission" is theater - one branch of government controlling another branch that is supposed to check its power.

But a "constitutional court" cannot override the Constitution. If this Court rules:

- The Eighth Amendment prohibits bail set at 14 times the statutory maximum. Utah's "constitutional court" must follow that precedent
- The First Amendment protects parental advocacy for children's education rights. Utah's "constitutional court" cannot criminalize protected speech

- Due process requires courts to consider exculpatory evidence. Utah's "constitutional court" cannot suppress evidence of innocence
- Younger abstention does not apply when state remedies are illusory or captured. Federal courts remain open regardless of which state court the case is transferred to

The "constitutional court" can change WHO hears a case. It cannot change WHAT the Constitution requires. And if that court fails to follow this Court's precedent, the Younger exception for illusory state remedies keeps federal courts open. Utah cannot forum-shop its way around the United States Constitution.

VII. CONCLUSION

The entire legal profession of Utah is sounding the alarm. Petitioner respectfully requests that this Court consider these developments in evaluating the petition.

This case arrives at the Supreme Court at the precise moment when intervention could still matter, before these bills become law, before the judiciary is fully captured, and while a complete evidentiary record exists. Future petitioners will not have this opportunity.

If this Court rules that municipalities cannot criminally prosecute citizens with whom they have had no contact, that federal constitutional precedent will bind Utah courts regardless of how many justices are appointed or how cases are reassigned. The bills currently advancing through the Utah Legislature cannot override this Court's constitutional interpretation. This is precisely why this Court's intervention now, before the judiciary is fully captured - matters.

Respectfully submitted,

ANTONIA BLACKWELL Pro Se Petitioner 385-334-6113 kranberry99@yahoo.com

/s/ Antonia Blackwell

Date: February 2, 2026

ATTACHMENTS

Appendix M: Utah News Dispatch article, January 29, 2026: "Utah State Bar 'deeply alarmed' by bills targeting judicial independence"

Appendix N: Deseret News article, January 29, 2026: "Legislative efforts to overhaul Utah judiciary facing backlash"

Appendix O: Utah News Dispatch article, January 30, 2026: "Utah Legislature passes bill to expand Utah Supreme Court, add 5 more lower court judges"

Appendix P: Utah News Dispatch article, January 30, 2026: "Audit: Poor DCFS casework kept Utah kids in harm's way"

PROOF OF SERVICE

I, Antonia Blackwell, do declare that on this date, February 2, 2026, as required by Supreme Court Rule 29, I have served the enclosed SECOND SUPPLEMENTAL BRIEF on each party to the above proceeding or that party's counsel, and on every other person required to be served, by electronic mail (email), which is the method by which service has been conducted throughout the proceedings below.

The names and email addresses of those served are as follows:

MICHAEL BOEHM South Jordan Justice Court Judge 1600 West Towne Center Drive South Jordan, UT 84095
Email: jcsouthjordan@utcourts.gov

DEBORAH SNOW South Jordan City Prosecutor 1600 West Towne Center Drive South Jordan, UT 84095
Email: desnow@sjc.utah.gov

RYAN LOOSE South Jordan City Attorney 1600 West Towne Center Drive South Jordan, UT 84095 Email:
rloose@sjc.utah.gov

UTAH ATTORNEY GENERAL'S OFFICE Ashlee Buchholz 350 N State Street, Suite 230 Utah Capitol
Building Salt Lake City, UT 84114 Email: abuchholz@agutah.gov

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 2, 2026.

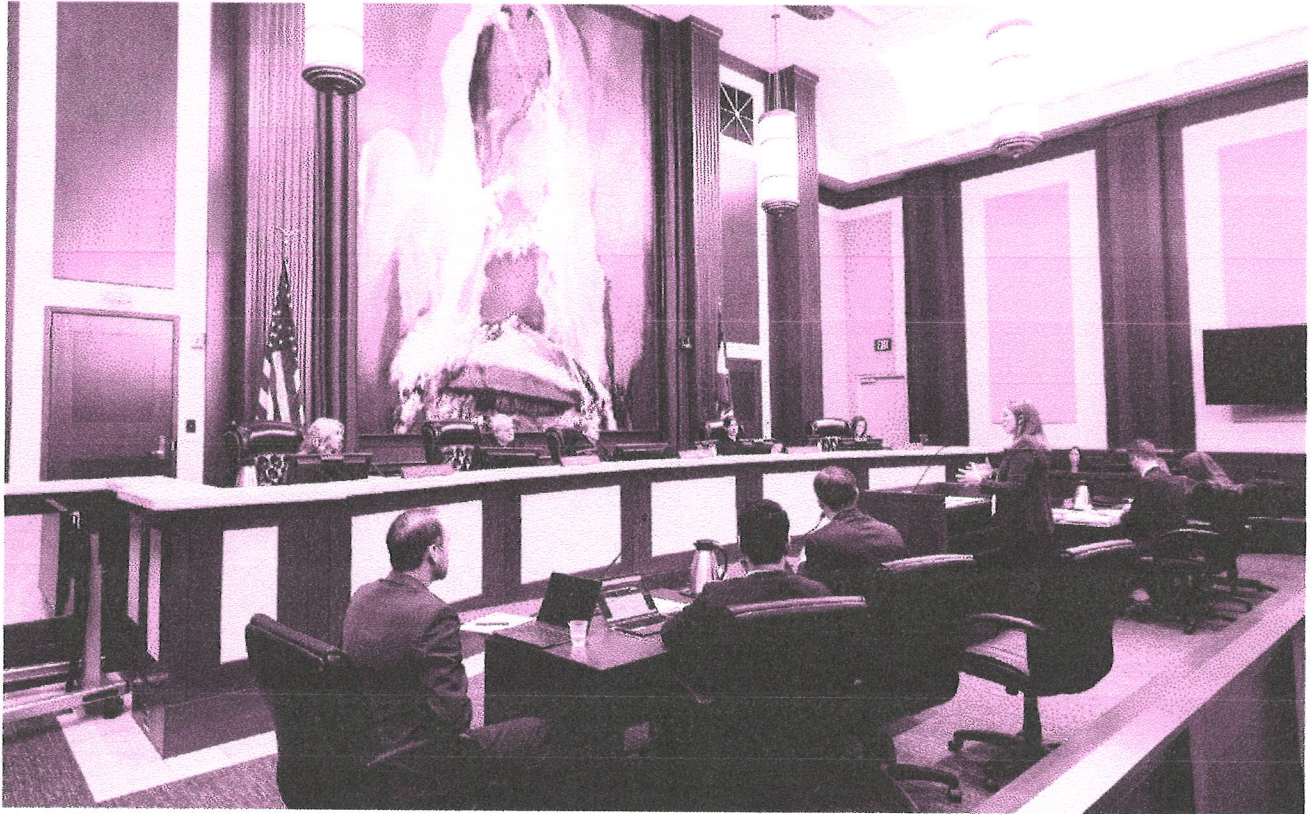
/s/ Antonia Blackwell


Utah News Dispatch 

Utah State Bar 'deeply alarmed' by bills it says would 'weaken' the judiciary's independence

Attorneys cry 'forum shopping' as Utah lawmakers move to create new 'constitutional court'

BY: **KATIE MCKELLAR** - JANUARY 29, 2026 6:05 AM



 Attorney Taylor Meehan speaks to the court as Mormon Women for Ethical Government and The League of Women Voters oppose the Utah State Legislature during oral arguments at The Supreme Court of Utah in Salt Lake City on Wednesday, Sept. 25, 2024. (Pool photo by Jeffrey D. Allred/Deseret News)

Utah lawmakers on Wednesday advanced three bills impacting the courts despite objections from legal professionals concerned that legislators are moving rapidly to enact major structural changes that could “weaken” the courts’ independence while pumping millions toward changes the judiciary doesn’t support.

Among them was [HB392](#), which would create a new, three-judge “constitutional court” with a price tag of more than \$2.3 million.

The bill – which was approved by the Republican-majority House Law Enforcement and Criminal Justice Committee just one day after it became public – would completely restructure how constitutional challenges to Utah laws are heard by creating a new statewide trial court that would have “exclusive jurisdiction” over those types of lawsuits. The governor would appoint the three judges, subject to confirmation by the Senate.

The bill, sponsored by Rep. Matt MacPherson, R-West Valley City, would also limit the ability of individual judges or local courts to block potentially unconstitutional state laws through injunctions.

"We need these issues of statewide significance to not get bogged down by the court process. It leads to unintended consequences, which we have seen in recent cases," MacPherson told the committee.

His bill comes as Republican Utah lawmakers remain frustrated with several recent court rulings that have checked the Legislature for overstepping its constitutional limits. A yearslong redistricting lawsuit recently led to a [court-ordered congressional map](#) to be used for the 2026 elections (to Republicans' dismay) that included one Democratic district and three heavily GOP districts.

Additionally, in 2024, the [Utah Supreme Court upheld an injunction](#) that blocked enforcement of Utah's trigger abortion ban after Planned Parenthood of Utah sued, alleging the ban was unconstitutional. That injunction remains in place today as litigation continues to play out in 3rd District Court. In the meantime, abortion remains legal in Utah for up to 18 weeks gestation under the state's previous law.

MacPherson argued the aim is to streamline cases of statewide significance while relieving already overwhelmed district court judges that may not like the "pressure" of deciding heavy constitutional challenges.

"The ability to keep (constitutional challenges) centralized in this space will allow these cases to move much more quickly," MacPherson said. "They won't get bogged down by the fact that these district court judges already have an extremely high workload."

But Michael Drexel, assistant state court administrator at the Administrative Office of the Courts, told lawmakers the judiciary opposes MacPherson's bill in its current form because of how the judges for the "constitutional court" would be picked.

"Typically what happens is a case is filed and then that case gets assigned to judges, and the parties filing the case don't know who their judge is going to be," Drexel said. But under MacPherson's bill, the governor and the Senate would be selecting the judges on the court, which would exclusively handle lawsuits against those state leaders.

"That's not a way to establish a system that is seen as fair by all people," Drexel said, though he welcomed more discussion on the bill, saying "I do think there's a path forward, though, on this."

Reforming or rigging the courts?

Attorneys including Kristy Kimball, of Salt Lake City, had much stronger words condemning MacPherson's bill. She called it an "unprecedented attempt to control constitutional review itself."

"When lawmakers are unhappy with constitutional rulings, this bill gives them a way to change the forum, redirect cases, and shape the process by which their own laws are reviewed and decided," Kimball told the committee. "That is not separation of powers. That is power protecting itself."

She argued that "constitutional rights mean nothing if the government can decide which courts hear a challenge, which judges decide it, and whether a case remains in the ordinary judicial system at all."

"You are not reforming the courts," she said. "You are attempting to rig them."

Another attorney, Brandon Mark, said it would allow "forum shopping" by letting top state leaders decide who will hear any cases challenging their laws rather than those cases being randomly assigned to district court judges.



📷 Lawmakers convene in the House Chamber at the Capitol in Salt Lake City on the first day of the legislative session, Tuesday, Jan. 20, 2026. (Photo by Spenser Heaps for Utah News Dispatch)

To those concerns, MacPherson argued the judges for the "constitutional court" would go through a similar nomination and confirmation process as other judges across the state. He also

argued “there is an absolute need” for cases challenging laws to be sorted out “quickly and efficiently,” but also “done right.”

However, before the House committee voted 7-2, with only Democrats voting against, to advance his bill to the House floor, MacPherson said he was open to making changes to address concerns.

McPherson also argued the more than \$2.3 million price tag of his bill would be “well invested.” But Kimball said the Legislature needs to listen to what the judiciary has said its actual needs are to address case backlogs and speed up decision-making.

“(Lawmakers) will not give the courts what they need. They’ve asked for more legal assistance, for more law clerks, for more legal secretaries,” she said, and yet “the Legislature keeps cutting what they say that they need, drastically, in some cases. So if you care about the courts and having them be more efficient, then give them what they’re asking for.”

It’s true that the state’s judicial leaders, including [Chief Justice Matthew Durrant](#), have said that the court system’s highest workload is on the district court level – which is why the judiciary has urged lawmakers to fund resources for those lower courts.

The judiciary, however, hasn’t asked for lawmakers to spend millions on creating an entirely new “constitutional court” – or to fund [two additional justices on the Utah Supreme Court](#), which would happen under another bill, [SB134](#), that also advanced out of Wednesday’s House committee. After clearing the Senate on Monday, it now heads to its final legislative hurdle, the House floor.

While SB134 would fund three additional district court judges and two more Court of Appeals justices, that’s only a fraction of what the state’s judiciary has requested to help the state’s overwhelmed district courts.

Utah State Bar bar opposes 7 bills it says will collectively ‘weaken’ judiciary’s independence

MacPherson’s bill and the part of SB134 that would expand the Utah Supreme Court was among a list of seven pieces of legislation proposed this year that the Utah State Bar has officially opposed.

The Bar issued a news release Wednesday saying it was “deeply alarmed by the fast-moving package of bills” being considered in the 2026 Utah Legislature’s session that began just last week.

Collectively, those bills would “fundamentally remake the state’s judicial system,” the Bar said, adding that the bills have been “coordinated to work in conjunction with each other to make it easier for lawmakers and the executive branch to remove judges, and just as quickly replace

them, based on subjective political judgments rather than legal skill, experience, and demonstrated ability to be fair and impartial.”

“While each proposal is presented as a narrow change, together these bills operate as an overhaul to how judges are appointed, retained, and pressured while on the bench,” the Bar said. “The combined effect weakens long-standing safeguards that protect judges from political retribution and undermines the public’s right to a judiciary that upholds the rule of law without favor.”

In response to the Bar’s opposition on Wednesday, Senate President Stuart Adams, R-Layton, issued a prepared statement to Utah News Dispatch saying lawmakers are “committed to finding the best solutions for Utahns through a transparent and public legislative process.”

“These proposals are being debated openly, include opportunities for public input, and reflect feedback from stakeholders across the state,” he said. “We encourage continued dialogue and thoughtful engagement as this work moves forward.”

Adams also argued that Utah’s “rapid growth has increased the demands placed on every level of the judicial system.”

“We are not only adding Supreme Court justices, we are also adding clerks, which will increase the Court’s capacity to hear cases. It is inconsistent to support our lower courts while opposing additional Supreme Court justices when the same workload pressures exist throughout the system,” Adams said. “Addressing these challenges requires a comprehensive, system-wide approach. Our priority remains on balancing efficiency while ensuring Utah’s courts have the capacity to serve the public effectively.”

The bills opposed by the Bar include:

- **HB262**, sponsored by Rep. Jason Kyle, R-Huntsville, which would increase the percentage of the vote required for a judge to win retention from 50% to 67%. “This would be the highest retention percentage in the nation,” the Bar said on its [website](#). “We oppose this bill because it threatens the independence of the judiciary by creating greater opportunities for disgruntled litigants or political interest groups to impact judicial retention elections. This adversely impacts public trust and confidence in a judiciary system that can be so easily politicized.”
- **HB274**, sponsored by House Speaker Mike Schultz, R-Hooper, would change the makeup of the Utah Sentencing Commission by removing all defense lawyers from the commission and replacing them with more members from law enforcement. The Bar said it “strongly” opposes the bill because it “politicizes” the commission by restructuring it in a way that “favors law enforcement and partisan viewpoints.”
- **HB366**, sponsored by Rep. Jordan Teuscher, R-South Jordan, would change how district court cases involving cities are assigned and managed. The Bar said it opposes the bill

“disrupts established court management practices, burdens district courts with justice court infractions and misdemeanors alongside serious felony cases and raises serious constitutional concerns regarding judicial independence.”

- **HB392**, MacPherson’s bill to create a “constitutional court.” The Bar said it “raises serious concerns about judicial independence by allowing the executive and legislative branches to appoint judges who may later hear cases involving those same branches, “while also diverting “taxpayer dollars and limited judicial resources to create a new court structure that is unnecessary and risks undermining public confidence in the judiciary.”
- **HJR5**, a proposed constitutional amendment sponsored by Kyle that would fundamentally change how judges are nominated in Utah. It would allow the governor to request a list of nominees from the Judicial Nominating Commission, but enable him to appoint any qualified candidate, even if they’re not on the commission’s list. “We strongly oppose this constitutional amendment because it fundamentally weakens Utah’s merit-based judicial selection system, which is heralded as a model for the nation,” the Bar said. “It undermines judicial independence by granting the governor unchecked authority to bypass nominating commissions and appoint judges of the executive’s choosing.”
- **HJR13**, a proposed constitutional amendment sponsored by Rep. Walt Brooks, R-St. George, which would allow the Legislature to initiate a “special retention election” for judges lawmakers determine are “unfit or incompetent.” The Bar said it opposes it because it “injects the Legislature directly into the judicial retention process, threatening the separation of powers.”
- **SB134**, sponsored by Senate Majority Whip Chris Wilson, R-Logan. While the Bar said it supports the provisions of the bill to add three more district court judges and two Court of Appeals justices, the Bar opposes the proposal to expand the Utah Supreme Court “given that the vast majority of cases involving everyday citizens are handled in lower courts.” The Bar also said the bill “does not adequately address the need for corresponding support staff, such as judicial assistants and law clerks, necessary to ensure that new judges can operate effectively and efficiently.”

In addition to advancing MacPherson’s “constitutional court” proposal and Wilson’s bill to expand the Utah Supreme Court on Wednesday, lawmakers on a separate panel, the House Judiciary Committee, also advanced a third bill on the Bar’s opposition list: **HB274**.

That bill, sponsored by the House’s most powerful Republican legislator, House Speaker Mike Schultz, met pushback from defense attorneys and other legal professionals arguing it would disrupt the delicate balance the Utah Sentencing Commission tries to strike while it sets sentencing guidelines.

During the at times emotional hearing, Schultz argued lawmakers have a duty to bring sentencing guidelines more in line with what victims want to see from their justice system.

As he has done repeatedly before, Schultz pointed to concerns he's had with 7th District Judge Don Torgerson – who faced backlash for twice referring to a defendant's "privilege" while deciding to not require him to serve any additional jail time or pay a fine for possessing and distributing multiple images of children being raped and sexually abused, KSL-TV reported.

"When I started to raise concerns around this, I got phone calls from defense attorneys, one after another, that told me that (Torgerson's decision) was all in line with the sentencing commission's recommendations," Schultz said. "So I thought, 'Well, that's fine, I'm upset with the judge. And now I'm upset with the sentencing commission as well.'"

The speaker said it's "extremely concerning" that the sentencing commission recommended "somebody with this egregious of an act zero days in jail."

"I think they're dead wrong," he said, arguing his bill is meant to improve public safety in the state.

Before voting against the bill, Rep. Grant Miller, D-Salt Lake City, said he appreciated that "victims do need to have a meaningful presence on the commission," but he questioned why not add more seats on the commission for victims "as opposed to removing defense attorneys."

Schultz said he's open to "continuing discussion" on his bill as it progresses through the legislative process.

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Legislative efforts to overhaul Utah judiciary facing backlash

Supporters say the changes are necessary to meet growing demand, while critics argue the Legislature is ignoring constituents' concerns and the judiciary's own requests

Published: Jan 29, 2026, 11:50 a.m. MST



By Emma Pitts

Emma is a staff writer for the Deseret News where she covers the court system, social and cross-generational issues.

In the first two weeks of Utah's 2026 legislative session, GOP lawmakers have introduced several bills intending to overhaul the state's court systems. Public response during committee meetings discussing such bills has been predominantly skeptical — especially from local attorneys.

Last week, Sen. Chris Wilson, R-Logan, introduced his court expansion bill to the state senate. On Monday, it passed on the state floor and was sent to the House, where on Wednesday it was discussed in the House law enforcement and criminal justice committee.

The bill would add more judges to the state Supreme Court and Court of Appeals. Amendments to the bill would also add one district court judge each in Salt Lake City, St. George and Provo.



The Utah Supreme Court at the Matheson Courthouse in Salt Lake City on Wednesday, Sept. 25, 2024. | Jeffrey D. Allred, Deseret News

There are currently five justices on the Supreme Court and seven judges on the Court of Appeals. Wilson is proposing increasing the highest court to seven judges and the appellate court to nine.

Wilson mentioned on Wednesday that he understands the legislature's financial constraints this year. However, he emphasized that expanding the courts is a critical need for the state, a position supported by Gov. Spencer Cox and backed by bipartisan approval (though the majority of senators who voted against the bill were Democrats).



Sen. Chris H. Wilson talks about SB69 Income Tax Amendments during a Senate Revenue and Taxation Standing Committee meeting in the Senate Building in Salt Lake City on Wednesday, Jan. 24, 2024. | Kristin Murphy, Deseret News

On Monday, a funding request related to SB134 indicated a one-time cost of \$1.79 million in 2027, followed by annual payments of approximately \$2.79 million. These payments would be made from the general fund.

If the bill were to pass the Legislature and be signed by Cox — which he is expected to given he suggested it last month — it would be the first time since 2016 that a state has increased the number of judges to the Supreme Court bench.

Much of the dismay over Wilson's bill is in the addition of the Supreme Court justices. The Utah State Bar Association reacted to SB134 in partial favor to it, agreeing with the need to add to the lower courts, but against adding to the state's highest court.

New bill seeks to create new court; receives strong public pushback

During the same House committee meeting on Wednesday, Rep. Matt MacPherson, R-West Valley City, also introduced HB392, which would establish a constitutional



court. Like an appellate court, the new court would have three judges on its bench. It would focus solely on constitutional issues concerning state law, so those cases would be directed to the new court rather than beginning in a district court.

It would also allow the Legislature or the state attorney general to transfer civil cases deemed to be of significant public importance from the district court to the constitutional court, with decisions still subject to appeal to the Utah Supreme Court.

For standard motions, a single judge would handle the ruling, but MacPherson said the three-judge panel would work together on injunctions, trials and opinions, and that judges would be selected through the general process.

“This process of centralizing these claims will help the judges in this case or in these matters become much more specialized over time. This is important for the entire state of Utah,” MacPherson said. “The specialization and the ability to keep them centralized in this space will allow these cases to move much more quickly.”

Prior to Wednesday’s committee meeting, Senate leadership expressed support for MacPherson’s bill, noting that Utah already has speciality courts, i.e., drug court and the business and chancery court.

But both Wilson’s and MacPherson’s bills were met with considerable public criticism, accusing the two bills — and the state legislature more broadly — of court packing, ignoring their constituents and trying to breach the independent separation of powers between the two governing bodies.

Those opposed also noted that the legislature should only be focusing on the needs the judiciary requests.

The Scott M. Matheson Courthouse in Salt Lake City is pictured on Wednesday, Feb. 19, 2020. | Spencer Heaps, Deseret News



Rep. Matt MacPherson, R-West Valley City, applauds a speaker during the first day of the general legislative session in the House chamber at the Capitol in Salt Lake City on Tuesday, Jan. 16, 2024. | Kristin Murphy, Deseret News

The Utah State Bar expressed alarming concern in the legislature's multiple bills regarding the state judiciary, including SBI34 and HB392, saying in a press release that if passed, these bills "would fundamentally remake the state's judicial system."

"This is not a hypothetical concern," the press release, obtained by Deseret News, said. "A fair court system requires judges to decide on cases based on the law and the Constitution, not on fear of political retaliation. When lawmakers gain the power to subjectively determine whether judges may continue to serve, courts can no longer serve as a meaningful check on government power."

Despite concerns, both bills passed the committee 7-2, with Rep. Andrew Stoddard, D-Sandy, and Rep. Sandra Hollins, D-Salt Lake City, voting against each.

Committee chairman, Rep. Ryan D. Wilcox, R-Ogden, concluded the meeting by letting those who publicly commented that though he is "fully aware" of the seriousness of these bills surrounding changes to the judiciary, "We'd get a lot further assuming good intent and understanding where someone's coming from, than we do assuming the opposite, even if it's somebody we disagree with," he said. "If you're seeking to sway a panel or a legislator in the future, maybe start with that, that'd probably work better."



Senate President Stuart Adams talks with four of Utah's Supreme Court justices, Justice Jill M. Pohlman, Justice Diana Hagen, Justice Paige Petersen and Associate Chief Justice John A. Pearce, after Chief Justice Matthew B. Durrant spoke to a joint session of the Utah Legislature inside the House of Representatives at the Capitol in Salt Lake City on Tuesday, Jan. 21, 2025. | Scott G Winterton, Deseret News

Utah News Dispatch 

Utah Legislature passes bill to expand Utah Supreme Court, add 5 more lower court judges

With a price tag of more than \$6.5 million, SB134 now goes to Gov. Spencer Cox

BY: **KATIE MCKELLAR** - JANUARY 30, 2026 4:05 PM



 The entrance to the Utah Supreme Court inside the Matheson Courthouse in Salt Lake City is pictured on Wednesday, January 3, 2024. (Photo by Spenser Heaps for Utah News Dispatch)

A bill to expand the Utah Supreme Court from five justices to seven — and also add two more Court of Appeals justices and three district court judges — has won final legislative approval from the Utah Legislature.

SB134, sponsored by Senate Minority Whip Chris Wilson, R-Logan, now goes to Gov. Spencer Cox's desk.

The governor's office did not immediately respond to a request for comment about the bill Friday, but Cox has [previously expressed support](#) for expanding the Utah Supreme Court. He's expected to sign it.

The governor and Republican legislative leaders have said the \$6.5 million bill [isn't aimed at "court packing"](#) or changing the makeup of the state's highest court to appoint justices that make decisions more in the Republican-controlled Legislature's favor. They have argued it's to

better align Utah with other similarly-populated states that have seven justices while also increasing “statewide resources” for the courts.

But critics, including Democrats and some legal professionals, have argued that the timing and optics of the Utah Supreme Court expansion is suspicious. It comes as the Republican-controlled Legislature continues to clash with the courts over several rulings, especially in the state’s redistricting lawsuit which recently led to a **court-ordered map** that included one Democratic district and three heavily GOP districts.

The bill was supported by most GOP legislators but opposed by Democrats and a handful of Republicans.

The Republican-controlled House approved the bill on Friday on a **57-18 vote**, with four Republicans joining Democrats to vote against it: Reps. Clinton Okerlund, R-Sandy; Ray Ward, R-Bountiful; Anthony Loubet, R-Kearns; and Leah Hansen, R-Saratoga Springs.

Last week, the Senate **voted 21-8** to approve the bill, with one Republican, Sen. Evan Vickers, R-Cedar City, and the state’s only third-party lawmaker, Forward Party of Utah Sen. Emily Buss, of Saratoga Springs, joining Democrats in voting against.

‘Meant to be helpful, not hurtful’

The bill’s House sponsor, House Majority Leader Casey Snider, R-Paradise, said Friday the goal of the bill is to “provide additional resources to the courts to allow them to be more efficient, more effective and more responsive.”

“It is meant to be helpful, not hurtful,” he said. “It is meant to be an improvement, not a criticism.”

Snider also argued that “seven sets of eyes reviewing the complex and difficult issues our state has ever faced is better than having only five sets of eyes.”

Because the bill won approval with more than two-thirds of the Legislature, it will take effect immediately after the governor signs it. Cox can then begin the process of choosing two new Utah Supreme Court justices, who would then be subject to confirmation by the Senate.

While its proponents said it’s meant to infuse much-needed money and resources into the state’s court system in order to help with heavy workloads and speed up decision-making, opponents argued legislators should have concentrated more funding on the district court level, where **Chief Justice Matthew Durrant** has said there is the greatest need.

Rep. Grant Miller, D-Salt Lake City, opposed the bill, though he started his arguments by acknowledging it does “some good.”

“A lot of resources are being allocated to clerks and to district court judges, which is sorely needed,” Miller said. “What concerns me here is the great expense that would have to be incurred by the state to expand the Supreme Court.”

Miller said it would require expensive renovations to the court’s chambers and offices, not to mention the money needed to pay the two new justices and their clerks.

“This is an ongoing expense. Supreme Court justices are appointed for life,” he said. “This is not an amount of money we could ever dial back.”

Miller argued to instead use the money to fund additional clerks and district court judges.

“The courts have issued a wish list to us. At the top, they’ve asked for support for their staff and for their judiciary clerks and assistants,” Miller said. “Nowhere in their wish list have they asked for two Supreme Court Justices.”

The bill originally would have only added two justices each to the Utah Supreme Court and Court of Appeals – but Republican lawmakers changed the bill last week to include three additional district court judges after Durrant’s State of the Judiciary speech in front of lawmakers last week.

“We listened to the judiciary, and we did add the three district court (judges),” Wilson said during a media availability Thursday.

The bill does include significantly more money for the district courts – but not as much as the state’s judiciary has requested.

‘The biggest funding we’ve ever done for the judiciary’

In his State of the Judiciary speech, Durrant highlighted key budget requests for the judiciary, including \$6 million in ongoing funds to train and retain courthouse staff, and more money to fund eight additional district court judges, one juvenile court judge, four commissioners, and at least one if not two Court of Appeals judges.

Durrant told lawmakers that expanding the Utah Supreme Court is “of course, your prerogative.” But he urged them to also weigh the judiciary’s budget requests. “If you elect to fund two new justices, please do not do it at the expense of the judicial positions we have prioritized,” he said.

When pressed on the bill fulfilling some – but not all – of the judiciary’s requests for the district, Wilson told reporters, “You know what, I don’t know of a state department that’s ever gotten everything they’ve asked for.”

“I think it’s the biggest funding we’ve ever done for the judiciary,” Wilson said. “From what I’ve been told, it is by far the biggest commitment we’ve made.”

Wilson's SB134 comes with a cost of more than \$6.5 million, including more than \$4.6 million in ongoing funds to pay for the new judges, their staff, and their benefits.

Nearly half of the bill's price tag would go toward making room for two more Utah Supreme Court justices, including \$1.7 million in one-time money to build new chambers, along with \$1.4 million in ongoing money to fund the salary, benefits and staff for the two new justices.

It would also cost the state about \$1.3 million in ongoing money for the salary, benefits and staff for the two additional Court of Appeals justices, along with nearly \$1.9 million in ongoing money for the salary, benefits and staff for the three new district court judges.

Although the bill has won final legislative approval, lawmakers are still weeks away from finalizing their budget, which usually doesn't happen until the final days of the Legislature's 45-day session, scheduled to adjourn on March 6.

If lawmakers don't fully fund the bill despite its passage, it could die. Asked about that possibility during a media availability on Friday, Senate President Stuart Adams, R-Layton, told Utah News Dispatch it will be a priority during the budgeting process and it has a "high probability" of being funded.

"We have to fund it," he told reporters. "That's something we have to do."


Utah News Dispatch 

Audit: Poor DCFS casework kept Utah kids in harm's way

Lawmakers grilled health and human services officials over how they'll improve

BY: **ANNIE KNOX** - JANUARY 30, 2026 9:34 PM



 People arrive to work at the Capitol in Salt Lake City on the first day of the legislative session, Tuesday, Jan. 20, 2026. (Photo by Spenser Heaps for Utah News Dispatch)

A new legislative audit faults Utah's child welfare agency for "concerning patterns in a significant number of cases" that left children less safe, instead of better off.

The review released Friday condemns "weak oversight" by the Utah Division of Child and Family Services. Auditors found some recent investigations by its employees were so slow and flawed that they subjected children to further injury and abuse, but supervisors didn't step in to spot and correct the problems.

They noted the agency's failures to meet its own standards for investigations "pose an unacceptably high risk to the children the division is meant to protect."

In one case, a child remained with a caregiver for weeks despite a dire warning from a medical professional who found the child at high risk of further injury or death. It bears a resemblance to a case from 2017 that ended in greater tragedy when the child died, the auditors wrote.

"It is highly concerning that similar, inexcusably bad situations are still occurring eight years later," the report states. It went on to recommend that senior managers fix "what amounts to a deep cultural problem in DCFS."

The auditors presented their findings to a panel of top state lawmakers at the Capitol Friday. After hearing the presentation, House Minority Leader Angela Romero wanted answers on how the division will deal with supervisors who don't hold employees accountable.

"I'd love to know what you're going to do about that, because these are our most vulnerable of the vulnerable," said Romero, D-Salt Lake City. These are children, and it's up to us as a state to make sure we're protecting them."

Tonya Myrup, the division's director, said it's moving to a new data system providing real-time numbers that show how employees are performing and which cases need attention.

"We will be rolling out expectations about how frequently those reports are reviewed, how that information is leveraged, how to have the conversations with the supervisors – ensuring that accountability, oversight and monitoring is happening all the way from the front line through the top of the system," Myrup said.

Tracy Gruber, executive director of the Utah Department of Health and Human Services, said she's taking responsibility to improve oversight and accountability but "this isn't a failed system or a system that needs significant overhaul."

Gruber called the audit "sobering."

"When we fail, we lose trust, but more importantly, harm is done to kids," she said. "Our department should never be a contributing factor in increasing risk of harm to children across the state."

Auditors found further problems when they scrutinized the department's fatality reviews compiled when a child dies. The reviews aren't public, but are sent to lawmakers on a child welfare panel who scrutinize them in closed meetings.

The audit said fatality reviews from 2023-2025 made no mention of policy violations even though they occurred, and the reviews were more heavily redacted than necessary.

Sen. Luz Escamilla, who is also a member of the Child Welfare Legislative Oversight Panel that looks into the deaths, expressed concern about the omitted information.

"That needs to be fixed," said Escamilla, D-Salt Lake City.

The audit described a case that was troubling, though not because of inaction by employees. Auditors said a caseworker went to a hospital to secretly observe a family and "unfairly accused

them of neglecting their child.” The case landed in court and a judge dismissed it.

House Speaker Mike Schultz said the family ended up paying \$80,000 to fight the allegations. He predicted it will be difficult for an agency as large as the Division of Child and Family Services to change its culture as it tries to improve.

“Moving forward, there will be a follow-up on this audit,” said Schultz, R-Hooper. “And we would like to see significant improvements to the department.”



📷 Sen. Luz Escamilla, D-Salt Lake City, rises in opposition to S.B. 1011, which would set 3 tests to assess congressional maps, in the Senate Chamber during a special legislative session at the Capitol in Salt Lake City on Monday, Oct. 6, 2025. (Photo by Spenser Heaps for Utah News Dispatch)

SUPREME COURT OF THE UNITED STATES

February 2, 2026

Clerk of the Court
Supreme Court of the United States
1 First Street, NE
Washington, DC 20543

Re: Blackwell v. Boehm, No. 25M52

Dear Clerk:

Enclosed please find Petitioner's Second Supplemental Brief pursuant to Rule 15.8, addressing developments that occurred after the filing of Petitioner's first supplemental brief, including:

- SB134 (court packing) passed January 30, 2026
- January 30, 2026 DCFS legislative audit
- Utah State Bar statement that 900 attorneys are "deeply alarmed"

A copy has been served on all parties via email.

Respectfully submitted,

Antonia Blackwell

Pro Se Petitioner

kranberry99@yahoo.com

385-334-6113

P.S I do not have an address. Do not mail anything back. I can be reached via email and/or cell phone.

