

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Melissa May - PETITIONER

VS.

Continental Towers Condominium Association -RESPONDENT(S)
Southern Management Co.

ON PETITION FOR A WRIT OF CERTIORARI

THE KENTUCKY COURT OF APPEALS

PETITION FOR WRIT OF CERTIORARI

Melissa May

3025 Waco Rd.

Lexington, KY. 40503-5288

(859)-276-2501



QUESTION(S) PRESENTED

Did the state of Kentucky not facilitate discrimination of Ms. May entirely, because of her disability?

Furthermore was it reasonable in US democracy to allow legal procedure to take precedence over justice?

It is agreeable for the Ky. Supreme Court to discriminate for Ms. May's not copying official exhibits which were 40 miles away in the capitol, when she is not allowed to drive, according to the Ky. Drivers Licensing Division, and the state clearly failed to accommodate her for the very accommodation the state of Ky. required her to need. The Ky. Supreme Court was told in Ms. May's motion for Discretionary Review (DR), only because her disability she was prevented her from being able to drive. She could not get a ride, was not disability discrimination after her injury?

Furthermore was it acceptable for the Ky. Court of Appeals to allow procedure to override justice?

Was it alright for the Fayette county (Ky.) circuit court not to allow someone to translate for her, when her speech is very hard to hear, and understand? Was it at all fair for Ms. May's motion for someone to speak be rearranged to request to repeat what into "represent" in court? Ms. May never used the word represent, to speak for is to translate was what she wanted. Wasn't the attorneys' for the Association trying with success, to take advantage specifically of Ms. May's disability? Aren't interpreters for the deaf permitted in court?

~~on, along with the management company~~

Was it not completely unreasonable that the condo. Associat (Continental Towers Condominium Association, Southern Management) all misread the very report they overpaid a certified contractor to perform, thus misinterpreting a methamphetamine residue notice posted on a paraplegic tenant's door, and proceeded to e-mail Ms. May (the owner), coincidentally also a paraplegic, that the locks were being changed, and she would not be given a key? The Association also informed Ms. May that her tenant was producing methamphetamine in her condominium, when4 the tenant was not ever charged with this by the police. This is entirely undisputed. Was this not intended to take advantage of anyone disabled? Then did the court not facilitate discrimination against the disabled in Kentucky?

Does self representation actually exist in legal matters, particularly civil? The clerk for the Ky. CA, asts as if answering any procedural question is just a violation, and he (Sam Givens) always goes so far as to say, "He cannot give any legal advice." Excuse me, but since when was answering a statement regarding the proper format procedurally correct when Ms. May was told, "We cannot give any legal advice."

LIST OF PARTIES

All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgement is the subject of this pteition is as follows;

Continental Towers Condominium Association
2121 Nicholasville Rd.
Lexington, KY. 40503

Southern Management Co.
125C Trade St.
Lexington, KY. 40511

Continental Towers Condominiums
2121 Nicholasville Rd.
Lexington, KY. 40503

Representation for Continental Towers Condominium Association, and Southern Management:

Guy Colson, esq.

Chris Colson, esq.

Fowler Bell PLLC

300 West Vine St. Suite 600

Lexington, KY. 40507

co-counsel for the Association, et al.

Leslie Vose, esq.

Erin Sammons, esq.

Gregory Jackson, esq.

Landrum & Shouse LLP

PO Box 951

Lexington, KY. 40588-0951

co-counsel for the Association, et al.

Monetary restrictions caused by a severe disability force me to proceed pro se, and have prevented me from becoming an attorney, because I am unable to successfully complete the L.S.A.T. This disability, caused by Oxygen Deprivation in a car accident seriously effect with speech in clarity and volume.

Since this part of my disability is so profound I would never dream of speaking before the US Supreme Court. Furthermore it is my understanding that this is not even permitted after Gideon v. Wainwright, Corrections Director. If I am given certiorari, I will seek either the Dean of UK College of Law (Professor Brennen) or Professor Connelly, the director of the UK Law Clinic, which makes her even more experienced in litigation. Both of the Professors know me, and are well aware of my situation. But this is Kentucky. We will see. If neither of them is possible for representation, I will seek the ACLU, since this case is filled with discrimination.

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STATUTES AND RULES

KRS 512.020 Criminal mischief in the first degree

KRS 521.060 Criminal trespass in the first degree.1) A person is guilty of criminal trespass in the first degree when he knowingly enters or remains unlawfully in a dwelling. (2) Criminal trespass in the first degree is a Class A misdemeanor.

KRS 533.224.01-410, in which the property owner or manager must disclose in writing to any particular lessee, tenant, or buyer that the property is contaminated with methamphetamine and has not been decontaminated pursuant to standards established by the Ky. Energy & Environment Cabinet (EEC).

OTHER

(Exhibits)

EX. 39A (pp1-2) p. 2 224.01-410, the property owner or manager must disclose in writing to any potential lessee, tenant, or buyer that the property is contaminated with methamphetamine and has not been decontaminated pursuant to standards established by the KY. Energy & Environment Committee (EEC).

EX. 32 – Dismissal of charges for Ms May's tenant, Mr. Blevins

EX 33 – Report from KY. State Police that no drugs were present.

EX. 21A – Copy of e-mail from KY. Health Dept. associate to General Manager of condominium Association.

EX 4A – Statement to Ms. May to pay twice for unauthorized testing

EX 4B – Statement for much less expensive texting Ms. May's contractor ordered

EX 15 – letter from EEC to Ms. May that in about six weeks after her possession that decontamination was official.

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from **state courts**:

The Opinion of highest state court to review the merits appears at Appendix A to the petition, and is

is unpublished.

The Opinion on the Fayette county circuit court appears at Appendix C to the petition, and is

is unpublished.

1.

JURISDICTION

For cases from **state courts**:

The date on which the highest state court decided my case was March 31, 2017. A copy of that decision appears at Appendix A.

A timely petition for rehearing was thereafter denied on the following date: 7-7-17, and a copy of the order denying rehearing appears at Appendix B.

An extension of time to file a writ of certiorari was granted to and including August 10, 2018 (date) on June 15, 2018 (date) in Application No. 17A1374.

The jurisdiction of this Court is invoked under 28 U.S.C. 1257(a).

Then since I requested it, because I am very disabled I was given until October 2, 2018 to finish; by Ms. Lisa Nesbitt, JD.. She is the case analyst for Mr. Scott Harris; Ms. Elena Kagan's clerk. Anything with any

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Title II of the American's with Disabilities Act (1990) [ADA]

Title II's Enforcement Provision incorporates by reference § 505 of the Rehabilitation Act of 1973, 92 Stat. 2982, as added, 29 U. S. C. § 794a, which authorizes private citizens to bring suits for money damages. 42 U. S. C. § 12133 Still the states had before them a great number of cases of discrimination based disabilities.

The Fourth Amendment to US Constitution --- unreasonable searches and seizures are in violation.

11th Amendment to US Constitution - Amendment XI

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state. Congress has the authority to abrogate the State's Eleventh Amendment immunity. Determination if this immunity was permissible if Congress intended to do so using valid constitutional authority to enact preventative legislation. It became clear to the SC that Congress' need for prophylactic legislation was unsupported by a pattern of constitutional violations. However a great deal of evidence supported disability discrimination by the states.

14th Amendment – Due Process clause. Supreme Court decision of Tennessee v. Lane (2004)

Opinion stated, "For these reasons we conclude that Title II (of the Am.'s with Disabilities Act, ADA), as it applies to the class of cases implicating the fundamental right of access to the courts, constitutes a valid exercise of Congress' Ss 5 authority to enforce the guarantees of

the Fourteenth Amendment." *Tennessee v. Lane* (2004)

Title II of the ADA's enforcement provision incorporates by reference § 505 of the Rehabilitation Act of 1973, 92 Stat. 2982, as added, 29 U. S. C. § 794a, which authorizes private citizens to bring suits for money damages. 42 U. S. C. § 12133.

Kentucky Revised Statutes KRS

515.030 Robbery in the second degree. Class C felony.

OR Effective: January 1, 1975

Effective: July 15, 1980

512.020

Criminal mischief in the first degree. Class D felony

Effective: June 19, 1976.

511.060 Criminal trespass in the first degree. (1) A person is guilty of criminal trespass in the first degree when he knowingly enters or remains unlawfully in a dwelling. (2) Criminal trespass in the first degree is a Class A misdemeanor. Effective: January 1, 1975 History: Created 1974 Ky. Acts ch. 406, sec. 101, effective January 1, 1975.

STATEMENT OF THE CASE

Because I (Ms. May) was without legal representation, which was the result of being disabled in a car accident about 28 years ago, as a result she has found it financially necessary to proceed pro se. However fairly recently she earned a bachelor's degree, and has successfully completed several years in graduate school. However, a private entity, the state of Kentucky, and the city of Lexington created the financial ruin for Ms. May. This condominium complex was built in Lexington in 1965; so it was a long standing property; this is one of the reasons she bought the condominium. However Ms. May was born in Lexington in 1964, so she has been here longer, but that did not prevent either the Association nor the state from taking advantage of her, because of her disability. Procedure has interrupted justice, and this would not have been acceptable to our Founding Fathers.

Most recently Ms. May was denied Discretionary Review (DR) by the Ky. Supreme Court, the reasons had to be procedural, and because of her disability, which will not allow her to drive. At 25 years old, she was permanently injured in a car accident. She does receive Social Security Disability (SSDI) as before her car accident she had taken some time off college to work, and was promoted to Sales Manager for a radio station before continuing college. In her accident, her injuries, and disabilities were primarily caused by Oxygen Deprivation, which meant she suffered no intellectual damage. A helping hand for a long term Kentuckian, who votes; did not take place. Lastly the states highest court denied her motion for DR..

Although she was never taught this at the University of Ky., this is something she partially learned on her own through trial, and error, more error than anything else. Ms. May was

taught that in an appeal no new evidence or information could be produced. This I have known for years, how the courts facilitated this so well with what was never taught. (Apparently. You had to go to law school. Graduate School was not law school. Ms. May could not take the L.S.A.T with her disability.) That official documents, those which had been previously introduced by opposing counsel, or by you was plain, because items **had official page numbers at the bottom**. As my undergraduate degree is in Philosophy and Logic; I wonder if self representation exists? Perhaps self representation is a myth.

Over a year later she demanded her key, and Mr Colson, the lead attorney for the Association acted as if she could have had it all along. If this were actually the case why did the Association not give her a key when they changed the locks, the day after the police left? They changed the locks. Afterall, they did steal something, the locks.

Instead of her home state trying to assist a profoundly disabled state resident, the Ky. circuit court system, Judge Bunnell, discriminated. On 12-13-13 at a hearing Ms. May made a motion for; she requested someone to speak for her. Not even all the time, actually as everyone in court knows (Hearings, and motions went on for a year and a half before the main hearing.), and Judge Bunnell actually did this for her. As people are around her more and more they start to understand her more and more, some people will "translate" (it's human nature), and say about two words in say every three sentences. This is only intepretation as Judge Bunnell knows from doing it, it is not representation as Judge Bunnell wrongly called it. Judge Bunnell pretended to believe that Ms. May could have no idea that a

non lawyer could not represent her. If that were true, then why did Ms. May make a motion for the meeting on 12-13-13? She would not have known to.

The ADA (1990) should deliver the equality to the states that Justice Souter anticipated in his conclusion of the Opinion for Tennessee v. Lane (2004), he wrote, "For these reasons, we conclude that Title II, as it applies to the class of cases implicating the fundamental right of access to the courts, constitutes a valid exercise of Congress' Section 5 authority to enforce the guarantees of the Fourteenth Amendment."

Justice Rehnquist filed a dissent with the Opinion and stated, "**Indeed, there is nothing in the legislative record or statutory** findings to indicate that disabled persons were systematically denied the right to be present at criminal trials, denied the meaningful opportunity to be heard in civil cases, excluded from jury service, or denied the right to attend criminal trials." Wait a minute, yes there is. Ms. May's disability proved to be the immediate demise of her case, because Frankfort, the state capitol is about 40 miles from Ms. May's home in Lexington, and she cannot drive nor could she get a ride this time. Matching replicas of her documents (Exhibits) were already sent to the Ky. Supreme Court from the Ky. Court of Appeals, also in Frankfort. Although she could sometimes, she could not get a ride this time. Almost immediately in her motion for DR to the Ky. Supreme Court Ms. May explained, "She cannot walk, has a very unclear voice, and cannot drive, since her Severe Brain Injury (SBI) was caused by Oxygen Deprivation, she suffered no intellectual damage." Knowing as they did (She intentionally told them in that she cannot drive, a judge should have bothered to look, and would have seen the documents were as they should be, and on file

since circuit court. **This was discrimination.** It was Ms. May's absolute intention to produce official documents with page numbers by the brief or the oral argument, the Ky. Supreme Court might have asked. (They don't mind asking for our votes, even the disabled, then it does not matter.)

Very importantly given her voice was the Ky Court of Appeals (Ky. CA), and the only thing Ms. May asked were procedural questions. **All of the wrong doing by the Association was totally undisputed.** Actually the first thing that was said in circuit court (7-25-14 DR. 9:14 AM) was, "How do you introduce evidence?" Judge Bunnell said in circuit court, "Let me see what you've got." Later, in appellate court, no new evidence can be introduced, she always knew this. Apparently the Ky. CA will explain to those in court that only information used in circuit court is viable in appellate court. Again Ms. May has known this for years

The Fourth Amendment, against search & seizure was violated by the Association. In McCarthy v. Commonwealth (1994), and Hedges v. Commonwealth of Ky. (1997) this can must initially be seen as uninvited trespassing, and continued seizure by the Association. This became burglary when the Association stole the lock on Ms. May's door. See Matthews v. Commonwealth of Ky.. (2011) This search and seizure was also in violation of the second page of Exhibit 39 A or Ky. Revised Statute 224.01-410, which is the state statute for the remediation of a property; it stated, "224.001-410, the property owner or manager must disclose in writing to any particular lessee, tenant, or buyer that the property is contaminated with methamphetamine and has not been decontaminated pursuant to

standards established by the Ky. Energy & Environment Cabinet (EEC). No where was locking the owner out mentioned.

Through Title II of the Am.'s with Disabilities Act (ADA) American's were given access to the courts, which also constitutes a valid exercise of Congress' Ss 5 authority to enforce the guarantees of the Fourteenth Amendment." Tennessee v. Lane (2004) Beyond the wrongs of the Ky. Supreme Court did by not hearing the case, the Ky. CA did not mention in their Opinion any lack of official documents with page numbers at the bottom. Ms. May cannot go to law school only, because her disability prevents her from taking the L.S.A.T, and the state of Ky was wrong; not to be accommodating. Knowing that Ms. May would correct any problem in the future; the problem was never stated the requirement for using official documents, with page numbers at the bottom was never mentioned. She is not a lawyer; so the law clerk (Mr. Sam Givens) in the Ky. CA always only stated, "We cannot give legal advice." Procedure is not legal advice. But UK College of Law will not take someone qualified, because she cannot take the L.S.A.T, due to her disability. Meanwhile these hearings have been far from fair. Contradicting the Court of Appeals, no one, including the clerk from the CA would not give the first solution to any problem. For instance as you certainly know, evidence must be first mentioned in the prehearing statement to later be brought up in the brief. In Ky. explaining this to a defendant is considered "legal advice". (There is no fair or reasonable self representation.) Only procedure completely destroyed Ms. May's ability to have her case fairly decided.

Ms May should be granted valid restitution for what she lost from the Association, and the state of Kentucky.

RESTITUTION with CERTIORARI

REVERSED

CONTINENTAL TOWERS ASSOCIATION, et al.

V.

May

CONDOMINIUMS LOST INCOME FOR 15 MOS. \$ 8,925.00

At \$595.00/month

PROPERTY TAXES PAID

COULD NOT APPRECIATE THE
UNIT \$ 923.00

GRADUATE SCHOOL \$ 2,045.00

Note taking project for disabled \$ 28,500.00

talked with Dr. Swinford, the Chief

Staff for UK

from May 20th 2011 until 12-13-13 when
the state of Kentucky (Judge Bunnell)

denied her ability to have someone
speak at \$50.00 day

Value of property 2121 Nicholasville Rd unit 905 \$ 73,000

= \$113,393

. State Police

730DAYS/MO = \$ 1500 per month

Jan. 1 2014 -

Oct. 15 2018 = 46.5 months X \$1500 = \$69,750

In addition Ms. May feels entitled to a million dollars, and not for the reason Judge Bunnell stated, "because she was aggravated". Ms. May was well in the process of bouncing back by being of assistance to many disabled, who very often be come college students. Like so many disabled students, she lost her ability to write. Ms. May learned that most disabled people cannot write. Ms. May received a bachelors degree, was doing very well in Graduate School, and **never took a page of notes**.

Certainly the simplest, most straightforward way to look at this is simply to look at the evidence, which has always been right there. Ms May's Exhibit 39A is a statement from the Health Dept. claiming (on page 2) that "the property owner or manager must disclose in writing to any potential lessee, tenant or buyer that the property is contaminated with methamphetamine, and has not been decontaminated pursuant to standards set forth by the EEC. Then Exhibit 13 A was an arrest report for the tenant. Exhibit 33 was a statement from the Ky. State Police that no drugs were present. Exhibit 32 was the dismissal of all charges by the court the charges for this tenant were dismissed. ??? **Exhibit 21 A included a Health Dept employee giving the General Manager of the condominium permission to change the locks. This was unfortunate for the GM, but the employee for the HD did not have the authority to tell the GM to change the locks.** Exhibit 4 A was the very expensive statement for testing twice by the unit. Next Exhibit 4 B was certified testing Ms. May had done once for more than a third of the money. Lastly exhibit 15 H was a copy of the official notice of decontamination to Ms.

May after the Association changed the locks.

State of Ky. giving Ms. May 11th Amendment immunity, and allowing her to sue her own state. A hearing at her request 12-13-13 was denied by Judge Bunnell to allow someone to speak for her. Not represent as the plaintiff's lawyers wrongly claimed, and the Ky. circuit court judge stated repeatedly. Ms. May only needed someone to say about two or three words about every three sentences. My best friend was there, available, and willing. This was not representation as the Association or Judge Bunnell claimed; it was clarification.

REASONS for GRANTING this PETITION

Being very disabled in a car accident 28 years ago, pro se, and continuing to be fairly well educated after car my accident, I can give valuable insight, some 28 years after the first George Bush signed the American's with Disabilities Act (ADA,1990), with which the Due Process Clause is incorporated through the Fourteenth Amendment to the US. Constitutution to the states. She knows from experience where the Act succeeds, and where it fails.

A condo, located near the state University was a good and safe choice for Ms. May, a single, non driving paraplegic,particularly when my parents both died, which they have now. After their passing, and her only brother killed previously, she inherited this house moved here, and as she planned, she successfully supplement her disability income (Social Security Disability Benefits) with rental income. Since she is a non driving, paraplegic who happened to previously have a real estate license, she understood the Safety having a long-standing, automatically, main door locking unit. The first consideration of safety in a unit was satisfied. Then many if not most handicapped individuals are left with the pursuit of higher education in the hope of securing a job. Not only did she find an excellent

property for herself at the time, this property was an excellent investment for future renters, both disabled and nondisabled. Although her first tenant happened to be a quadriplegic, his disability was only coincidence.

Ms May needed a way to supplement her Social Security benefits, and the Association prevented this. This Association very clearly took advantage of me, and if it was not so disturbing, it was obviously intentional. So much for a good, safe place.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Melissa A. May

Date: August 31, 2018

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No. _____