

ORIGINAL

N 21-6527

IN THE

FILED
OCT 28 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

SUPREME COURT OF THE UNITED STATES

Ronald Johnson-El — *propria persona*
(Your Name) *Su, jvns*

vs.

State of Kansas — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Kansas Supreme Court
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Ronald Johnson-El
(Your Name)

P.O. Box 311, #49020
(Address)

El Dorado, Kansas 67042
(City, State, Zip Code)

—
(Phone Number)

QUESTION(S) PRESENTED

1. May the state of Kansas enforce a statutory jurisdiction statute (K.S.A. 21-4635) that was held to be a sixth amendment constitutional violation?
2. Was the *sua sponte* savings clause mandatory sentence modification (K.S.A. 21-4639 now K.S.A. 21-6628(c)) applied to myself and the other 53 prisoners who had the unconstitutional statute (K.S.A. 21-4635) used on them as well as myself *sua sponte* previously?
3. Soon as the Kansas Supreme Court held statute K.S.A. 21-4635 unconstitutional did that Court possess jurisdiction to administer the mandatory *sua sponte* savings clause hard 50 sentence modification (K.S.A. 21-4639/21-6628(c))?
4. Is there a statutory jurisdiction that's recognized by the United States Constitution? Or this Constitutional Court of record?
5. Was color of law statute K.S.A. 21-4635 the event that triggered the mandatory savings clause sentence modification K.S.A. 21-6628(c) formerly K.S.A. 21-4639?

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:

The State of Kansas
Kansas Supreme Court

RELATED CASES

State v. Johnson, 284 Kan. 18, 159 P.3d 161, 2007 Kan.
LEXIS 328 (June 8, 2007)

Johnson v. Kansas, 2008 U.S. LEXIS 394

Johnson v. State, 400 P.3d 681, 2017 Kan. App. Unpub.
LEXIS 920 (Kan. Ct. App. September 1, 2017)

State v. Johnson, 2021 Kan. LEXIS 49, 2021 WL
170445 (Kan. April 30, 2021)

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
(state v. Soto, 2014)	6.
(state v. Johnson 2021)	6.
(Astroga v. Kansas 2013)	6.
[Marbury v. Madison 5 U.S. 137 (1803)]	6.

STATUTES AND RULES

K.S.A. 21-4635	6.
K.S.A. 21-4639	7.
K.S.A. 21-6628(c)	7.

Rule: When a statute, law, ordinance, policy is held unconstitutional, it is not unconstitutional from the date of such ruling, it is unconstitutional from the enactment of such act.

[16 AM Jur 2d, Sec. 256]

OTHER

Kansas Governor Proclamation
filed August 6, 2013
see: Syllabus of Kansas Supreme Court, pg. 12 chief justice
stating Soto 2014 ruling triggered K.S.A. 21-6628(c).

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APPENDIX A State v. Johnson, 2021 Kan. LEXIS 49, 2021 WL

APPENDIX B Ronald Johnson-El, Rehearing/Modification, May 20, 2021

APPENDIX C Ronald Johnson-El, Application for Release after Conviction
June 30, 2020

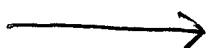
APPENDIX D Ronald Johnson-El, Brief, April 22, 2020

APPENDIX E Ronald Johnson-El, Supplemental Brief, December 9, 2020

APPENDIX F Proclamation By The Governor of Kansas
signed under seal August 6, 2013

Exhibit #1, Rule 6.09 Letter
May 12, 2017

Exhibit #23, Review For ~~Re~~petition, 2017



APPENDIX H: Motion for Rehearing/Modification

~~Denied~~ by Kansas Supreme Court

June 8, 2021

Exhibit # 0 K.S.A. 21-4639

Exhibit #00 K.S.A. 21-6628(c)

Explaining this is from chapter 341 of
the 1994 session laws of Kansas

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

Ronald Johnson El

Ronald Johnson respectfully prays that a writ of certiorari issue to review the judgment below.
*pro p*ri*a* *p*erson*a* *s*ui*j*ur*i*s

OPINIONS BELOW

[] For cases from **federal courts**:

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

[] reported at _____; 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 _____ to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

[] For cases from **state courts**:

Kansas Supreme Court

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

[] reported at Enclosed; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

The opinion of the Kansas Supreme Court court appears at Appendix A to the petition and is

[] reported at Enclosed; 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 _____.

[] 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 April 30, 2021.
A copy of that decision appears at Appendix A.

A timely petition for rehearing was thereafter denied on the following date: June 20, 2021, and a copy of the order denying rehearing appears at Appendix B.

[] 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

Sixth Amendment due process protections
Fifth Amendment process due protections

K.S.A. 21-4635

K.S.A. 21-6628(c), formerly

K.S.A. 21-4639

STATEMENT OF THE CASE

Ronald Johnson was charged with second degree murder November 27, 2001, charge was amended January 22, 2002 to first degree murder, K.S.A. 21-3402, K.S.A. 21-3401.

Ronald Johnson was convicted of first degree murder September 2003, sentenced December 2003 to chapter 341 of the 1994 session laws of Kansas, A.K.A. the hard 50 act, which includes the mandatory hard 50 modification.

In 2007 the direct appeal was denied. (State v. Soto 2014), ruling held K.S.A. 21-4635 unconstitutional, as the mandatory modification been withheld for about 8 years now.

As K.S.A. 21-4635 was held unconstitutional in 2014, at the same time triggering K.S.A. 21-6628(c). After the court ignored the triggering of K.S.A. 21-6628(c). I invoked it in 2017, 2018, as still to this day I am squarely on the law's principles, retaining all my constitutional protections. Rescinding all signatures that presume/assume I choose a statute over my secure constitutional protections.

REASONS FOR GRANTING THE PETITION

The Kansas Supreme Court (KSC) incorrectly decided my appeals, the KSC said it has no power or authority to modify my unconstitutional hard 50, being I was sentence under the unconstitutional statute K.S.A. 21-4635 the statute in violation of my, and several dozen prisoners sixth amendment united states constitutional protections, due process clause.

The KSC is saying I must come through a statute they made up to retain my constitutional guarantees, which is also not law, therefore unconstitutional. In 2013 this Court sent back *Astroga v. Kansas* to the KSC for consideration.

In 2014 in *State v. Soto*, KSC held K.S.A. 21-4635 to be unconstitutional, in violation of the sixth amendment due process clause. In 2021 in *State v. Johnson*, on page #12, the KSC chief justice stated the 2014 ruling in *State v. Soto* triggered the mandatory sentence modification.

The Kansas Courts ignored, this for years, then denied they duty for years. The Kansas Courts are depriving me of my rights under color of law in violation of, →

USC 18 § 242, as well KSC/Kansas Courts are in violation of USC 18 § 241 ²⁴¹ conspiracy against my rights, using the color of law to deny me of my rights under the constitution, ignoring then denying my rights.

The Kansas Courts/KSC were to guard against the infringement of my rights. Being if the statute prescribes one rule and the Constitution another, it is the duty of the courts to declare the Constitution and not the statute governs in cases before them... [16 Am Jur 2d, Sec 155; emphasis added]

A law repugnant to the constitution is void, and courts, as well as other departments, are bound by that instrument. [*Marbury v. Madison* 5 U.S. 137 (1803)] This still stands well over 200 years !

The crux for granting this Certiorari is the entire hard 50 act, chapter 341 of the 1994 session laws of Kansas are *sua sponte*. Once the KSC held K.S.A. 21-4635 unconstitutional for the ← sixth amendment due process violations about

8 years ago, this was Kansas Courts/KSC duty to sua sponte apply the saving clause mandatory sentence modification statute "K.S.A. 21-4639/21-6628(c) SAME." To save prisoners like myself from further constitutional due process violations. Which the Kansas Courts/KSC refused to do so, by ignoring for years its duty, to apply saving clause K.S.A. 21-6628(c), the denying its constitutional duty to do so for years. Knowing the Constitution rules over statutes.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

ronald johnson

Date: November 27, 2021

M.