

No. 20-6017

Supreme Court, U.S.
FILED

JUL 20 2020

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

TRACEY R. GOODFREY — PETITIONER
(Your Name)

vs.

LYNN GUYER (WARDEN) — RESPONDENT(S)
HABEAS CORPUS
ON PETITION FOR A WRIT OF HABEAS CORPUS

9TH CIRCUIT COURT OF APPEALS REQUEST FOR COA DATED 7-13-2020
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF HABEAS CORPUS
HABEAS CORPUS
PETITION FOR WRIT OF HABEAS CORPUS

TRACEY R. GOODFREY 41852
(Your Name)

700 CONLEY LK. RD.
(Address)

DEER LODGE, MT. 59722
(City, State, Zip Code)

NONE
(Phone Number)

ORIGINAL

QUESTION(S) PRESENTED

① IS DOUBLE JEOPARDY A MISCARriage of JUSTICE JUST AS CONVICTING AN INNOCENT PERSON ENTITLED TO HABEAS CORPUS?

② IS 2 SEPERATE SENTENCES FOR THE VIOLATION of 46-18-502 MCA DOUBLE JEOPARDY?

ON (NOV 27TH 2000) A 10 YEAR SENTENCE WAS IMPOSED
ON (OCT 16TH 2013) A 60 YEAR SENTENCE WAS IMPOSED,
3 YEARS AFTER THE FIRST SENTENCE WAS FULLY SERVED.

③ IS TRACEY R. GUNFREY SERVING A VOID JUDGMENT?

LIST OF PARTIES

- [] All parties appear in the caption of the case on the cover page.
- [] 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 judgment is the subject of this petition is as follows:

LYNN GUYER (WARDEN)

RELATED CASES

THE MONTANA SUPREME COURT HELD IN LARSEN V STATE 362 MONT 543
" A PORTION OF LARSEN'S SENTENCE - THE PFO SENTENCE - IS LEGAL."
YET IN GUTHRIE'S CASE THE SAME COURT FRAUDULENTLY HELD
" UNDER OUR PRECEDENT, THE PFO ~~PORTION~~ OF THE SENTENCE IS
INVALID." (OP 13-0258). (PORTION)
BOTH OPINIONS CAN NOT AND ARE NOT TRUE.

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CASES

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OTHER

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF ~~CERTIORARI~~ ^{HABEAS CORPUS}

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

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

- ☐ reported at GOOTLEY V GUYER 2020 US AP LEXS 21696; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

- ☐ reported at GOOTLEY V. KILKROCK 2014 US DIST LEXS 62160; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix C to the petition and is

- ☐ reported at GOOTLEY V KILKROCK 2013 MONT LEXS 344; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the 21st JUD DIST COURT (DC 99-114) court appears at Appendix D to the petition and is

- ☐ reported at STATE V GUTLEY 2000 ML 5282; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 7-13-2020.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A .

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was 7-2-2013.
A copy of that decision appears at Appendix _____.

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

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A .

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

5TH AMENDMENT OF THE U.S. CONSTITUTION

ARTICLE II SECTION 28 OF THE MONTANA CONSTITUTION

MCA § 46-13-108 NOTICE OF INTENT TO SEEK PFO STATUS

MCA § 46-18-502 PERSISTENT FELONY OFFENDER

MCA § 46-22-101(4) APPLICABILITY OF HABEAS CORPUS.

MCA § 45-5-502 SEXUAL ASSAULT

STATEMENT OF THE CASE

ONCE THE STATE FILES "NOTICE OF INTENT TO SEEK PRO STATUS" AS REQUIRED BY MCA § 46-13-108 A SENTENCE PURSUANT TO THE OFFENCE OF MCA § 46-18-502 IS MANDATORY. AN ADDITIONAL SENTENCE FOR THE PREDICATE FELONY (MCA § 45-5-502) IS NOT PERMITTED. UNDER MCA § 46-22-101(1) HABEAS CORPUS IS APPLICABLE ONLY TO "ILLEGAL" SENTENCES.

THE COURT IMPOSED 2 SEPARATE SENTENCES, ONE WAS AUTHORIZED (A 10 YEAR TERM FOR MCA § 46-18-502) THE OTHER WAS UNAUTHORIZED (A 60 YEAR TERM FOR MCA § 45-5-502). THE MONTANA SUPREME COURT VACATED BOTH THE VALID AND THE ILLEGAL SENTENCE, WHEN THE HABEAS STATUTE ONLY AUTHORIZED AN "ILLEGAL" SENTENCE TO BE VACATED. THE CASE WAS "REMANDED FOR IMPOSITION OF A LEGAL SENTENCE" TO THE 21ST JUDICIAL DISTRICT COURT WHERE (A 60 YEAR SENTENCE WAS IMPOSED FOR THE VIOLATION OF MCA § 46-18-502), 3 YEARS AFTER THE LEGAL, VALID, AUTHORIZED, 10 YEAR ORIGINAL SENTENCE WAS FULLY SERVED, DISCHARGED, AND EXPIRED.

THE IMPOSITION OF A 2ND SENTENCE FOR THE SAME OFFENSE IS A CLEAR VIOLATION OF THE 5TH AMENDMENT AND ART II SEC 25 OF BOTH THE USA AND MT. CONSTITUTIONS.

THE COURTS DID NOT HAVE JURISDICTION TO IMPOSE A 2ND SENTENCE. THE 9TH CIRCUIT DENIED A REQUEST FOR CCA, ON 7-13-2020.

REASONS FOR GRANTING THE PETITION

TO ESTABLISH THAT GIVING A PERSON AN ILLEGAL SENTENCE IS A MISCARriage OF JUSTICE THAT WARRENTS RELIEF JUST AS CONVICTING AN INNOCENT PERSON AND TIME BARS OR PROCEDURAL HURDLES DO NOT APPLY.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

TRACEY R. GUDFREY

Date: 7-18-2020