IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF KENTUCKY
AT OWENSBORO

FILED
VANESSA L ARMSTRONG, CLERK
Apr 03 2020
U.S. DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY

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

Senior Judge J.H. McKinley, Jr.

PETITIONER'S EMERGENCY MOTION TO ALTER APRIL 1, 2020 ORDER & INCORPORATED MEMORANDUM OF LAW

Comes now John A Gentry, "next friend" on behalf of Petitioner NEELY PETRIE-BLANCHARD, pursuant to Fed. R. Civ. P. Rule 59(e), respectfully moving this Honorable Court to Alter or Amend its Order (Docket Entry 13), dated April 1, 2020. Pursuant to Local Rule Petitioner's motion incorporates a memorandum of law citing supporting authorities.

Pursuant to Fed. R. Civ. P. Rule 59 (e) as amended, "*A motion to alter or amend a judgement must be filed no later than 28 days after the entry of judgement*". This Court's Order was entered into the record on April 1, 2020. Petitioner's Emergency Motion to Alter & Incorporated Memorandum of Law are properly filed on April 3, 2020 which is just two days after entry of the Court's Order. Therefore, Petitioner's motion is filed timely.

As this Court is aware, Rule 59 motions provide opportunity for lower courts to correct errors, and provides for judicial efficiency preventing unnecessary appeals. The Court may also be aware, that the Sixth Circuit has found that litigants who do not exhaust the appeal process in the lower courts, such as objecting to a Magistrate's Report & Recommendation, or not making a Rule 59(e) motion regarding a Final Judgment, may lose the right to appeal to the circuit court. Accordingly, Next Friend John A Gentry, presents this motion to alter to provide judicial efficiency, provide this Court the opportunity to correct any errors or oversights, and to preserve the "As of Right" appellate process, since Next Friend intends to appeal to the Sixth Circuit if necessary, without proceeding *in forma pauperis*.

Petitioner respectfully asserts that the Court was in error to dismiss the case. The case was dismissed as explained in Memorandum ORDER for essentially the following reasons;

1. Next Friend John Anthony Gentry is not eligible for Next Friend standing.
2. Exceptions of (1) speedy trial, (2) grounds of double jeopardy, (3) prejudice from prior ineffective assistance of counsel and due process violations do not exist.
3. State court remedy has not been exhausted.
4. The court determined that Kentucky's loss of republican character is a frivolous argument without merit.

NEW EVIDENCE

Next Friend filed, Second Affidavit of Truth, Docket Entry 11, and CM/ECF Notice indicates that affidavit was recorded in the record on 4/1/2020 at 3:51PM EDT. The Memorandum Opinion and ORDER, as evidenced in CM/ECF Notice were entered at 4:14 PM EDT, and 4:17 PM EDT respectively. **Given the fact of only twenty-three minutes between filing new evidence and recording the of the Court's Opinion and Order, the Court could not have provided proper consideration of that evidence.** The facts evidenced in Second Affidavit of

Truth, Docket Entry 11, Page ID # 152, evidence a judge that placed on his calendar, but not the clerk's calendar, an unnoticed and unfiled case for hearing. The fact that the judge and attorney did that two years ago, with all the same attorneys and judges involved in this case is prima facia evidence of a pattern of attempts to wrongfully incarcerate Petitioner. These facts show a government not republican in character, and they show that Petitioner is hopeless of remedy in state court proceedings and there is an absence of available state corrective process, and circumstances that render such process ineffective to protect the rights of the applicant required pursuant to 28 U.S.C. § 2254(B)(i) and (ii).

NEXT FRIEND JOHN ANTHONY GENTRY HAS OR SHOULD HAVE NEXT FRIEND STANDING

This court has **DISMISSED without prejudice**. Since the matter was dismissed without prejudice, the petitioner can simply refile with this Court her Petition For Writ of Habeas Corpus, and motions that Next Friend has thus far filed.

IMPROPER GUIDANCE AND LEGISLATIVE ACTS OF THE JUDICIARY

28 U.S. 2242 clearly defines the applicability of one exercising their right to counsel. The legislation is clear and unambiguous and the obvious intent of the legislator was to protect the rights of parties in obtaining counsel of choice under the 6st amendment of the Constitution whereas this court has an obligation to protect the rights of the petitioner "to avoid unjust convictions" and "to bring effectuation to the rights of the defendants who might not know about them without an attorney" whereas, the petitioner does not have access to legal materials equally to that of the prosecution, and if this court fails to act, she may suffer from an unjust conviction for being with a disadvantage to those bringing action against her, which is why she is relying upon next friend who has access to the material necessary she may not otherwise know do to lack of access.

The petitioner further has a right freely associate with whomever she chooses in trust, and to be free of forced association with the legal class if she so wishes. The cases cited by this court in it's memorandum show that the predecessors of the courts have redefined and added impairments of one's ability to act as next friend and limiting the ability of a prisoner to rely upon trusted counsel to proceed are void for providing a major advantage to the prosecution while inequitably increasing the disadvantage of a prisoner in knowing one confined in municipal jail is highly limited or with no access to the same legal material as the prosecution in order to prepare a proper defense.

The prisoner is further inequitably impaired by the rulings of this court in not having equal access to administrative materials she would need to assure timely filings and ease of administrative tasks while learning proper procedural requirements to assure speedy and fair proceedings in defending any objections or technical error, and for already being disadvantaged for not having a team of legal professionals equal to that of the prosecution, this court's ruling providing further hinderance and burden on the defense of the accused.

Any reasonable juris would see this creates an advantageous and suspect class of vulnerable person's in jail, in addition to creating a suspect class for having a superior advantage inherently causing for court bias in demonstrating clearly, it's preference in hearing matters brought before it by professionals instead of the people. Any reasonable juris would further agree that the court is failing in said appearance in accordance with "The Attorney Act" creating and defining a privileged and preferential class permitted full access to the courts and its resources where the pro se is not. The obvious preference of said class in this forum prejudices the non-professional class in the eyes of the court defining any other classes as being "incompetent" by presumption and therefore without the preferential access to justice equally to the privileged class, and without the privileged class representing them by preference of the court, and as advertised.

A prisoner defending one's self in the lower courts, having limited access and support imposes far more sever consequence to the prisoner where access is of limited scope, than that of the state seeking conviction having no stake in the game, and where the liberty rights of the prisoner are at stake have been severed from the tools necessary to demonstrate their ability and competency in seeking justice from the courts, with a major disadvantage in comparison to the prosecution having a team of legal preferred professionals seeking conviction and nothing of equal value at stake. Any reasonable juris would agree that the judicial body has superseded it's power, and has extended it's over reach seeking controversy where no controversy existed by trying to alter the already defined application for counsel, and in violation of Article 1, sec 10, clause 1 of the Constitution in creating ex post facto law improperly assuming legislative power in defining and stipulating when and who qualifies for next friend contrary to the legislative intent and already enacted legislation, whereas the legislature has not amended said act since the courts opinions have issued in favor of a privileged class and prejudicially disadvantageous to a pro se litigant.

The previous rulings are in violation of separation of powers and ought not be utilized as means to create additional burden of process on the next friend and petitioner, or to gain an advantageous position by forcing association with the petitioner to the preferred party of the court. In affording the next friend the status to act on behalf of the petitioner, the court does not hinder the ability of the prosecution to defend as being assured competent by the court to practice law far more superior than the ability of all other parties combined.

The court has an obligation and duty to protect the Constitutional rights of the people to be free from obstruction in their obligation to meet court requirements timely and efficiently, and has further duty to protect the parties from a miscarriage of justice where the power of the lower courts impose a danger on the litigant to be subject to arbitrary punishment and judgement in violation of the Due Process clause in the 14th amendment of the United States Constitution. The courts have

a further obligation to assure and protect the free exercise of said rights without being chilled and unduly burdened to the petitioner's disadvantage where the vague and inconspicuous extensions of legislation hidden in courts rulings create an intimidating and extenuated court process that delay justice, and impose unduly burdensome procedural requirements upon the party seeking relief.

It is the reasonable belief of the next friend that said judgements are void for vagueness for not affording a citizen full information where said action would be limited or prohibited by law inequitably increasing the burden of one's who's rights were violated by surprise and trick. Any jurist would agree that grossly limiting one's access to justice serves no man or woman's interest but rather appears as a deliberate and self-serving interest in the best interest of the peer class of legal professionals whereby the courts legislative judgements would be easily perceived as a failure to appear impartial and non-biased to any reasonable man. The state and the United States courts are obligated to the petitioner and the people in protecting their right of free choice when associating with one for assistance of counsel, especially the prisoner class having an inherent disability while incarcerated.

A reasonable juris would agree the court has not maintained the appearance of promoting public safety, welfare, or rights of the people by imposing more rules and stipulation upon a less knowledgeable class, but more likely maintains an appearance that the courts would be affording an advantage to the prosecution while increasing the impairment of a prisoner. For the court to determine that a prisoner has the ability to file on their own, may be true, but omits that this is the ONLY ability a prisoner has to defend itself against a team of professionals having unlimited access to all necessary materials and law to promote its success advantageously creating a gross inequity. The court fails to weigh in on consequences a prisoner will suffer having such reduced ability and access, where the state has nothing to lose other than revenue.

To limit the scope of association stipulated by the court for next friend status abridges the right of free choice of the pro se litigant, and the selective choice of counsel imposed upon the litigant by the court does not promote the speedy access to justice without hinderance of one's rights to redress their grievances and receive remedy or relief without the delay of justice being inevitable. Any reasonable juris would agree that said impairments of pro se litigants are clearly designed to unduly burden or alter the means by which they seek proper administration of justice.

The previous ruling cited by this court can serve no superior interest other than prevent parties from exercising their freedom of choice and where a party bringing action in any court would easily rely upon the statute being clearly defined, any jurist or reasonable man would find that the courts additional legislation was unnecessary, unreasonable, and unduly burdensome on the people seeking remedy and relief impairing their ability achieve the means to that end and diminishing their faith in the courts where the acts of the courts delay justice on a technicality that imposes no harm or hinderance to the system of justice. By imposing the courts past opinions, and giving them the weight of law preventing equal access and right of free association as a choice for counsel, demonstrates an unnecessary and unreasonable burden any reasonable man would find absurd and without good faith to the detriment of the courts in maintaining their appearance of impartial and non-bias adjudication, and severely limiting the scope of the pro se litigant through a next friend in favor and advantageous to legal professionals in support of the industry contrary to the foundational principals of a free society with freedom of association protected under the 1st amendment of the Constitution where liberty is assured by the due process clause of the 14th amendment.

The petitioner and next friend have met and exceeded the requirements of the statutory burden and fulfilled the requirements of the law providing next friend status as follows: "It shall allege the facts concerning the applicant's commitment or detention, the name of the person who

has custody over him and by virtue of what claim or authority if known." There is no further legislative prohibition, limitation, stipulation, or impairment upon one achieving the status of next friend, and no legislative intent to do so exists long after courts have redefined it's clear and unambiguous language, and therefore this court having no jurisdiction to deny status to John A. Gentry is contrary to the law as written. The petitioner is not barred by law or statute from bringing this action without the signature of the petitioner, as the law merely provides guidance and does not provide for denial of claim to a fully informed potential litigant where they fail to meet said burden conclusively.

JUDICAL EFFICIENCY & UNDUE BURDEN

Next Friend John A Gentry, will simply mail all the documents and evidence thus far filed to the Petitioner in Hopkins County Jail. Of course, Petitioner will have to refile everything under her own name, causing her undue burden, and unnecessarily delay of justice and her release from wrongful incarceration. Why burden the Petitioner so unnecessarily when the paperwork is already prepared and presented to the Court? Respectfully, forcing the Petitioner to go that route amounts to a denial of equal access to the Court, and causes her undue burden.

Based on phone conversations between Next Friend and Petitioner, it is Next Friend's understanding that Hopkins County Jail will upload documents mailed to Petitioner to some file system retrievable by prisoners, and Petitioner Neely Petrie-Blanchard can view them at some "kiosk" station. She will then have to transcribe, those documents by hand. The Amended Petition for Writ of Habeas Corpus is thirty-four (34) pages so that should prove to be a daunting task for petitioner. In further discussion with Petitioner, the jail where she is located does not sell large envelopes and only sells No. 10 basic letter envelopes. Therefore, it will take several envelopes for Petitioner to mail her pleading to the Court. Petitioner will also have to find some way to pay the $5 filing fee unless Next Friend can pay over the phone.

Petitioner Neely is a fighter and the court can be assured to receive hand written pleading if this motion to alter is denied. Moreover, so too is her Next Friend a defender of justice and the constitution and he will continue to pursue justice in the Sixth Circuit.

Presumably, the members of this court have never been incarcerated in a county jail. Accordingly, when the Court states; "*prisoners can, and do, bring civil suits all the time*", the Courts likely have little understanding of how daunting a task that is to accomplish when incarcerated, and more importantly how difficult it would be to file in good form and with argument that has merit.

Considering the court already has the paperwork she will file anyway and it would be an affront to justice to subject Petitioner to such undue burden on a dismissal based upon subjective basis of decision for next friend status.

Furthermore, the Clerk's Office will have to receive all that paperwork, docket a new case, if a new judge is randomly selected, the new judge will have to read all the pleading and motion (handwritten), doubling the workload of the Honorable judges of this Court, the Court will have to issues new order, ect., so clearly, recognizing Next Friend status of John A Gentry, provides for judicial efficiency.

Although prisoners are capable of bringing suits in federal court, does not mean they should be so forced when there is a Next Friend available to facilitate. More importantly though, since the only proper remedy is immediate release, Petitioner cannot accomplish that given her present wrongful incarceration, and therefore remedy is inaccessible because she is incarcerate. See *Gregg v. Georgia* 428 US 153, 96 S. Ct. 2909, 49 L. Ed. 2d 859 - Supreme Court, 1976 (at 172) in next section below.

CRUEL & UNUSUAL PUNISHMENT

Based upon U.S. Sup. Ct opinion in *Gregg v. Georgia*, there is no state remedy available since even one day wrongful incarceration is cruel and unusual punishment.

> The substantive limits imposed by the Eighth Amendment on what can be made criminal and punished were discussed in *Robinson* v. *California,* 370 U. S. 660 (1962). **The Court found unconstitutional a state statute** that made the status of being addicted to a narcotic drug a criminal offense. It held, in effect, that it is "cruel and unusual" to impose any punishment at all for the mere status of addiction. **The cruelty in the abstract of the actual sentence imposed was irrelevant: "Even one day in prison would be a cruel and unusual punishment for the `crime' of having a common cold."** *Id.,* at 667. Most recently, in *Furman* v. *Georgia, supra,* three Justices in separate concurring opinions found the Eighth Amendment applicable to procedures employed to select convicted defendants for the sentence of death. *Gregg v. Georgia* 428 US 153, 96 S. Ct. 2909, 49 L. Ed. 2d 859 - Supreme Court, 1976 (at 172)

In this matter, the Court has been presented clear evidence of; **(1)** conspiracy by the accuser with bad actor judges and attorneys who scheduled a hearing, without any motion presented to the state trial court, and without any notice to Neely Petrie-Blanchard. See proof of this fact in Docket Entry 11 which is the Second Affidavit of Truth by John A Gentry. In this matter, **(2)** Kentucky State Police issued an AMBER Alert with false, fraudulent and unsupported allegations of a "h*istory of mental illness*" and false claim that Petitioner made declaration that she is a "*sovereign citizen*". In this matter, **(3)** a "mock arraignment hearing" was perpetrated upon Petitioner, without any assistance of counsel, no public defender assigned, no representation whatsoever.

Moreover, the court has been provided clear motive of the accuser to make false allegations. The court has also been provided evidence, and will be provided more evidence, that "legal custody" but unlawful custody that was granted to the accuser SUSAN BLANCHARD, as the result of corrupted South Carolina court proceedings.

CLEAR EXCEPTION TO FEDERAL COURT INTERVENTION

PREJUDICE & DUE PROCESS VIOLATIONS EXIST

The record shows a false AMBER Alert was initiated by the Kentucky State Police with the false pretense that Petitioner has a "history of mental illness". The record also shows that an arraignment hearing was conducted where a mental health evaluation was ordered without probable cause, and Petitioner **was not provided any counsel prior to or at the arraignment hearing**. The record shows that two years ago, these same bad actor judges, attorneys, and false accuser SUSAN BLANCHARD conspired to conduct a mock hearing or trial with no notice provided to Petitioner, no pleading or motion filed with the clerk, no hearing date set on the Clerk's Office calendar, while the judge, had a hearing date on his calendar.

These facts show that Petitioner has been denied due process and has no hope of due process in court proceedings conducted before corrupt state court judges. These facts are clearly evidenced in the record for this court's consideration. Pursuant *to Group v. Finletter*, - Dist. Court, Dist. of Columbia 1952, "**Defendant has filed no counter-affidavit, and therefore for the purposes of the motion before the Court, the allegations in the affidavit of plaintiff must be considered as true, See also Federal Rules of Civil Procedure, Rule 9(d)"** Moreover, as this court knows, the factual allegations in a pleading are to be accepted as true and construed in the favor of a Plaintiff or Petitioner.

Pursuant to *Atkins v. People of State of Mich*. 644 F. 2d 543 - Court of Appeals, 6th Circuit, 1981, prejudice from prior ineffective assistance of counsel and due process violations plainly exist, and one need only look with open eyes to know this true. Moreover, as further complained and discussed below, since there is no objective oversight of the Kentucky judiciary, and no check of one branch over the other as intended by the founders, Petitioner cannot be guaranteed a fair and impartial court that is essential to due process. Indeed, as evidenced in the record, judicial officials of Logan County Kentucky have previously conspired to deny Petitioner due process.

The court should not be distressed regarding judicial corruption in Kentucky courts as being unique to Kentucky. Indeed, this is a nationwide problem. Recently, in a Joint Government Operations Committee Hearing, as well as Senate Judiciary Committee hearings of the Tennessee General Assembly, the Senate Video Journal evidences nine (9) senators (16) representatives were invited and did not dispute admission by a Tennessee Senator of a problem of widespread judicial corruption across the state.

STATE COURT REMEDY IS NOT AVILABLE

Even where this court asserts there is no jurisdiction for failure to exhaust state court process, this court still has Jurisdiction under 18 USC code 1201 for being and interstate purported kidnapping where Kentucky asserts jurisdiction for the purported kidnapping crossing state lines into Florida and a national amber alert was initiated providing for the invocation of federal jurisdiction.

As referenced above in *Gregg v. Georgia*, there is no state remedy available since even one day wrongful incarceration is cruel and unusual punishment; "***Even one day in prison would be a cruel and unusual punishment for the `crime' of having a common cold.***" Since even one day in jail is cruel and unusual punishment, Petitioner has no state court remedy. Given the obvious corruption already evidenced in the record of this case, that corruption would not occur, except that the perpetrator bad actor state officials know that they can get away with crimes perpetrated under color of law.

It is not new that state courts have been used to harass individuals. **Proponents of legislation, 42 U.S.C. §1983 noted that state courts were being used to harass and injure individuals**, either because the state courts were powerless to stop deprivations or **were in league with those who were bent upon abrogation of federally protected rights**. *Mitchum v. Foster,*

*407 US 225 - Supreme Court 1972 (*at 240). Here based on the evidence presented, the state courts and other state officials are clearly in league with false accuser SUSAN BLANCHARD for the purpose of denying due process and effecting a wrongful incarceration of Petitioner. See also next section below that the republican character and form of government has been challenged.

THE COMMONWEALTH OF KENTUCY IS NO LONGER REPUBLICAN IN CHARACTER OR FORM

In footnote of the Memorandum Opinion supporting Order to dismiss this case, the District Court Judge stated; "*Gentry also argues that there is no "state corrective process" available in Kentucky "due to the incontrovertible fact that the Commonwealth of Kentucky is* ***no longer republican in form.****" This argument is without merit as well as frivolous.*"

It was an **omissive error of the District Court Judge** to quote Next Friend as stating; "… *no longer republican in form.*" **Next Friend actually stated** on behalf of Petitioner; *"due to the incontrovertible fact that the Commonwealth of* ***Kentucky is no longer republican in character or form.****"* For the Court to use quotation mark punctuation in an ORDER, designating words as an exact quote, and then to omit the words "character or", not only changes the meaning of a compliant substantiating that there is no "*state corrective process*", **but such error, placed "in footnote", strongly evidences bias of the District Court Judge against Next Friend and Petitioner.**

Next Friend has raised the same issue of a state government no longer republican in character or form in the state of Tennessee. Next Friend filed a Petition of Remonstrance received and recorded in the journals of both houses of the Tennessee General Assembly, with that remonstrance, filed into the House of Representatives Clerk's Office, by a member of the House. That Petition of Remonstrance was announced on the floor of both houses of the Tennessee General Assembly. Attached as **EXHIBIT A** is a Tennessee Senate file stamped copy of Next

Friend's Petition of Remonstrance. That Petition of Remonstrance is the first petition received and recorded in the journals of both houses of the Tennessee General Assembly since the year 1850.

Due to the incontrovertible fact that Next Friend's Remonstrance was received and recorded in the journals of the Tennessee General Assembly, is prima facia evidence that the complaint of a government no longer republican in character or form **is not frivolous or without merit**. The same issues of a government that oppresses a right of petition by address or remonstrance and that has unlawfully altered its form of government removing the check of one branch over the other of the judiciary are the same issues raised in Tennessee Petition of Remonstrance and the same issues raised in Petition for Writ of Habeas Corpus

Although Next Friend's Tenn. Petition of Remonstrance was announced on the floors of both houses, the Petition of Remonstrance was not read on the floor as required by House and Senate Rules of Order. Since the Petition of Remonstrance was not read on the floor, Next Friend filed a Petition for Writ of Mandamus in the Davidson County Tennessee Chancery Court. That matter is now before the Tennessee Court of Appeals at Nashville. In the Tennessee Court of Appeals, Next Friend filed Notice of Non Consent pursuant to Tennessee Constitution, Article VI, § 11 as well as a Tennessee Supreme Court, Rule 10B motion to disqualify all Tenn. Ct. of App. judges. In answer to his Rule 10B motion, the Court of Appeals agreed they had a **conflict of interest due to the gravamen of the case**, and the issues raised in Next Friend's Petition of Remonstrance. Attached as **EXHIBIT B** is a copy of the ORDER admitting conflict of interest. Due to this undeniable fact of written order by the Tennessee Court of Appeals at Nashville, the issue raised by Next Friend on behalf of Petitioner, evidence that Next Friend's complaint of a government no longer republican in character or form **is not frivolous or without merit**.

Next Friend has also brought the matter of a government not being republican in character for the reasons stated in remonstrance to the U.S. Dist. Ct MD Tenn. Case No 3:17-CV-0020, U.S. Sixth Circuit Case No 17-6171, and Supreme Court of the United States Case No 18-170. Not in any court, state or federal, and not in any legislative house, has any state of federal official referred to Next Friend's pleadings or motions as "frivolous and without merit", regarding the character of a state government.

It has been many years since the federal courts have considered issues involving the character of a state government, but consider them they did. In the case, Pacific States Telephone & Telegraph Co. v. Oregon, 223 US 118, 32 – Sup. Ct., 1912, our highest court stated:

> … **to afford no method of testing the rightful character of the state government, would be to render people of a particular State hopeless in case of a wrongful government**. (at 146)

In Cruikshank, the Supreme Court stated: "*the very idea of a government, republican in form, implies a right of its citizens to petition for redress of grievances.*" *United States v. Cruikshank*, 92 US 542, 23 – Sup. Ct, 1876 (at 553).

A state's sovereignty is established through its constitutional authority.

> **Congress must necessarily decide what government is established in the State before it can determine whether it is republican or not**. …, **the authority of the government under which they are appointed, as well as its republican character, is recognized by the proper constitutional authority**. *Luther v. Borden, 48 US 1, 12 L. Ed. 581, - Supreme Court, 1849.*

Here in this matter, the lack of judicial oversight of the Kentucky judiciary by another branch of government, an unlawful alteration of the fundamental form of government, cannot guarantee Petitioner fair due process in Kentucky. The facts evidenced in Second Affidavit of Truth, Docket Entry 11, Page ID # 152, evidence a judge that placed on his calendar, but not the clerk's calendar, an unnoticed and unfiled case for hearing. The fact that the judge and attorney did that two years ago, with all the same attorneys and judges involved in this case is prima facia

evidence of lack of judicial oversight, leaving wide open the door for further crimes to be perpetrated under color of law, against Petitioner, and further evidence a government that is not republican in character or form. So too does excessive bail set in this case, evidence a judiciary without oversight.

CONCLUSION

For the foregoing reasons, Next Friend John Anthony Gentry entreats that this Court; **(1)** consider evidence presented in Docket Entry 11, showing conspiracy to violate rights, filed 23 minutes before ORDER was entered into the record, **(2)** grant the Motion to Alter, **(2)** vacate the Court's April 1, 2020 order dismissing Petition for Writ of Habeas Corpus, **(4)** Grant Petition for Writ of Habeas Corpus, and order immediate release, **(5)** alter the Memorandum Opinion that challenge of republican character or form is frivolous and without merit, **(6)** alter Memorandum and Opinion to correct the footnote quotation of Next Friend who **actually stated** on behalf of Petitioner; *"due to the incontrovertible fact that the Commonwealth of* ***Kentucky is no longer republican in character or form.****"* **(7)** vacate certification that an appeal in forma pauperis would be frivolous and therefore not taken in good faith, **(8)** at a minimum conduct bail hearing and reduce excessive bail, and **(9)** any other action deemed proper and just.

JOHN ANTHONY GENTRY, CPA, *sui juris*

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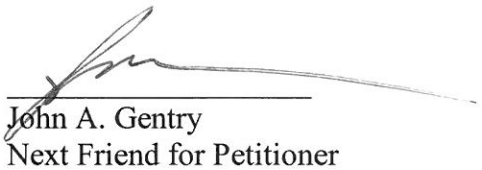
Next Friend for Petitioner,
NEELY PETRY-BLANCHARD

Verification 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 Motion. I have also personally reviewed court filings, and other documents attached as EXHIBITS to this motion 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 Motion To Alter are true and correct to the best of my knowledge.

Dated: April 3, 2020



John A. Gentry
Next Friend for Petitioner