19-1207

No. 20 - _____

In the

SUPREME COURT OF THE UNITED STATES

GEOFFREY M. YOUNG, pro se, *Petitioner*

vs.

DENISE G. CLAYTON, Chief Judge of the
Kentucky Court of Appeals, *Respondent*
Wesley Deskins, Counsel of Record
Kentucky Court of Appeals
360 Democrat Drive, Frankfort, KY 40601
(502) 573-7920, Email: wesleyd@kycourts.net

On Petition for Writ of Certiorari to the
Supreme Court of Kentucky

PETITION FOR WRIT OF CERTIORARI

Geoffrey M. Young, pro se
454 Kimberly Place
Lexington, Kentucky 40503
energetic22@yahoo.com
(859) 278-4966

QUESTIONS PRESENTED FOR REVIEW

1) Whether the Supreme Court of Kentucky may nullify Kentucky's ballot challenge statute, Kentucky Revised Statute ("KRS") 118.176, and violate Sections 14, 15 and 115 of the Kentucky Constitution.

2) Whether the Supreme Court of Kentucky may refuse to file and adjudicate two original actions that petition the Court to overrule its decision in *Gibson v. Thompson*, 336 S.W.3d 81 (Ky. 2011) that arguably nullified KRS 118.176.

LIST OF PARTIES

1) GEOFFREY M. YOUNG, *pro se*, Petitioner

2) DENISE G. CLAYTON, Chief Judge of the Kentucky Court of Appeals, Respondent

LIST OF PROCEEDINGS

1) 2019-SC-000699-OA

2) 2019-SC-000700-OA

TABLE OF CONTENTS

QUESTIONS PRESENTED FOR REVIEW i

LIST OF PARTIES ii

LIST OF PROCEEDINGS ii

TABLE OF CONTENTS ..... ii-iii

TABLE OF AUTHORITIES ..... iii-iv

OPINIONS BELOW 1-2

JURISDICTION 2-4

CONSTITUTIONAL PROVISIONS, STATUTES AND POLICIES AT ISSUE 4-16

STATEMENT OF THE CASE 17-23

CERTIORARI SHOULD BE GRANTED BECAUSE KRS 118.176 HAS BEEN NULLIFIED 23-31

CONCLUSION 32-33

TABLE OF CITED AUTHORITIES

1st Amendment 3, 27

14th Amendment 3, 27

Civil Rule ("CR") 15 24

Civil Rule 76.36 . . . . . 4-5, 8

Civil Rule 81 . . . . . 5, 10-11

Cohens v. Virginia, 19 U.S. 264, 404 (1821) 22

Gibson v. Thompson, 336 S.W.3d 81 (Ky. 2011) . . . . . ii, 3, 10-16, 19-25, 28-29, 31

Kentucky Constitution Section 14 . . . . i, 8, 10-11, 15

Kentucky Constitution Section 15 . . . . . i, 10, 16

Kentucky Constitution Section 115 . . . i, 5, 10-12, 14

Kentucky Revised Statute ("KRS" 118.176) . . . . . .

. . . . . ii, 3, 9-10, 12-21, 23-31

KRS 418.040 . . . . . 5, 8-9

Marbury v. Madison, 5 U.S. (1 Cranch) 137, 2 L.Ed. 60 (1803) 21

Stephenson v. Woodward, 182 S.W.3d 171 (Ky. 2006) 14, 17-18, 21, 26-27

OPINIONS BELOW

On November 25, 2019, the Honorable John D. Minton, Jr., Chief Justice of the Supreme Court of Kentucky, entered an order titled, "Filing of Unauthorized Pleadings" that stated that Geoffrey M. Young's (Petitioner's) November 22, 2019 petition for declaratory and injunctive relief and for a declaration of rights "is not allowed under the rules." Appendix ("App.") at a2-a3

On December 19, 2019, the Supreme Court of Kentucky denied Petitioner's motion for leave to file two original actions: the petition for declaratory and injunctive relief, and a November 26, 2019 petition for mandamus. I named the Honorable Denise G. Clayton, Chief Judge of the Kentucky Court of Appeals, as the only respondent in both original actions. I named no real parties in interest in

connection with either petition. App. at a3-a4

On December 26, 2019, Chief Justice John D. Minton, Jr., entered an order titled, "Filing of Unauthorized Pleadings." App. at a4-a5

On February 14, 2020, the Supreme Court of Kentucky denied my motion for reconsideration of the December 19, 2019 order denying leave to file a petition for declaratory and injunctive relief and a petition for mandamus. App. at a6-a7

No legal reasoning or justification was included in any of these four orders or letters.

JURISDICTION

The order preventing the two original actions from being filed in the Supreme Court of Kentucky was entered on December 19, 2019. The order denying my motion for reconsideration was entered on February 14, 2020.

The jurisdiction of this Court is established by 28 US Code § 1257. The validity of Kentucky's ballot challenge statute, as interpreted by the Supreme Court of Kentucky since 2011, is in question because that court's interpretation of KRS 118.176 is repugnant to the right of Kentucky's registered voters "to petition the Government for a redress of grievances" (First Amendment) and violates Petitioner's right to equal protection under the law (14th Amendment). If the decision in *Gibson v. Thompson*, 336 S.W.3d 81 (Ky. 2011) is not overturned, voters who challenge the bona fides of a candidate will be unconstitutionally deprived of their only appeal as of right in cases where the circuit court does not strike the name of the challenged candidate from the ballot.

28 U.S.C. § 2403(c) may apply; therefore this

petition is being served on the Attorney General of Kentucky, the Honorable Daniel Cameron, 700 Capital Avenue, Suite 118, Frankfort, Kentucky 40601.

CONSTITUTIONAL PROVISIONS, STATUTES AND POLICIES AT ISSUE

A. Kentucky Civil Rule ("CR") 76.36 reads, in pertinent part:

> (1) Petition for relief.
>
> Original proceedings in an appellate court may be prosecuted only against a judge or agency whose decisions may be reviewed as a matter of right by that appellate court. All other actions must be prosecuted in accordance with applicable law. Original proceedings in an appellate court may be prosecuted upon the payment of the filing fee required by CR 76.42(2)(a) and the filing of a petition setting forth:
>
> (a) The name of each respondent against whom relief is sought; ...

It should be noted that CR 76.36 does not require the petitioner to get the permission of the Supreme Court of Kentucky or its chief justice before filing his or her original proceeding against a judge.

On November 22, 2019, I attempted to file an original action in the Supreme Court of Kentucky, a petition for declaratory and injunctive relief and for a declaration of rights, pursuant to Section 115 of the Kentucky Constitution, KRS 418.040, and CR 76.36. The clerk refused to file it and distribute copies to the justices.

On November 26, 2019, I filed another original action, a petition for a writ of mandamus, against the Hon. Denise G. Clayton, Chief Judge of the Court of Appeals, pursuant to Civil Rule 81, and paid the filing fee. On November 27, 2019, I called the Clerk of the Supreme Court and asked why the Court was

refusing to file my November 22 original petition. She said, "Send a motion for leave to file your petition. Then it will get to them." The clear implication was that if I didn't ask for leave to file it, my petition would never be heard by the Court.

I mailed the motion to the Supreme Court on November 27, 2019. On November 29 I received a letter dated November 25 from Chief Justice John D. Minton, Jr., which informed me that my petition dated November 22 was being returned to me "because it is not allowed under the rules." [App. at a2-a3] On November 29, 2019 I mailed a letter to him asking, "In what way was my pleading deficient, and how can I amend it so it gets filed and considered by the Kentucky Supreme Court?" The Supreme Court never answered that question.

On December 13, 2019, the Honorable Denise

G. Clayton, the Chief Judge of the Court of Appeals, by counsel, mailed a response asking the Supreme Court to deny my motion for leave to file the two original actions. On December 18, 2019, I mailed a reply to the Supreme Court, and on December 19, 2019, Chief Justice John D. Minton, Jr. entered an order [App. at a3-a4] denying my motion for leave to file both original actions.

On December 26, 2019, the Chief Justice of the Supreme Court mailed me back nine of the ten copies of my December 18 response to Chief Judge Clayton and wrote that "it is not allowed under the rules." [App. at a4-a5]

Also on December 26, 2019, I mailed a motion asking the Supreme Court to reconsider its December 19, 2019 order to deny my motion for leave to file both original actions. The Kentucky Supreme

Court's only response was an order entered on February 14, 2020, App. a6-a7, denying my motion for reconsideration. That was a final order.

By its letter or order entered on November 25, 2019, the Supreme Court of Kentucky added a new procedural step to CR 76.36 that was not part of the civil rule: the requirement to ask the Court's permission before filing a petition for declaratory and injunctive relief and for a declaration of rights. The Honorable Chief Justice John D. Minton, Jr. exceeded his authority and violated Constitution Section 14 and CR 76.36 by refusing to file and consider my petition dated November 22, 2019.

B. KRS 418.040 provides as follows:

> In any action in a court of record of this Commonwealth having general jurisdiction wherein it is made to appear that an actual controversy exists, the plaintiff may ask for a declaration of

> rights, either alone or with other relief; and the court may make a binding declaration of rights, whether or not consequential relief is or could be asked.

An actual controversy exists because two of my KRS 118.176(4) motions to set aside – in Case Nos. 2019-CA-000664 against Amy McGrath and 2019-CA-001659 against Andy Beshear – are not resolved unless this Court denies a separate petition for certiorari that I have started working on. In both cases, the circuit court dismissed the ballot challenge without ever hearing it on its merits, thereby violating the governing statute, and the Court of Appeals dismissed my motion to set aside, pursuant to KRS 118.176(4), without ever hearing the motion or the ballot challenge "in the manner provided for dissolving or granting injunctions", thereby also violating the governing statute. The

Court of Appeals cited *Gibson v. Thompson*, 336 S.W.3d 81, 83 (Ky. 2011) in both cases. The declaration of rights I requested via my petition of November 22, 2019 was that I should be afforded the right to file a motion to set aside the circuit court's decision, i.e., one appeal, even if the challenged candidate was not disqualified by the circuit court. See KRS 118.176(4) and Constitution Section 115.

When the Supreme Court of Kentucky refused to file and hear my two original actions, it thereby violated KRS 418.040 and Sections 14 and 15 of the Kentucky Constitution.

C. Civil Rule 81, "Relief heretofore available by common law writs," states that:

> Relief heretofore available by the remedies of mandamus, prohibition, scire facias, quo warranto, or of an information in the nature of a quo warranto, may be obtained by original

action in the appropriate court.

My petition dated November 26, 2019 was a petition for a writ of mandamus against Denise G. Clayton, the Chief Judge of the Court of Appeals, that would have required the Court of Appeals to decide my ballot challenge on the merits because the circuit court had failed and refused to do so. There is no provision in CR 81 that requires a litigant to get permission from the Supreme Court before filing a petition. The Supreme Court of Kentucky exceeded its authority and violated CR 81 and Section 14 of the Kentucky Constitution by refusing to file and consider my petition dated November 26, 2019.

D. Section 115 of the Kentucky Constitution gives all parties "as a matter of right at least one appeal to another court." In this case, both of my petitions/original actions asked the Supreme Court

to overturn its decision in *Gibson v. Thompson*, 336 S.W.3d 81 (Ky. 2011) because it is inconsistent with Constitution Section 115. The violative clauses of that decision read as follows:

> Subsection (4) of KRS 118.176 provides: If the court finds the candidate is not a bona fide candidate it shall so order... or the court may refuse recognition or relief in a mandatory or injunctive way. The order of the Circuit Court shall be entered on the order book of the court and shall be subject to a motion to set aside in the Court of Appeals. The motion shall be heard by the Court of Appeals or a judge thereof in the manner provided for dissolving or granting injunctions, except that the motion shall be made before the court or judge within five (5) days after the entry of the order in the Circuit Court...
>
> Here, the trial court made no finding that Thompson was not a bona fide candidate. Its order dismissing is based solely on the Movants' lack of standing. Furthermore, the order dismissing is a final and appealable order. **Because the expedited appeal procedure set forth in KRS 118.176(4) applies only to orders**

> **disqualifying a candidate, the Movants were not entitled to move the Court of Appeals to set aside the order.** For this reason, the Movants' motion for interlocutory relief pursuant to CR 65.09 must be denied. (Emphasis added) *Id.* at 82-83

There is a current controversy about whether KRS 118.176(4) allows either party to file a motion to set aside – a single "appeal" – or whether, per *Gibson*, only the challenged candidate may appeal an unfavorable decision by the circuit court. I have been contending in pleadings since 2015, in the context of two ballot challenges I filed in 2015, one in 2018 and one in 2019, that the interpretation of KRS 118.176 (4) that was carved in stone by the Supreme Court of Kentucky in the *Gibson* decision violates fundamental principles of statutory construction.

Section (4) has two possible interpretations: (a) that either party may make only one "appeal,"

called a motion to set aside, to the Court of Appeals; or (b) that only the challenged candidate may appeal and that the challenger has no right to appeal an unfavorable decision to any higher court. The second interpretation would violate Constitution Section 115. It cannot have been the intention of the Kentucky General Assembly to set up a truncated appeal procedure that violates the Constitution. If the legislature had intended that the challenger should have no right of appeal, "it would have so stated in definitive terms." *Stephenson v. Woodward*, 182 S.W.3d 171 (Ky. 2006)

The Court of Appeals or a judge thereof must hear any motion to set aside the summary decision of the Circuit Court "in the manner provided for *dissolving* or *granting* injunctions." [KRS 118.176 (4); emphasis added] If only the challenged candidate

may appeal, the General Assembly would have written merely, "in the manner provided for dissolving injunctions." The fact that both words were used means that either the challenger or the challenged candidate shall be allowed one motion to set aside as of right. The *Gibson* decision is error.

E. Section 14 of the Kentucky Constitution, which is part of the Bill of Rights, reads as follows:

> **Section 14 Right of judicial remedy for injury – Speedy trial.**
>
> All courts shall be open, and every person for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay.

When the Supreme Court of Kentucky refused to file, consider and decide my petitions dated November 22, 2019 and November 26, 2019, it closed the courtroom door and thereby violated Section 14

of the Kentucky Constitution.

F. Section 15 of the Kentucky Constitution reads as follows:

> **Section 15** – Laws to be suspended only by General Assembly.
>
> No power to suspend laws shall be exercised unless by the General Assembly or its authority.

Every time the Kentucky Court of Appeals dismisses a motion to set aside that was filed pursuant to KRS 118.176 (4), without ever deciding the ballot challenge on the merits, it violates that statute. Every time the Supreme Court of Kentucky refuses to overturn its own decision in *Gibson v. Thompson*, 336 S.W.3d 81 (Ky. 2011), it nullifies KRS 118.176 and thereby violates Section 15, which is part of the Kentucky Bill of Rights.

STATEMENT OF THE CASE

The reason I use the phrase "nullifies KRS 118.176" is that from 2015 to the present day, Kentucky's Judicial Department has developed a procedure that allows it to dismiss any ballot challenge it doesn't want to try on the merits, regardless of how meritorious it might be or how meritless the challenged candidate's defense might be. Indeed, in my four ballot challenges to date, the challenged candidate made no defense at all. They merely filed totally meritless motions to dismiss.

In my four ballot challenges, the circuit court always waited until after the election before entering its final order. The Supreme Court of Kentucky's decision in *Stephenson v. Woodward,* 182 S.W.3d 162, 171-172 (Ky. 2006) calls a judge who does that "a recalcitrant judge":

> However, if a court may accept these actions any time prior to the election, but loses jurisdiction once the polls open, there is nothing to prevent a recalcitrant judge from simply refusing to adjudicate a KRS 118.176 motion. The court might simply let the motion sit until after election day, at which point jurisdiction would evaporate. We are confident that the General Assembly did not intend such a result, but instead intended the judiciary to adjudicate the qualifications of candidates — even if, in rare circumstances, such adjudication actually occurs several days after the election has occurred.

The circuit court then dismisses the ballot challenge without ever weighing the evidence presented by the challenger and the challenged candidate. But that is unlawful because KRS 118.176 includes no provision that would allow a motion to dismiss to be filed by the challenged candidate or would allow the circuit court to dismiss a ballot challenge without reaching the merits. The statute,

read as a whole, places a very high priority on the speedy resolution of all ballot challenges, and motions to dismiss can easily add six months or a year or more to the duration of any civil action. I am confident that the General Assembly did not intend that the public be compelled to wait that long before finding out whether the election was legitimate or would have to be done over without the challenged candidate's name on the ballot.

In my experience from 2015 to today, when the challenger files a motion to set aside the order of the circuit court, the Court of Appeals invariably violates KRS 118.176 by delaying a few more weeks and sending out a show cause order to the challenger demanding that he explain why he should be allowed to file a motion to set aside in light of the Supreme Court's decision in *Gibson v. Thompson*, 336 S.W.3d

81 (Ky. 2011). That decision instructs that if the circuit court did not find that the candidate was not a bona fide candidate, the challenger has no right of appeal. The challenger then explains in his answer that the *Gibson* decision is unconstitutional and that the circuit court violated KRS 118.176 by refusing to decide the ballot challenge speedily on the merits.

The Court of Appeals then enters a dismissal order that "finds" that the challenger failed to show cause why his motion to set aside should not be dismissed as improper. If the challenger files a motion for discretionary review in the Supreme Court of Kentucky, that court denies it without explanation. Kentucky's judicial department has used this unconstitutional technique against my ballot challenges four times since April 29, 2015. In each case, the challenged candidate never filed a

responsive pleading but only a motion to dismiss.

With respect to the interpretation of KRS 118.176 (4), the Supreme Court of Kentucky has been refusing "to say what the law is" since 2015. There are two possible intepretations, and only one of them is constitutional.

"The Supreme Court of Kentucky is the final arbiter of Kentucky constitutional law." [See Kentucky Constitution Section 109; *Stephenson v. Woodward* at 175]. While the Supreme Court of Kentucky might prefer not to overturn its decision in *Gibson v. Thompson*, "it would be even more outrageous for it to abandon its Constitutional duty to 'say what the law is.' *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 2 L.Ed. 60 (1803)." In *Gibson*, the Supreme Court of Kentucky should have ruled that either party may file one motion to set aside because

that interpretation of the statute does not violate any section of the Kentucky Constitution.

Similarly, this Court instructed in *Cohens v. Virginia*, 19 U.S. 264, 404 (1821):

> It is most true that this Court will not take jurisdiction if it should not but it is equally true, that it must take jurisdiction if it should. The judiciary cannot, as the legislature may, avoid a measure because it approaches the confines of the constitution. We cannot pass it by because it is doubtful. With whatever doubts, with whatever difficulties, a case may be attended, we must decide it, if it be brought before us. We have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the constitution. Questions may occur which we would gladly avoid, but we cannot avoid them.

As Kentucky's highest court, the Supreme Court of Kentucky cannot avoid hearing and deciding the two petitions properly brought before it on a

currently existing controversy, simply because it might prefer not to overturn its previous decision in *Gibson v. Thompson* that incorrectly interprets and thereby nullifies a valid state statute, KRS 118.176.

Certiorari should be granted because KRS 118.176 has been nullified.

In 2010, a corrupt, vote-buying candidate, Randy Thompson, was allowed to have his name appear on the ballot of the general election and be reelected because Knott County Special Circuit Court Judge John David Caudill dismissed Jimmy R. Gibson's ballot challenge for the frivolous reason that Gibson et al. had lacked standing to challenge Thompson's bona fides in the primary election that had occurred months before. Gibson et al. obviously had standing to file a challenge re the November general election, which they did, but the circuit

court, Court of Appeals and Supreme Court all ignored that fact. The circuit court refused to allow Gibson et al. to amend their initial ballot challenge, and that refusal constituted a willful violation of Kentucky Civil Rule 15.

On April 29, 2015, I filed a ballot challenge asking the Jefferson Circuit Court, Division 8, to remove Attorney General Jack Conway's name from the ballot of the upcoming Democratic primary on the grounds that he had conspired with other powerful Democrats and violated Kentucky's election laws to rig the primary against me. I included a lot of pertinent evidence in my original ballot challenge. Circuit Judge McKay Chauvin refused to decide the challenge on the merits, violated KRS 118.176, and dismissed my challenge for the sole reason that I hadn't alleged "that the Defendant fails to meet the

applicable criteria (i.e. age, citizenship, and residency." [Order at 3; Jefferson Circuit Case No. 15-CI-002043; July 2, 2015]

I filed a motion to set aside in the Court of Appeals, but they entered the following dismissal order on August 11, 2015:

> On July 14, 2015, this Court directed the movant to show cause why this action should not be dismissed as improperly taken pursuant to KRS 118.176 (4). *See Gibson v. Thompson*, 336 S.W.3d 81 (Ky. 2011). Having considered the movant's response to the July 14 order and the respondent's response, and having been otherwise sufficiently advised, the Court fails to find sufficient cause and ORDERS that this action be DISMISSED as improperly taken.

The Court of Appeals failed and refused to decide my ballot challenge and my motion to set aside on their merits, which means that it violated and nullified KRS 118.176. The Supreme Court of Kentucky denied my motion for discretionary review without explanation. The name of Jack Conway, an

unqualified, primary election rigging candidate, appeared on the Democratic primary ballot on May 19, 2015 because the circuit court and the Court of Appeals violated KRS 118.176 and refused to decide my first ballot challenge on the relative merits.

On October 30, 2015, I filed a ballot challenge in Jefferson Circuit Court, Division Ten, against Attorney General Jack Conway re the upcoming general election for Governor and Lieutenant Governor. The Honorable Judge Angela McCormick Bisig entered a dismissal order after the election and used two frivolous justifications: mootness (because Mr. Conway had lost the general election) and the doctrine of *res judicata*. Order at 1-3; November 30, 2015; Ballot Challenge No. 15-CI-005566. The first reason, mootness, was reversible error because the Kentucky Supreme Court's decision in *Stephenson v.*

Woodward, 182 S.W.3d 162, 170-173 (Ky. 2006) instructed that ballot challenges do not become moot if they were filed before the day of the election. The second reason was clearly reversible error because my previous ballot challenge had never been adjudicated on the merits. Once again, the Supreme Court denied my motion for discretionary review.

KRS 118.176 was nullified twice in 2015 and Jack Conway's name appeared on the primary and general election ballots even though he had conspired with other Democrats to rig the primary and violate my First and 14th Amendment rights.

On September 27, 2018, I filed a ballot challenge against Amy McGrath (D) asking the Scott County Circuit Court, Division 1, to strike her name from the general election ballot. I had it properly served on October 3, 2018, at which time the civil

action commenced. I alleged that she joined an ongoing conspiracy of powerful Democrats and helped them rig the 2018 primary against me for the U.S. House of Representatives in Kentucky's Sixth Congressional District. Ms. McGrath filed a very untimely motion to dismiss instead of a genuine responsive pleading. The Honorable Judge Jeremy Mattox essentially did nothing for almost seven months and entered an order dismissing my ballot challenge on April 23, 2019. Instead of hearing and deciding the ballot challenge on the merits, as KRS 118.176 requires, the circuit court concluded, "Defendant (sic) lost her bid to represent the Sixth Congressional District of Kentucky making all allegations of Plaintiff (sic) moot." Order at 2

I filed a motion to set aside, pursuant to KRS 118.176(4), and the Court of Appeals again cited

Gibson v. Thompson, 336 S.W.3d 81, 82 (Ky. 2011):

> [b]ecause the expedited appeal procedure set forth in KRS 118.176(4) applies only to orders disqualifying a candidate, the Movants (sic) were not entitled to move the Court of Appeals to set aside the order.

The Court of Appeals concluded:

> In the case *sub judice*, the circuit court did not find McGrath was "not a bona fide candidate." Young therefore may not invoke this Court's jurisdiction through the expedited appeal procedure set forth in KRS 118.176(4). Order at 4

I filed a motion for discretionary review, and the Supreme Court of Kentucky decided to deny the motion on March 23, 2020. Once again, KRS 118.176 was violated and nullified as a direct result of the recalcitrance of the circuit court and the Kentucky Supreme Court's decision in *Gibson v. Thompson*, which appears to violate the Kentucky Constitution.

On October 8, 2019, I filed a ballot challenge

against then-Attorney General Andy Beshear, pursuant to KRS 118.176, in the Jefferson Circuit Court, Division 6. That motion included a great deal of evidence suggesting that Mr. Beshear had joined a conspiracy of powerful Democrats to rig the 2019 Democratic primary for Governor against me, which is illegal. See KRS 118.105 (1).

The circuit court judge, the Honorable Olu A. Stevens, never held an evidentiary hearing and refused to decide the challenge before the day of the general election, November 5, 2019. The circuit court entered a dismissal order on November 6 that did not address or discuss any of the allegations in my ballot challenge. Instead, the erroneous and arguably frivolous order addressed an allegation that I never made:

"A careful review of Movant's motion

> indicates it is devoid of any allegation that the Respondent is not at least thirty years old or has not resided in the Commonwealth for at least six years preceding the general election of November 5, 2019." Order at 1

That is known as a fallacious straw-man argument, and it happens to be identical to the fallacious straw-man argument Jefferson Circuit Judge McKay Chauvin, Division 8, used in his dismissal order of July 2, 2015.

I wrote and filed a motion for discretionary review (ten copies), but the Supreme Court of Kentucky mailed one copy back to me with my uncashed check for $150.00. For the fourth time since the *Gibson v. Thompson* decision was entered, KRS 118.176 was nullified by Kentucky's judicial department.

CONCLUSION

Today's Kentucky Supreme Court does not seem to be aware that it has no authority to violate the Constitution, state statutes, and the rules of civil procedure in order to avoid having to decide two original actions that approach the Constitution.

When faced with a petition for declaratory and injunctive relief and for a declaration of rights, and a petition for mandamus, neither one of which was in any way frivolous, the Supreme Court of Kentucky simply refused to file and consider them. It thereby refused "to say what the law is." Petitioner submits that this Petition for Writ of Certiorari should be granted. This Court may wish to consider summary reversal of the four decisions of the Supreme Court of Kentucky that are reproduced in the Appendix.

Dated: March 28, 2020.

Respectfully submitted,

Geoffrey M. Young, *pro se*
454 Kimberly Place
Lexington, KY 40503
(859) 278-4966
Email: energetic22@yahoo.com