

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF KENTUCKY**

<p><b>FILED</b></p> <p>VANESSA L ARMSTRONG, CLERK</p> <p>Apr 02 2020</p> <p>U.S. DISTRICT COURT WESTERN DISTRICT OF KENTUCKY</p>
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COMMONWEALTH OF KENTUCKY )

Ex Parte )

NEELY PETRIE-BLANCHARD )

Petitioner )

vs. )

MIKE LOUIS, Hopkins County, KY Jail )  
Superintendent; COMMONWEALTH OF )  
KENTUCKY; SUSAN BLANCHARD; )  
OTHER STATE OFFICIALS UNNAMED )  
OTHER COUNTY OFFICIALS UNNAMED )

Respondents )

**CASE NO. 4:20-CV-00049**

**AMENDED CORRECTED  
PETITION FOR WRIT OF  
HABEAS CORPUS PURSUANT  
TO 28 U.S.C. 2241**

**FULL COURT REVIEW**

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**EMERGENCY PETITION OF REMONSTRANCE FOR FULL COURT REVIEW**

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Comes now John A Gentry, “Next Friend” on behalf of Petitioner NEELY PETRIE-BLANCHARD, in Petition of Remonstrance. Petitioner approaches the **entire** UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF KENTUCKY for good cause, and pursuant to the Constitution of the United States, and the Constitution of Kentucky.

Pursuant to the Constitution of Kentucky, Bill of Rights, § 1, Clause 6, Petitioner has a constitutionally protected right to apply “*to those invested with the power of government for*

*state.”*, and pursuant to the Constitution of the United States, Article IV, § 2, “*The citizens of each state shall be entitled to all the privileges and immunities of citizens in the several states.*”

Therefore, pursuant to Article IV, §§ 1 and 2, regardless of Petitioner’s state citizenship status, the rights and privileges of Kentuckians, including the right to apply “*to those invested with the power of government for redress of grievances or other proper purposes, by petition, address or remonstrance.*”, are extended to Petitioner. Petitioner through Next Friend hereby and herein exercises her rights under the Kentucky Constitution.

Pursuant to the Constitution of the United States, Amendment I, the people have a right to petition the government for a redress of grievances, and therefore as a citizen of the United States, Petitioner also has a right to petition the full court for redress of grievance. Petitioner through Next Friend hereby and herein exercises her rights under Constitution of the United States.

Respectfully stated, the rules of the court do not apply to the exercise of a right of remonstrance, since **any rule, policy, or process, preventing consideration of a remonstrance would be an unlawful oppression of a constitutionally protected right.** Pursuant to the Constitution of the United States, Article VI, the Constitution of the United States shall be the supreme law of the land, and all judicial officers of the United States, and several states, are bound by oath or affirmation, to support the Constitution. Since Petitioner is exercising her constitutionally protected right, and because the members of the Court are bound by oath or affirmation to support the Constitution, the Court has a duty to hear grievances stated herein, and to decide whether or not to redress grievances.

**Grievances stated and to prove this, let Facts be submitted to a fair and impartial UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF KENTUCKY;**

1. The District Court Judge assigned to this case made an “oral ruling” March 27, 2020 to DENY habeas corpus hearing without issuing written order. See Docket Entry 6 Emergency Motion for Habeas Hearing.
2. The District Court Judge assigned to this case has erroneously dismissed Petitioner’s Petition for Writ of Habeas Corpus. See Docket Entry 12 & 13. Memorandum Opinion, and Order. The Sixth Cir. opinion(s) relied upon by the District. Ct. Judge presiding over this matter are not superior U.S. Supreme Ct opinion in *Gregg v. Georgia* 428 US 153, 96 S. Ct. 2909, 49 L. Ed. 2d 859 - Supreme Court, 1976 (at 172) that "*Even one day in prison would be a cruel and unusual punishment for the 'crime' of having a common cold.*" Here in this matter Petitioner is held based on false allegations made by corrupt conspirators in league to wrongfully imprison her for pecuniary purpose (See **Docket Entry 11 Second Affidavit of Truth and Exhibit to affidavit**), and even one day in jail is cruel and unusual punishment and therefore petitioner does not have access to any court, and therefore Next Friend status was wrongfully denied.
3. Petitioner is being subjected to a pattern of false accusations, denial of due process, by corrupt Kentucky attorneys and members of the Kentucky judiciary. See Docket Entry 11 Second Affidavit of Truth and Exhibit to affidavit.
4. Petitioner is being subjected to cruel and unusual punishment. See Docket Entry 7, PageID # 71 and especially Docket Entry 10, Page ID #130, ¶ 1 and all of Docket Entry 10.
5. Petitioner is being subjected to malicious prosecution by a government that is not republican in character. See Docket Entry 7, Page ID # 57 – 59.



6. Kentucky State Police issued a nationwide AMBER Alert making libelous false and unsupported claim that Petitioner “*has a history of mental illness*” when she does not. See Docket Entry 7, Page ID # 58, ¶ d., and See Docket Entry 7, Page ID # 59 – 60, ¶ 10., **and especially See Docket Entry 7, Page ID # 71, ¶ 35.** The complaint and affidavit by Deputy/Officer Joshua Douglas Toomey does not state anywhere therein that Petitioner has a “*history of mental illness*” and so that libelous false statement put out in a nationwide AMBER Alert must have been made up by unscrupulous state officials. Due to the incontrovertible fact that during a “*mock arraignment hearing*”, the judge presiding ordered a mental health evaluation, it cannot be true that Petitioner has a “*history of mental illness*” See Docket Entry 8, Page ID # 114 – 116.
7. Petitioner is being charged with and wrongfully incarcerated for kidnapping her own children which is an oxymoron. Moreover, kidnapping cannot be charged in conjunction with custodial interference, and state officials should know better, and therefore such false accusation is malicious prosecution. See Docket Entry 7, Page ID # 58, ¶ d. *KARSNER v. Commonwealth*, 582 SW 3d 51 - Ky: Court of Appeals 2018 that **kidnapping is “inapplicable” in conjunction with custodial interference.**
8. Petitioner is being charged with and wrongfully incarcerated pursuant to state statutes which she challenges as unconstitutional and void. See Docket Entry 7, Page ID # 61 – 64, ¶¶ 18 - 21.

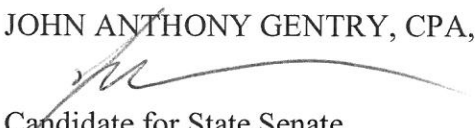
### **REDRESS OF GREIVANCES PETITIONED FOR**

1. For this Honorable Court to uphold Petitioner’s Right to Petition for Redress of Grievance by Remonstrance and assume jurisdiction;

2. For this Honorable Court to assemble via video conference (due to COVID-19 pandemic), for Full Court Review, since the Full Court is the power of the government properly remonstrated to herein;
3. Recognize that Next Friend John Anthony Gentry does in fact have Next Friend status, and that the Court should consider pleadings, motions, affidavits, and exhibits filed on behalf of Petitioner by Next Friend John Anthony Gentry because even one day of wrongful incarceration is cruel and unusual punishment, and she does not have access;
4. Issue order upon the Commonwealth of Kentucky or Kentucky State Police to publicly retract the false statement that Petitioner has a “*history of mental illness*”
5. Expedite consideration of this action pursuant to 28 U.S.C. § 1657 because it is an action brought under chapter 153 (habeas corpus) of Title 28;
6. Pursuant to 28 U.S.C. § 2243 issue an order directing Respondents to show cause why the writ of habeas corpus should not be granted;
7. Grant Petitioner a writ of habeas corpus directing the Respondents to immediately release Petitioner from custody, or in the alternative, order that Petitioner be provided a bail hearing before a District Court Judge, and reduce bail;
8. Enjoin Respondents from transferring Petitioner outside of this judicial district pending litigation of this matter or her removal proceedings;
9. Enjoin Respondents from transferring Petitioner to another detention facility pending litigation of this matter or his removal proceedings;
10. Make a finding that the Kentucky revised code as contained herein is unconstitutionally vague in violation of the separation of powers doctrine;

11. Find that the charges against the petitioner in the custody matter that granted the accuser custody be set aside or quashed for being void and therefore the charges of the accused be dropped and the accused be released from custody for the unlawful arrest under color of law of an exempt person;
12. Grant any other further relief as the Court deems just and proper.

JOHN ANTHONY GENTRY, CPA, *sui juris*



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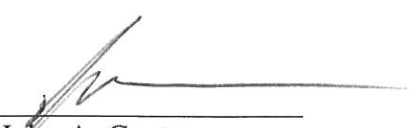
Next Friend for Petitioner,  
NEELY PETRY-BLANCHARD

**Verification by Next Friend John Anthony Gentry acting on Petitioner's behalf**

**pursuant to 28 U.S.C. § 2242**

I am submitting this verification on behalf of the Petitioner because I am Petitioner's Next Friend. I have discussed with the Petitioner the events described in this Petition. I have also personally reviewed court filings, and other documents attached as EXHIBITS to this Habeas Petition as well as online case docket summaries. On the basis of those discussions, court filings, other documents and online case docket summaries I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: April 2, 2020



John A. Gentry  
Next Friend for Petitioner

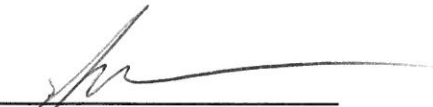
### **CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing served by first-class mail, postage prepaid on this the 2<sup>nd</sup> day of April, 2020.

Mike Louis  
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John A Gentry, CPA