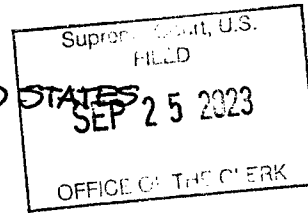


23-5989

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES



IN RE: KEVIN H. MCKENNA (RULE 20.2)

ON PETITION FOR

APPLICATION FOR WRIT OF HABEAS CORPUS
(28 USC 2241, S.Ct. RULE 17.1, 17.4, 20.2, 20.4)

PETITIONER:

Kevin H. McKenna

Gwinnett County Jail #21027417

2900 University Parkway

Lawrenceville, Georgia 30043

RESPONDENT (if required): (EX-PARTE: RULE 20.4(h))

KEYBO TAYLOR / GWINNETT COUNTY JAIL

2900 University Parkway

Lawrenceville, Georgia 30043

QUESTIONS PRESENTED

- 1) - Should this Court reconsider "Gerstein v. Pugh" holding: A.) A Fourth Amendment "probable cause" determination for "extended restraint of liberty following arrest" is (NOT) exclusive of (pretrial) Fifth (and Fourteenth) Amendments Constitutional mandate(s) "No person shall be...deprived of...liberty without due process of law"? OR B.) Hold the Fourteenth Amendment requires States to COMPLY with, NOT SUBVERT its own laws because of its "desire[?] of flexibility and experimentation by the State[]" to enforce "minimal" Federal Constitutional protections to "citizens of the United States," "within its jurisdiction"? OR C.) Hold the Constitution does NOT sanction "a conviction" aided by pretrial "illegal arrest or detention," "without a probable cause determination," "(To be sure pretrial custody (may) affect[] (to some extent) the defendant's (ability to assist in) preparation of his defense,"?
- 2) - Will this Court issue a Constitutional mandate, that ANY "probable cause" determination which serves as any basis for issue of a warrant for arrest, to ANY "deprivation of liberty" of ANY person, shall be upon open record of the issuing authority and/or on the face of the warrant issued thereof, and shall NOT be a covert, clandestine product of State prosecution.?
- 3) - Should this Court reconsider "Michigan v. Doran," which foreclosed on equal protection of the laws, the Bill of Rights and the Fourteenth Amendment as enforceable upon the "Extradition Clause", and interstate extradition defendants? OR...
- 4) - Should this Court afford interstate extradition defendants the same protections afforded Federal "removal" defendants?
- 5) - Should this Court afford State Court criminal defendant's the same "Speedy Trial" protections afforded Federal Court criminal defendants for the past fifty (50) years? ("Speedy Trial Act of 1974").
- 6) - Should this Court formulate objective "VOUCHER" based standards to sever conflicting State/Defense Counsel pecuniary interest(s)/relationship(s), contemporaneous to State prosecution of defendants, to fulfill the Sixth Amendment's Constitutional guaranty to the EFFECTIVE ASSISTANCE OF COUNSEL?
- 7) - Should this Court comply with its own edict: "[R]equiring this Court's intervention and formulation of objective standards. [Which] is particularly true when due process is violated," in an extreme due process "structural error" which involves any judge of a particular jurisdiction, presiding over a matter involving another judge within the same jurisdiction?
- 8) - Should this Court seize upon this unprecedented, extreme, full principle of PRE-TRIAL Constitutional issues, consistent with the facts and evidence of this case, which may not be enumerated within the foregoing "Questions Presented"?
- 9) - Will this Court consider the "Ground(s) for Relief" presented within the accompanying "Petition for Writ of Habeas Corpus"?

QUESTION(S) PRESENTED

1.) Should this Court r

CASE HISTORY

START	12/16/21	CASE	21-078033	TITLE	STATE OF GEORGIA V. KEVIN H. MCKENNA	COURT	GWINNETT COUNTY OF GEORGIA MAGISTRATE
END	12/16/21	JUDGE	JAMES ARGO	PROSECUTOR	DET/DET/CPL "M.R. CONWAY #1733"	CHARGE	O.C.G.A. 16-6-4(c)
1	NOTES: Conway found "probable cause" on McKenna's answers to questions @ 12/15/21 "Suspect Interview" as "admissions"; Conway obtained warrants 21W18333/34 from Argo w/ FALSE "Family Violence" to FRAME McKenna as "FUGITIVE"; @ 12/00 Conway falsified investigation docs to reflect Argo's warrants to FRAME McKenna as FALSE FUGITIVE.						

START	12/16/21	CASE	CRB2100647	TITLE	STATE OF OHIO V. KEVIN H. MCKENNA #1	COURT	MUSKINGUM COUNTY OF OHIO COMMON PLEAS
END	03/15/22	JUDGE	JAY VINSEL	PROSECUTOR	THOMAS MCCARTY	CHARGE	FUGITIVE OF JUSTICE #1
2	NOTES: 12/16/21 @ 642 PM - Muskingum Deputies execute WARRANTLESS (FALSE) FUGITIVE arrest of McKenna at his residence; 12/20/21 - McKenna is held on FALSE OATH of Cpt. Laboca citing Gwinnett SUPERIOR Court issued warrant and McKenna fled State of Georgia; 3/15/22 @ 1200AM released (Governor's Warrant from GA failed to issue within 90 days).						

START	03/09/22	CASE	22-B-00929	TITLE	STATE OF GEORGIA V. KEVIN H. MCKENNA	COURT	GWINNETT COUNTY OF GEORGIA SUPERIOR
END	ON-GOING	JUDGE	TRACEE H. CASON (+ DUNCAN)	PROSECUTOR(S)	UNKNOWN	CHARGE	O.C.G.A. 16-6-4(c)
3	NOTES: 3/9/22 - Judge Cason obtains SHAM "Indictment" on OATH of Conway who FRAMED McKenna as FUGITIVE (Case "1", 21-078033); 3/15/22 - While McKenna is being released after 90 day arrest for extradition (CRB2100647), Judge Cason (etc.) FALSIFY "Requisition" and FRAME McKenna as FUGITIVE on the run to obtain FALSE "Governor's Warrant" and rearrest (CRB2200211). 8/26/22 Atty Brandon Lewis FORGES McKenna's "WAIVER OF ARRAIGNMENT"; 2/23/23 - after 435 days w/o bond, McKenna is arraigned on Indictment 22-B-00929; 3/21/23 Atty Thomas Clegg files SHAM "Special Denial" to destroy ACQUITTAL on SHAM Indictment; 4/14/23 - At Bond Hearing, ADA Estes FRAMES McKenna w/ FALSE CRIMINAL RECORD to deprive McKenna of liberty/Bond. As of 6/1/23, McKenna has been held w/o Bond solely on (BAD FAITH) "OATH" of Conway who FRAMED McKenna as FUGITIVE on the run (21-078033) for WARRANTLESS arrest in Ohio (CRB2100647).						

SEE ALSO CASE #11-23-B-01577

START	03/15/22	CASE	CRB2200211	TITLE	STATE OF OHIO V. KEVIN H. MCKENNA #2	COURT	CITY OF ZANESVILLE MUNICIPAL - MUSKINGUM, OHIO
END	05/30/22	JUDGE	ANDREW JOESPH	PROSECUTOR	ADA EMILY TARBERT (SEE DIVORCE 10)	CHARGE	FUGITIVE OF JUSTICE #2 (RE-ARREST)
4	NOTES: 3/15/22 @ 1100 AM, McKenna rearrested as FUGITIVE on the run on OATH of Cpt. Cornstock held again 90 days for extradition; 4/6/22 - Served FALSE "Governor's Warrant" by Musk. Deputy; Joeph appoints Kaido to file FATAL habeas to insure NO HEARING. 5/24/22 - Kaido's FATAL habeas DISMISSED (2022-0386); 5/24/22 Joeph ORDERS extradition; 5/30/22 McKenna unlawful extradition						

START	04/13/22	CASE	2022-0386	TITLE	KEVIN H. MCKENNA V. TONY COURRY et al.	COURT	STATE OF OHIO SUPREME COURT
END	05/24/22	JUDGE	N/A	PROSECUTOR	ATTY. MARK E. KAIDO	CHARGE	HABEAS (EXTRADITION)
5	NOTES: 4/13/22 @ 1022 PM Atty Kaido files deliberate FATAL habeas (unseen/verified, unsupported SHAM) to insure NO HEARING to challenge FALSE FUGITIVE, arrest, re-arrest, imprisonment, Governor's Warrant, and extradition; 5/24/22 - Kaido's FATAL habeas is DISMISSED Sua Sponte; Joeph IMMEDIATELY ORDERS McKenna to be extradited (CRB2200211).						

CASE HISTORY

START	06/20/22	CASE	2022-0780	TITLE	KEVIN MCKENNA V. TONY COURY	COURT	STATE OF OHIO SUPREME COURT
END	10/11/22	JUDGE	N/A	PROSECUTOR	KEVIN H. MCKENNA (Pro-Se)	CHARGE	HABEAS (EXTRADITION)
NOTES	6 5/28/22- DESPERATE for the TRUTH to be heard, McKenna files Pro-Se habeas w/ Ohio Supreme Court; 6/20/22- RE-FILED on INDIGENCY/In Forma Pauperis; 8/2/22 DISMISSED "Sua Sponte" w/o "opinion"; 10/11/22 Motion for Reconsideration DENIED. (Speculation: I can only GUESS, for lack of NOTARIZATION on Verification- Ohio is "must issue" State).						

START	09/09/22	CASE	22A-07787	TITLE	KEVIN H. MCKENNA V. KEYBO TAYLOR et.al.	COURT	GWINNETT COUNTY OF GEORGIA SUPERIOR
END	01/10/23	JUDGE	"DIV-7"/TRACIE H. CASON/HAMIL	PROSECUTOR	KEVIN H. MCKENNA (Pro-Se)	CHARGE	HABEAS (§ 9-14-1(a))
NOTES	7 7/19-9/9/22- Multiple REJECTIONS on GA. "PLRA" violations; 9/9/22 habeas filed w/ Judge "Division 7"; 9/21/22- habeas transferred to JUDGE CASON; McKenna is deprived of ALL access to the court, and habeas "Suspended" indefinitely; 12/13/22- Cason RECUSED; 1/3-1/10/23- Judge Hamil/ADA DeNeve perpetrate STAGGERING dismissal of McKenna's habeas!						

START	12/15/22	CASE	REJECTED	TITLE	KEVIN H. MCKENNA V. KEYBO TAYLOR et.al.	COURT	STATE OF GEORGIA SUPREME COURT
END	01/02/23	JUDGE	(CLERK OF COURT/PLRA)	PROSECUTOR	KEVIN H. MCKENNA (Pro-Se)	CHARGE	HABEAS (DISCRETIONARY APPLICATION)
NOTES	8 12/15/22- Desperate for RELIEF, SENT "Discretionary Application" to GA. Supreme Court in attempt to get relief from deprivation of access to the Court & "suspended" habeas; 01/02/23- habeas Application returned "UNFILED", REJECTED by Clerk of Court as VIOLATION of "Prison Litigation Reform Act" (PLRA) (Failure to use UNKNOWN "FORM").						

START	03/29/23	CASE	523A0555	TITLE	KEVIN H. MCKENNA V. KEYBO TAYLOR, SHERIFF	COURT	STATE OF GEORGIA SUPREME COURT
END	03/30/23	JUDGE	N/A	PROSECUTOR	KEVIN H. MCKENNA (Pro-Se)	CHARGE	HABEAS APPEAL (22A-07787)
NOTES	9 1/23/23- "Notice of Appeal" filed in 22A-07787; GA SC "Docket Notice Posted on 1/24/23; 1/30/23 NON-PARTY "State of Georgia"/DeNeve makes "Appearance"; DeNeve files "Motion to Dismiss" on "PLRA" violation; 2/21/23 DISMISSED for "PLRA" VIOLATION; Motion for Reconsideration on NOT "PRISONER" filed; 3/30/23 Motion for Reconsideration DENIED.						

PLEASE HELP ME!!! PLEASE HELP ME!!! PLEASE HELP ME!!! PLEASE HELP ME!!! PLEASE HELP ME!!!

START	02/21/23	CASE	192023-0119	TITLE	LINDA S. MCKENNA V. KEVIN H. MCKENNA	COURT	MUSKINGHAM COUNTY OF OHIO COMMON PLEAS
END	ON-GOING	JUDGE	MARIA KALIS	PROSECUTOR	ADA EMILY TARBERT (#3)	CHARGE	DIVORCE (DUE TO RESTRAINT OF LIBERTY)
NOTES	10 On or about 3/1/23, I received "Divorce Papers" filed by ADA Emily Tarbert on the FALSE that my unlawful deprivation of liberty was "imprisonment" in a State Correctional Institution. Now AMENDED as "Gross Neglect of Duty" and "Extreme Cruelty" SHAM. Judge Kalis is proceeding w/ PERVERSE calousness/capriciousness "HELLBENT to DESTROY MY LIFE!! HELP!!						

PLEASE HELP ME!!! PLEASE HELP ME!!! PLEASE HELP ME!!! PLEASE HELP ME!!! PLEASE HELP ME!!!

START		CASE	23-B-0577	TITLE	STATE OF GEORGIA V. KEVIN H. MCKENNA	COURT	GWINNETT COUNTY OF GEORGIA SUPERIOR
END	ONGOING	JUDGE	ANGELA DUNCAN	PROSECUTOR		CHARGE	OCCA 16-b-4(c)
NOTES	11 .						

SEE ALSO #9 - 22-B-00994

PLEASE HELP ME!!!

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TABLE OF AUTHORITIES

<u>Barker v. Wingo</u> , 401 U.S. 514, 92 S.Ct. 2182, 33 L.Ed. 2d 101 (1972)	4.27, 6.1, 6.7, 6.10
<u>Caperton v. A.T. Massey Coal Co.</u> , 556 U.S. 868, 129 S.Ct. 2252, 173 L.Ed. 1208 (2009)	15.4, 15.6
<u>Franks v. Delaware</u> , 438 U.S. 154, 98 S.Ct. 2674, 57 L.Ed. 2d 667 (1978)	4.12
<u>Gerstein v. Pugh</u> , 420 U.S. 103, 95 S.Ct. 854, 43 L.Ed. 2d 54 (1974)	2.4, 3.5, 3.9, 4.3
<u>Gideon v. Wainwright</u> , 372 U.S. 335, 83 S.Ct. 792, 9 L.Ed. 2d 799 (1963)	3.2, 5.24
<u>Mapp v. Ohio</u> , 367 U.S. 643, 81 S.Ct. 1684, 6 L.Ed. 2d 1081 (1961)	5.23
<u>Michigan v. Doran</u> , 499 U.S. 282, 99 S.Ct. 530, 58 L.Ed. 2d 521 (1978)	2.16, 3.8, 4.16, 11.21
<u>Tinsley v. Trent</u> , 205 U.S. 20, 27 S.Ct. 420, 51 L.Ed. 689 (1907)	3.25
United States Constitution, 4 th , 5 th , 6 th and 14 th Amendments	ENTIRE PETITION
18 USC 3161-3174 "Speedy Trial Act of 1974"	6.4
28 USC 2241 Habeas Corpus	1.2

APPENDIX DOCUMENT DIRECTORYA - United States Supreme CourtDocuments

- | | |
|-------------------|--|
| 1.) "Petition #1" | 3.) Correspondence <u>TO</u> the Court - PETITION STATUS |
| 2.) APPENDIX | 4.) Correspondence <u>FROM</u> the Court - PETITION RETURNED |
-

B - Georgia Supreme CourtFilingsI - ORDERSDocuments

- 1.) Docket Notice
- 2.) Extension of Time (GRANTED)
- 3.) Habeas Appeal (DISMISSED)
- 4.) Reconsideration (DENIED)

II - MOTION FOR RECONSIDERATIONDocuments

- 1.) Motion for Reconsideration
- 2.) Exhibits
- 3.) Exhibits - Addendum

III - Appellant's BriefDocuments

- 1.) Appellant's Brief
- 2.) Exhibits

IV - Discretionary ApplicationDocuments

- 1.) Correspondence
- 2.) Discretionary Application

APPENDIX DOCUMENT DIRECTORY

C- Georgia State Habeas Corpus

Documents

- 1.) State Habeas Corpus FORM
 - 2.) Petition for Habeas Corpus
 - 3.) Application for Governor's Requisition (Governor's Warrant)
 - 4.) "MASQUERADE"
-

D- State's Exhibits

Documents

- 1.) E-01: INITIAL REPORT
 - 2.) E-02: FORENSIC INTERVIEW
 - 3.) E-03: SUSPECT INTERVIEW
 - 4.) E-04: ARREST WARRANTS
 - 5.) E-05: ARREST REPORT
 - 6.) "COMPLAINT"
-

E- Structural Error/Circuit MELT-DOWN

Documents

- 1.) Demand for Relief - Disqualification
 - 2.) Articles of Disqualification
 - 3.) Affidavit of Kevin H. McKenna
 - 4.) Change of Venue
-

F- Divorce Papers

Documents

- 1.) Complaint
- 2.) Amended Complaint
- 3.) Statement of Case
- 4.) ANSWER - Amended Complaint

~~Page 1 of 15~~**I. ADDITIONAL JURISDICTIONAL STATEMENT (RE: App'x A, doc. 1, sec. IV, pp 2-3)**

This Court has original jurisdiction on habeas corpus pursuant to 28 USC 2241, S.Ct. RULE 20.2 and 20.4. In addition to reasons stated in Petition #1, at section IV, "DISCRETIONARY JURISDICTIONAL STATEMENT" (App'x A, doc. 1, sec. IV, pp 2-3) the issues that have given rise to this case are of extreme national consequence, that has affected untold persons lives and Constitutional Rights for nearly 50 years. Those consequences are the product of this Court's holdings. Simply put, there is no other Court to grant relief to "We the People".

B. II. PRAYERS TO THE COURT

PRAYER #1- On behalf of "We the People", the untold number of like persons, past, present and future who's lives are both directly and indirectly affected, I PRAY to this Court for both "liberal" patience in the reading, and "careful processing" of this petition. I come to this Court on behalf of all the others similarly situated as to myself, so if not for my own benefit, be it for theirs.

PRAYER #2- To help truly appreciate the impact, affect on "humanity" these issues can and do cause, I PRAY to this Court to take pause and read the "MY PRAYER to this Court", as was submitted to the Supreme Court of the State of Georgia in support of the Discretionary Application sent to that Court in attempt to obtain relief. Please read App'x B, Filing IV, doc. 2, sec. 1, "Introduction" which also segues into the realities in general of App'x F, but in particular, App'x F, doc. A, sec. II, par. 1.

PRAYER #3- I PRAY this Court, take pause to truly "hear", and appreciate the words of this very Court. A "chorus" of some of those words was carefully crafted into the "PREAMBLE" of Petition #1 (App'x A, doc. 1, "PREAMBLE"). The first two passages are a particularly powerful, and worth repeating here: "As this Court has repeatedly stressed, 'a pro se complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings by lawyers [sic]'. These liberal pleading standards carry particular weight when courts consider habeas filings, given '[t]he writ of habeas corpus plays a vital role in protecting constitutional rights.' "There is no higher duty of a court under our constitutional system than careful processing and adjudication of petitions for writs of habeas corpus for it is such proceedings that a person in custody charges that error, neglect, or EVIL purpose has resulted in his unlawful confinement and he is deprived of his liberty contrary to law."

III. INTRODUCTION

1 This is a case of an absolute abuse of "State" power and authority, resulting in a catastrophic Constitutional "melt-
2 down", and as such, impossible to plead succinctly. However, there is an identifiable nucleus to the catastrophic
3 "melt-down" akin to identifying a nuclear bomb as the nucleus of its catastrophic destruction.

4 The nucleus to the destruction in this case is "Gerstein v. Pugh", where a "super-minority" (5 of 9 Supreme
5 Court Justices - versus - 4 "SEPERATE OPINION" Supreme Court Justices, 3 Circuit Court Justices, and 1 Federal
6 Court Judge, for a "5 v 8" "super-minority"), expressly relied upon an EX-PARTE determination of "...probable cause
7 as a prerequisite to extended restraint on liberty following an arrest." That holding is inarguably in DIRECT CONFLICT with
8 Fifth Amendment's "...deprived of... liberty... without due process...". The Constitutional associations are: LIBERTY and
9 DUE PROCESS, WARRANT and PROBABLE CAUSE, NOT LIBERTY and (EX-PARTE) PROBABLE CAUSE. ANY "EX-PARTE" deprivation
10 of liberty is absolute unchecked POLICE-STATE, unlimited persecutorial power of "the State". In the more eloquent words
11 of the "SEPERATE OPINION" author Mr. Justice STEWART speaking on behalf of the "5 v 8" majority, that holding "...extend [ed]
12 less procedural protection to an imprisoned human being than... a refrigerator..."; then at the closing of that same paragraph
13 stated "...[they] cannot join the Court's effort to foreclose any claim that the traditional requirements of constitutional
14 due process are applicable in the context of pretrial detention." Those "probable cause" words carry particular weight below!
15 Exponentially compounding/aggravating that "probable cause" issue is "Michigan v. Doran", where the Court held a
16 person, victim of an extra-jurisdictional/out-of-state/interstate, EX-PARTE determination of "probable cause" for arrest AND
17 extended deprivation of liberty, "...the courts of [that] state are without power to review the determination."

18 As to the resulting catastrophic destruction and Constitutional melt-down from "the State's" deliberate exploitation
19 of those two holdings, lives and a family were instantly destroyed. "The State" ("Public Law Enforcement Officials") found it
20 far more prudent to further exploit the power of "the State", and simply deprive the innocent victim person (refrigerator)
21 of ALL Constitutional Rights, persecute and attempt to convict "it" to white-wash the unjust destruction, rather than accept
22 responsibility for the catastrophic destruction done to an innocent "human being" and his family by their DELIBERATE
23 EXPLOITATION, and license of those two holdings.

24 I, Kevin H. McKenna, now humbly PRAY to, and PETITION this Court, on behalf of "We the People", to reconsider
25 these two holdings, and restore the RIGHTS guaranteed to us by the Constitution of the United States.

26

27

~~Page 3 of 15~~

IV. ARGUMENT IN SUPPORT OF THIS COURT ASSERTING DISCRETIONARY JURISDICTION

60 years ago, in a case similar in circumstances to this case, in Gideon v. Wainwright this Court also entertained a Pro-Se, in forma pauperis, habeas corpus petition regarding a then controversial holding of a divided court. Today, in this petition, there are two such holdings, each on their own controversial, and each the product of a divided court. The first is Gerstein v. Pugh (1974), foreclosing on Constitutional "due process" in context of extended deprivation of liberty, in spite of the clear text of the Fourth and Fourteenth Amendments "...deprived of... liberty... without due process of law," (see "SEPERATE OPINION" of FOUR Justices, "Specifically" at paragraph three(3), 420 U.S. 127). The second is Michigan v. Doran (1978), in the words of Justice STEWART, once the bar was lowered (in Gerstein v. Pugh), to "...extend[] less procedural protection to an imprisoned human being than... the custody of a refrigerator..." (420 U.S. 127), in context of an interstate arrest warrant, the Court summarily foreclosed on any inquiry into any "probable cause determination" required by the Fourth Amendment altogether in spite of the clear text of the Fourth Amendment, "No warrants shall issue but upon probable cause..." (see DISSENT at 439 US 291). Daring to add "We the People" argument; because the "extradition clause" pre-dates the "enumerated" "Bill-of-Rights" (and the Fourteenth Amendment) "due process clause", and is by happen-stance of close textual proximity to the full-faith-and-credit clause, does not magically wed meaning to (and from) the neighboring clause(s), nor divorce the clause from subsequent Constitutional Amendment(s), particularly in context of the "enumerated" "Bill-of-Rights" Ninth (people) Amendment specifically for that purpose, and especially so in the spirit of a document so PROMINENTLY marquee'd as for "We the People" and NOT "We the State". To exempt the Constitution's "extradition clause" from the Constitutional DEMANDS of the "Bill-of-Rights", is... unconstitutional and contrary to the very intent of the "Bill-of-Rights".

In federal "removal" proceedings it is "conceded that no such removal should be summarily and arbitrarily made. There are risks and burdens attending it which ought not to be needlessly cast upon any individual." "We must never forget that in all controversies, civil or criminal, between government and an individual, the latter is entitled to reasonable protection." "Removal is made a judicial, rather than mere ministerial, act" (Tinsley v. Treat, 205 U.S. 20, 20-29, 27 S.Ct. 43, 51 L.Ed. 680 (1907)). "It was held in Beavers v. Henkel, supra, Benson v. Henkel [...], Hyder v. Shine [...], as well as Greene v. Henkel, supra, that an indictment constituted prima facie evidence

1 of probable cause, but that it was not conclusive." "We regard that question as specifically presented in the present case,
2 and we hold that the indictment cannot be treated as conclusive," *Id.* at 31.

3 In the Fourth Amendment, "probable cause" holding of *Gerstein v. Pugh* (1974) at FN22, with rights often waived as
4 condition of conviction or release, the Court cited additional "due process" protection afforded to "... a parolee or
5 probationer arrested prior to revocation is entitled to an informal hearing at the place of arrest, with some pro-
6 vision for live testimony [i.e.], That preliminary hearing, more than the probable cause determination required
7 by the Fourth Amendment [i.e.] since the final revocation hearing frequently is held some distance from where the
8 violation occurred."

9 In 1978, the Supreme Court made two relevant, "probable cause" holdings, 1.) In the context of a search warrant
10 on the mere seizure of "things", the Court held "... a challenge to a warrant's veracity must be permitted." "It would
11 be an UNTHINKABLE imposition on [i.e.] authority if a warrant affidavit, revealed after the fact to contain a
12 deliberately or recklessly false statement were to stand beyond impeachment" (*Franks v. Delaware*, 438 U.S. 154, @ 115,
13 98 S.Ct. 2674, 57 L.Ed. 667 (1978)). 2.) Just six months later, in the extradition context, that same Court mandated the
14 "UNTHINKABLE", and foreclosed on even an opportunity to challenge a demanding State's "probable cause determination".
15 "In short, when a neutral judicial officer of the demanding state has determined probable cause exists, the courts of the
16 asylum state are without power to review the determination." (*Michigan v. Doran*, 439 U.S. 282, @ 290, 99 S.Ct. 530,
17 58 L.Ed.2d 521 (1978)).

18 That holding not only instantly injects absolute-trans-jurisdictional authority into any (rubber-stamped).
19 warrant (or indictment) imaginable, but also automatically creates "UNTHINKABLE" authority to ANY "probable-
20 cause" determination imaginable, "to stand beyond impeachment", leaving the most vulnerable with the least
21 protection. It is of absolutely no comfort whatsoever, that LONG AFTER life devastating extended deprivation of
22 liberty, LONG AFTER absolute economic annihilation of an entire family, LONG AFTER immeasurable, irreparable
23 harms and injuries, the "probable cause determination", "revealed AFTER THE FACT to contain a deliberately or reck-
24 lessly false statement.", COMPOUNDED by being deprived of "fair opportunity" to challenge the "probable cause
25 determination", BY THE DELIBERATELY OFFENDING JURISDICTION, in the demanding state. Imposing those consequences
26 on anyone that has not yet been convicted is serious. It is especially unfortunate to impose them on those persons ultimately
27 found to be innocent," (*Barker v. Wingo*, 407 U.S. 514 @ 533, 92 S.Ct. 2182, 33 L.Ed. 101 (1972)). IN OTHER WORDS...

1 ...any person, of any caliber, of any state of mind or being, "clothed" with "unthinkable imposition on [I] authority"
 2 anywhere within jurisdiction of the United States, to either issue or obtain a non-conclusive/ex-parte
 3 warrant or indictment regardless of infirmity(s), by any means imaginable, for any (negligent, reckless or
 4 deliberate bad faith) reason or motive, framed in "conclusory language", charges an offense, BUT-FOR the fact that
 5 warrant lacks out-of-state jurisdiction, NOT ONLY does that warrant paradoxically transform into an interstate-
 6 super-jurisdictional-warrant ("super-warrant") "since the proceedings are clothed with traditional presumption
 7 of regularity" of which "the courts of the [other 49 States] are without power to review the determination",
 8 BUT ALSO paradoxically spawns another super-jurisdictional "Fugitive from Justice" charge complete with both
 9 it's own unimpeachable "probable cause determination" to seize the accused, and super-jurisdictional, pre-determined
 10 "due process of law" determination to instantly deprive any person, anywhere within jurisdiction of the United States
 11 of their liberty, to instantly destroy the (presumptively) innocent person's life, family, career, and any other persons
 12 with any direct or indirect dependency (relatives, employers, clients, customers, etc.), leaving the accused indigent and
 13 helpless in a distant foreign State, ENTIRELY dependent on the lawless, deliberately offending jurisdiction to
 14 to appoint Counsel to indict the deliberate misconduct of the lawless offending jurisdiction.

15 "Self scrutiny is a lofty ideal, but it's exaltation reaches new heights if we expect a District ... to prosecute
 16 [itself] or [it's] associates for [bad-faith] violations the District or [it's] associates have [perpetrated]". ALL
 17 on a mere "conclusion" of "COMITY", "...to bring the offender[] to trial as swiftly as possible..." 650 DAYS
 18 LATER (and counting), "without hope of obtaining a valid conviction".

19 650+DAYS "dead-time" State Court practice -VS- 70 DAYS "dead-time" Federal Court Standard. Once again
 20 there are two very diverse standards for important Constitutional Rights in State and Federal Courts. It is
 21 long-ago, well-established by the Supreme Court of the United States, that federal standards on important
 22 Constitutional Rights are enforceable against the states through the due process clause of the Fourteenth Amendment.
 23 1961, in Mapp v. Ohio, the Court held the federal standards of the Fourth (and Fifth) Amendment(s) was enforceable
 24 against the states through the due process clause of the Fourteenth Amendment. LIKE-WISE in 1963, in Gideon v.
 25 Wainwright, the Court held the federal standard to the Right to the Assistance of Counsel clause of the Sixth
 26 Amendment was ALSO enforceable against the states through the due process clause of the Fourteenth Amendment.

~~XXXXXXXXXX~~

1 In 1972, in Barker v. Wingo, for the first time, the Court attempted to quantify the "Speedy Trial" mandate of the
 2 Sixth Amendment, establishing, as evident by the naming of such, A subjective "BALANCING FACTORS", enforceable against
 3 both State and Federal Courts. HOWEVER, in 1974 the United States Congress responded with "The Speedy Trial Act of
 4 1974" (18 USC 3161-3174) ("The Act"), articulating clear OBJECTIVE, Federal Standards "to give effect to the Sixth Amend-
 5 ment Right", once again leaving State and Federal Courts with two very diverse standards, on the same, important
 6 Constitutional Right. The Fifty years of history since enactment of The Act, it is well established to be a workable,
 7 OBJECTIVE, and amendable solution. In 1972, the Court declined to engage in "legislative or rulemaking activity" (Barker,
 8 407 U.S. 523). HOWEVER, that is what Congress did just two years later by passing "The Speedy Trial Act of 1974", establish-
 9 ing a (minimum) Federal standard, where those Speedy Trial Rights are enforceable against the states by the due-process
 10 clause of the Fourteenth Amendment (Barker, 407 U.S. 515, citing Klopfer v. North Carolina).

11 Even further, in spite of the Court's consistent proclamations that any "demand waiver" of any Constitutional Right is
 12 inconsistent with the demands of the Constitution, the State of Georgia remains a "demand waiver" "Speedy Trial" State.
 13 The repugnancy of that law is clearly evidenced in this case. The State has simply deprived McKenna "[t]he right to the
 14 effective assistance of counsel," ("the right of the accused to require the prosecution's case to survive the crucible of
 15 meaningful adversarial testing"), leaving McKenna incapable of "demanding" that right. The record in this case is devoid
 16 of (non-"boilerplate", and non-subversive) defensive pleadings. On the other hand, the record is replete with complaints
 17 of "NO COUNSEL" and "INEFFECTIVE ASSISTANCE OF COUNSEL". As only a partial example, see App'x E, doc. 3, "Affidavit of
 18 Kevin H. McKenna", statement 18; App'x A, doc. 2, "EXHIBIT A", etc.. A "demand" state need only hold a helpless, indigent
 19 defendant incapable to "demand" the right.

20 The "demand waiver" laws of the State of Georgia, are by pronouncement of the Supreme Court repugnant to the Constitution.
 21 Those laws also stand in violation of the Fourteenth Amendment. 1.) The State has made, and enforced "demand waiver"
 22 "Speedy Trial" law, abridging that Constitutional Right to citizens of the United States. 2.) The State has deprived a citizen
 23 of the United States of liberty, without due process of law, which the Constitutional Right to a Speedy TRIAL is clearly
 24 a process of law, due. 3.) The State has denied a person within it's jurisdiction equal protection of the law (Constitution)
 25 as provided to a person in a non-demand State, or a Federal Court defendant within that State's jurisdiction.

26

27

V SUPPLEMENTARY STATEMENT OF FACTS~~1/16/2023~~

The following statement of facts are supplementary to the facts (unsatisfactorily) represented in the original petition to this court (App'x A, Doc. 1, Sec. VII, pp 6-7) and were unknown/unrealized at the time of previous citation(s) of facts to the lower courts (State of Georgia Habeas Corpus (7/19/2022) (App'x C, Doc. 2, Sec. III, pp 2-5); Georgia Supreme Court - Discretionary Application (12/15/2022) (App'x B, Doc. IV/2, Sec. III, pp 3-4); Georgia Supreme Court - Appellant's Brief (3/2/2023) (App'x B, Doc. III/1, Sec. V, pp 2-4)).

The Supplementary Statement of Facts is CRITICAL in understanding the circumstances of this case (FRAMED with FALSE "probable cause"). The facts focus on December 15, 2021 (re: State's Exhibit, "E-03: Suspect Interview" document), and especially on December 16, 2021 (both State's Exhibits "E-04: Arrest Warrants," and "E-05: Arrest Report" documents). The arrest, and the events related to those documents are the focal point of an aggressive, on-going, concerted "cover-up" by "Public Law Enforcement Officials" resulting in a "due process," "structural" MELT-DOWN of judicial circuits in BOTH the States of Ohio and Georgia. Those events have to constitute the Constitutional "Crime of the Century" and the complete annihilation of an innocent man's life, family and career, so unfathomable would surely "shock the conscience of [any] man," and "serve as a [damning] indictment of, against or [entire] system of justice."

Compounding those harms of being FRAMED with SHAM "probable cause", is the "probable cause" is predicated upon a SHAM charge (and subsequent mirror image "special presentment" (indictment)) now tacitly conceded by the State by subsequent "re-indictment" to have been "fatally flawed" ... "unable to support a conviction."

BACKGROUND - McKenna is 65 years old, born in 1958, raised in, and always permanent, full time resident of the State of Ohio, married at age 22 in 1980, with one (adult) child/daughter born in 1989.

• April of 2013 - McKenna began employment as a Perfume Bottle and Manufacturing Design Engineer for a company located in the State of Georgia, at the time, fully expecting to relocate himself and his family to the State of Georgia. After several months of house hunting, McKenna's adult daughter, still residing with McKenna and his wife to attend local college in the State of Ohio, decided not to relocate to the State of Georgia. For their daughter's benefit, the McKenna's collectively chose not to relocate to the State of Georgia, and instead, for McKenna's wife and daughter to remain "home" in Ohio, and for McKenna to work remotely from temporary apartment accommodations within a reasonable, daily commute distance of McKenna's place of employment in Georgia, returning home to Ohio when work conditions permitted.

~~XXXXXXXXXX~~

1 • July/August 2020 - Due to multiple competitive employment offers and counter-offers, McKenna negotiated a new "remote"/
 2 "work-from-home" employment contract with his Georgia employer. McKenna terminated his temporary apartment
 3 lease in the State of Georgia and very happily, and peaceably returned full-time to his home and family in Ohio
 4 mid September of 2020.

6 • RELEVANT FACTS - September 27, 2021 - Over a year after McKenna returned to his home and family in Ohio pursuant to his
 7 new "remote"/"work-from-home" employment contract, according to State's Exhibit "E-01: Initial Report" (App'x D), and
 8 completely unknown to McKenna in Ohio, State of Georgia Gwinnett County Police Department (GCPD) Officer T.J. Walch
 9 #2129, took a report of allegations against McKenna by telephone. Significantly, at line 9 of Walch's "NARRATIVE" of
 10 the telephone report, it states: "MCKENNA CURRENTLY LIVES IN OHIO" (1). Further, on the September 27, 2021 "INCIDENT
 11 REPORT", "OFFENDER" section verifies McKenna's Ohio residence arrest (2). For reasons cited later (at December 16, 2021
 12 at "1200") it is IMPORTANT to note, at the top of the September 27, 2021 "INCIDENT REPORT", the "FAMILY VIOLENCE?" field
 13 is "X No", and at the bottom of the "PREMISE" section, the "PREMISE TYPE:" field is "01 RESIDENCE/SINGLE".

14 • December 15, 2021
~~September 28, 2021~~ According to State's Exhibit "E-05: Arrest Report" (App'x D) dated December 16, 2021, "Narrative"
 15 (by Conway) at "Page 7 of 10," paragraph 5, Conway states, in his own words:

16 "On December 15, 2021, Detective B. Shauger (W-016) with the Muskingum County [Ohio] Sheriff's Office
 17 interviewed Kevin McKenna (sic) at his residence located at 5590 Woodside Dr, Nashport, Ohio (3).
 18 Det. Shauger recorded the interview and provided copy by mail to include a report detailing the interview.
 19 The interview was subsequently uploaded to evidence.com (E-03). The following is the supplementary report
 20 narrative provided by Det. B. Shauger detailing his interview...

21 "On Wednesday, December 15, 2021, at 1445hrs I arrived at 5590 Woodside Dr, Nashport, Ohio 43830
 22 being the residence of Kevin McKenna (4). As I parked in the driveway Kevin came outside the
 23 front door (5). I identified myself and verified he was Kevin... (6) "

24 • December 16, 2021 - According to that same State's Exhibit "E-05: Arrest Report" - "Narrative" (App'x D), at the top of "Page
 25 10 of 10," Conway stated he relied on (alleged self-incriminating) "admissions," "made by Kevin", obtained from that
 26 December 15, 2021 "E-03: Suspect Interview" (App'x D) at McKenna's residence in Ohio (7) in alleged support of

~~XXXXXXXXXX~~

- 1 "probable cause". While not at all exhaustive of that fact being known to Conway, it is minimally TX verification,
 2 known to Conway that McKenna was resident in the State of Ohio, and NOT in the State of Georgia!
- 3 • December 16, 2021 at 9:21:41AM - According to State's Exhibit "E-04: Arrest Warrants" (Appx D) and "E-05: Arrest Report"
 4 (Appx D) "INCIDENT REPORT NARRATIVE" at pg. 1, and "Narrative" at "Page 10 of 10" (last page at paragraph 3), states:
 5 "[Conway] obtained warrants [...] through the on-duty Gwinnett County Magistrate Judge. AFTER obtaining the
 6 warrants, [Conway] THEN completed a report for the warrants obtained." According to Georgia Law OCGA 19-13-1
 7 ("Family Violence" defined) (Appx D, "E-04: Arrest Warrants," @ pg. 1) requires either the obvious familial relationships
 8 OR "persons living in the same household", neither of which apply to McKenna and the alleged victim. Conway
 9 FRAMED McKenna to falsely establish that McKenna was NOT full-time resident in Ohio since September of 2020
 10 as is documented in ALL State's Exhibits, NEVER was McKenna present at his own "E-03: Suspect Interview" at McKenna's
 11 residence in the State of Ohio on December 15, 2021 at "1445 hrs" as verified by Det. B. Shauger in that "Suspect Interview"
 12 but INSTEAD, FALSELY represented McKenna was in the State of Georgia on December 15-16, 2021, "living in the
 13 same household" with the alleged victim, and as evidence of McKenna's guilt, that McKenna had taken flight,
 14 ABSCONDED, fled the State of Georgia "to avoid prosecution" (e.g. "Governor's Warrant" at Appx C, Doc. 3, pg. 1, par. 2),
 15 to seek refuge at his residence in the State of Ohio, not only as FALSE evidence of McKenna's guilt in the alleged charge,
 16 but also perversely as FALSE "exigent circumstance" to execute a FALSE FUGITIVE, WARRANTLESS arrest also as a
 17 self-fulfilling ("circular reference/dependency") evidence of McKenna's guilt of the SHAM charge!
- 18 • December 16, 2021 at "1200" - According to State's Exhibit "E-05: Arrest Report" (Appx D) as self-evidenced/documentated by that
 19 document at "Page 10 of 10" (last page, par. 3) after "[Conway] obtained warrants [...] through the on-duty Gwinnett
 20 County Magistrate Judge. [Conway] then completed a report for the warrants obtained." Conway THEN, at "1200" went
 21 back to falsify the investigation documents to reflect the warrants Conway previously obtain several hours earlier.
 22 At the top of the "INCIDENT REPORT", Conway changed the "FAMILY VIOLENCE?" field from "X No" to "X Yes",
 23 and at the bottom of the "PREMISE" section, changed the "PREMISE TYPE:" field from "01 RESIDENCE/SINGLE" to
 24 "02 RESIDENCE/MULTIPLE", again to reflect the FALSE arrest warrants previously obtained at 9:21:41AM.

~~XXXXXXXXXX~~

- 1 • December 16, 2021 at approximately 06:42PM (According to "LEADS" printout)- While McKenna is peacefully eating dinner
 2 "with his wife at his residence in Ohio, oblivious to having been FRAMED as a "FUGITIVE FROM JUSTICE", Muskingum
 3 County of Ohio Sheriff Deputies descend on McKenna's residence in Ohio to execute a NIGHT-TIME, WARRANTLESS
 4 arrest. With Deputies shining flashlights through McKenna's back patio door, McKenna slides the patio door open
 5 to find out what is going on. Sheriff Deputies hand-cuff McKenna in front of his wife, stating "we assume you
 6 know why we are". While inside McKenna's home a deputy stated McKenna had been indicted by a grand jury.
 7 McKenna was immediately taken to the Muskingum County Sheriff's Office jail. While at "booking" Deputy
 8 "Lee" informed McKenna that he was not their prisoner, that McKenna was prisoner of Gwinnett County.
- 9 • December 17, 2021 at "1:01 PM"- Muskingum County of Ohio Sheriff's Office received "CONFIRMATION FAX" from
 10 Gwinnett County of Georgia, "Extradition Unit" Sheriff Deputy Griselda Navarro with copy of the warrants
 11 obtained from the Gwinnett County MAGISTRATE COURT Judge (see App'xC, Doc. 2, "Page 10 of 17", paragraph 2;
 12 see also SAME document at "Page 13 of 17", "Page 14 of 17", "Page 15 of 17"). Emphasizing the point that the
 13 Muskingum County Sheriff's Office had copy of the warrants issued "through the on-duty Gwinnett County MAGISTRATE
 14 Judge" (State's Exhibit "EOA: Arrest Warrants" (App'x D)), and a MAGISTRATE Judge cannot issue a warrant on an
 15 INDICTMENT, as was FALSELY represented by Muskingum County Sheriff Deputies upon McKenna's arrest.
- 16 • December 20, 2021 - Four (4) days after McKenna's arrest (WARRANTLESS), Muskingum County of Ohio Sheriff Captain
 17 Jeff LaDecq swore out a twice over FALSE Complaint against McKenna to a Deputy "Clerk of Court" citing
 18 1) "... a warrant for [McKenna's] arrest has been issued by the State of Georgia, Gwinnett County SUPERIOR Court,
 19 2) "... and that said Kevin H. McKenna has fled the State of Georgia, and has taken refuge in the State of
 20 Ohio, and is now in the County of Muskingum." (see App'x D, Doc. 6, "COMPLAINT").

VI. GROUND FOR RELIEF (1.)

I, Kevin H. McKenna, have been seized by WARRANTLESS arrest, on contrived/fabricated "exigent circumstance" predicated upon false/perjured "probable cause" on an out-of-state arrest warrant, and as of September 26, 2023, for 650 days and counting, "deprived of ... liberty ... without [any] process of law". Deprived of an impartial tribunal, deprived of assistance of counsel, deprived of bail, deprived of any/all means and/or opportunity to challenge the legality of all of the foregoing, including being deprived of (State) Writ of Habeas Corpus. (In addition to the facts cited immediately below, the claim is also supported by "Statements of Fact": App'x C, doc. 2, sec III, pp 2-5; App'x B, Filing III, doc. 2, "EXHIBIT C"; App'x B, Filing IV, doc. 2, sec III (A); App'x B, Filing III, doc. 1, sec V; App'x E).

FACTS SUPPORTING CLAIM:

December 16, 2021 at approximately 06:42 PM (per "LEADS" Report (not included)), upon contrived/fabricated "exigent circumstance", victim of night-time, residential, WARRANTLESS arrest, predicated upon false/perjured out-of-state Magistrate Court arrest warrant (Case #1; App'x D, doc. 4, "E-04: Arrest Warrants"). Thereafter, deprived of liberty upon false/perjured "COMPLAINT" sworn before a (deputy) Clerk of Court on December 20, 2021 (Case #2; App'x D, doc. 6). March 15, 2022 released (Case #2), and re-arrested 11 hours later on false/perjured arrest warrant (Case #4), predicated out-of-state, perjured/false arrest warrant cited above for the WARRANTLESS arrest. April 06, 2022 (re)re-arrested on SHAM, false/perjured "Governor's Warrant" (App'x C, doc. 3, p1) (predicated upon false/perjured "extradition documents" (App'x C, doc. 2, sec V (2), pp 10-11; App'x C, doc. 3), predicated upon "Fatally Flawed" indictment (see App'x A, doc. 2, "EXHIBIT-A"-"DEMAND FOR RELIEF")). April 07, 2022 - May 24, 2022, deprived of "Mandatory (Habeas) Hearing" by SHAM appointment of counsel, to file SHAM Habeas Corpus Application, in "SHAM Legal Process", as SHAM challenge of false/perjured "extradition documents" (Case #4 & 5; App'x C, doc. 2, sec III, pp. 4-5) and otherwise foreclosed by law to challenge demanding state's SHAM "probable cause determination" (Doran, 429 U.S. at 290). May 28, 2022 forcefully "removed" from the State of Ohio (Asylum State) without "probable cause", without hearing, without lawful Warrant or authority, on false/perjured "Governor's Warrant", and false/perjured, "FATALLY FLAWED" indictment. June 02, 2022 - Present - Continued/on-going deprivation of liberty without due process of law, persecuted in deliberately offending, lawless jurisdiction of false/perjured "probable cause", contrived/fabricated "exigent circumstance", false/perjured grand-jury testimony, false/perjured "extradition documents", deprived of impartial tribunal, deprived of assistance of counsel, deprived of any/all opportunity to challenge offending jurisdiction's "probable cause determination" (App'x E).

1 September-December 2022-Deprived of State Habeas Corpus (Case #7, App'x C, doc.2; App'x E, doc.2 "ARTICLES OF
 2 DISQUALIFICATION", Statements 6,7,8; App'x E, doc.3, "Affidavit of Kevin H. McKenna", Statement 19; App'x B,
 3 Filing III, doc.1, sec. VII, "ERROR #1--#4", pp 6-8; App'x B, Filing III, doc.2, "EXHIBIT-C"), January 03-10, 2023-
 4 "State of Georgia" (Assistant District Attorney Christopher M. DeNove, & Superior Court Judge R. Timothy Hamill)
 5 to obtain/issue. PERVERSE/SHAM/NOV-PARTY dismissal of State Habeas Corpus (Case #9; App'x B, Filing II, doc.3,
 6 EXHIBITS #1 & #2 (same as App'x D, doc.6 "MASQUERADE"; App'x B, Filing III, doc.1, "Appellant's Brief").
 7 April 14, 2023-Deprived of liberty/bond by "The State" (ADA Scott Estes) with SHAM/false/contrived evidence,
 8 "FRAMED" with FALSE CRIMINAL RECORD ("RAP Sheet") (April 14, 2023 "Bond Hearing" transcript (not included);
 9 App'x A, doc.2, "EXHIBIT-A", sec. II; App'x A doc.1, sec. VII, p7 at "4/14/23"; App'x E, doc.4, sec. II, p4 at "2.").
 10 While guilt/innocence is inappropriate on habeas corpus inquiry, "probable cause" is reasonable inquiry. See
 11 App'x D, "E-04: Arrest Warrants" for "Affidavit". Albeit the "detailed report" filled out post-hoc cannot support
 12 probable cause. Further, "probable cause" cannot lie on a charge, unsupported by any evidence ("FATALLY FLAW-
 13 ED", "unable to support a conviction").

14
 15 GROUND FOR RELIEF (2.)
 16

17 I, Kevin H. McKenna, by depriving me the protection(s) of the State of Georgia's statutory "Double Jeopardy"/Successive
 18 Prosecution law, which provides additional protection beyond Constitutional "Double Jeopardy", the State of Georgia
 19 has deprived me of my Fourteenth Amendment Constitutional Right, which states: "...nor shall any state deprive
 20 any person of... liberty... without due process of law, nor deny to any person within it's jurisdiction the equal
 21 protections of the law."

22 If the State of Georgia has the right to enforce, and prosecute offenses to it's laws, the Fourteenth Amendment
 23 of the United States Constitution mandates that the State of Georgia provide "equal protections of the law."

24
 25 Please see Appendix A ("Petition #1"), document 2 ("Appendix"), EXHIBIT #1 ("Demand for Relief").
 26
 27

Page 13 of 15
~~11/15/18/12/11~~

GROUND FOR RELIEF (3.)

1 I, Kevin H. McKenna, have been deprived of my Constitutional Right to a "Speedy Trial". While it should be
 2 arguable that "bad faith", in the form of perjured/falsified warrant affidavits on "extradition documents" and
 3 "bad faith" deprivation of due process of law to challenge the perjured/falsified document is, or should not be
 4 "tollable", the "Public Law Enforcement Officials" of Gwinnett County Georgia did initiate the SHAM "extradition"
 5 process on March 15, 2022 (see App'xC, doc.3, pp 2-4), and McKenna was under (unlawful) custody and control of an
 6 "agent" of the State of Georgia on May 30, 2022, which is 76 days. $650 - 76 = 574$ non-tollable days.

7 As to any "calculation(s)" of "weight" and "balancing factors", that is an apparent subjective/discretionary act of
 8 a/the Court. As to "tollable days", there appear to be none, to have contributed to any delay(s), by either prosecution
 9 or defense. The best that can be offered is a table of landmark dates, and associated day counts.

10

11	Event Date	Days	Remarks
12	December 16, 2021 (at 6:42 PM)	0	WARRANTLESS Arrest "Case #2" (CRB2100647)
13	March 09, 2022	84	SHAM "Indictment"/"Special Presentment" "Case #3" 22-B-00929
14	March 15, 2022	90	Initiated SHAM perjured/falsified Extradition Process (App'xC, doc.3, pp 2-4)
15	May 30, 2022	166	Abducted from the State of Ohio, in Custody of Agent of State of Georgia
16	June 02, 2022	169	In Custody of Sheriff Keybo Taylor/Gwinnett County Jail
17	August 26, 2022	254	Forged/Perjured "WAIVER OF ARRAIGNMENT" "Case #3" 22-B-00929
18	February 23, 2023	435	Re-Arraignment "Case #3" 22-B-00929
19	June 01, 2023	533	Re-re-arraignment (State Statutory "Double Jeopardy" violation)
20	September 26, 2023	650	"Reference Date"

21

22 "[T]he innocent shall not be worn and wasted by long imprisonment, but ... speedily come to his trial" (578 U.S. 442)

23

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27

GROUND-FOR RELIEF.

I, Kevin H. McKenna, am currently deprived of my Constitutional Right to a speedy trial. While it is arguable that "bad faith" in the form of perjured

Page 14 of 15
~~Page 14 of 15~~GROUND FOR RELIEF (4.)

- 1 T, Kevin H. McKenna, as of September 26, 2023, have been deprived of liberty, without due process of law, of all of the following:
- 2 A.) Statutory "Commitment Hearing", as provided for by the laws of the State of Georgia, and enforceable against the State
- 3 by the Due Process Clause of the Fourteenth Amendment,
- 4 B.) Constitutional adversarial/"preliminary" hearing as provided for by the Due Process Clause of the Fifth Amendment,
- 5 and enforceable against the States by the Due Process Clause of the Fourteenth Amendment.
- 6 C.) Federal "Preliminary Hearing", as afforded to all persons in Federal District Courts, as a minimum, equal
- 7 protection afforded to all citizens of the United States, and enforceable against the States by the Due Process Clause
- 8 of the Fourteenth Amendment.

- 9
- 10 To challenge the false/perjured testimony of the single prosecutor/detective/officer/witness for:
- 11 A.) Self-determination of "probable cause" to obtain an arrest warrant (App'x D, dec. 4, "E-D4: Arrest Warrants; see
- 12 also "SUPPLEMENTARY STATEMENT OF FACTS" supra.).
- 13 B.) As sole witness to obtain subsequent grand-jury "Special Presentment"/Indictment (App'x C, dec. 3, pp 8-9)

14

15 BECAUSE: The Supreme Court of the United States has held a formal FIFTH AMENDMENT, pretrial, "due process of law"

16 adversarial, deprivation of liberty procedure, is not a Constitutional requirement under the FOURTH AMENDMENT's

17 previous, informal, non-conclusive, ex-parte "probable cause determination" procedure exclusively for INITIAL ARREST,

18 by a judicial officer, as TRANSCENDING, superseding authority over subsequent PRETRIAL "EXTENDED" restraint of

19 liberty." (Gerstein v. Pugh, 420 U.S. 103, S.Ct. 854, 43 L.Ed.2d 54 (1974) at SYLLABUS (i.)).

20 The Bill of Rights Criminal Procedure Amendments are sequentially/procedurally enumerated: FOURTH-ARREST,

21 FIFTH-PRETRIAL, SIXTH-TRIAL. It is AXIOMATIC that a preceding, informal procedure cannot transcend/supersede

22 a subsequent, formal "due process of law" procedure. If such were the case, the informal FOURTH AMENDMENT

23 procedure would also transcend/supersede, and dispense of the subsequent Sixth Amendment formal TRIAL

24 PROCEDURE(S).

25 "Due process of law" is not a "burden" on "The State". It is the Constitutional Right and Mandate of "We the People".

26

27

VII. MY CLOSING PRAYER TO THIS COURT

I PRAY to this Court for liberal reading, patience, and utmost careful processing of this Habeas Corpus Petition.

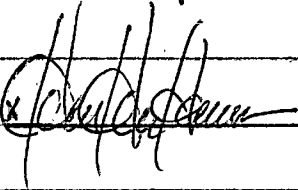
I PRAY to this Court for sufficient appointment of Counsel in order to truly and fairly represent all of the critically important issues of this case to this Court. I PRAY this Court very carefully consider this Court's own words:

"It is axiomatic that '[a] fair trial in a fair tribunal is a basic requirement of due process. *Murchison*' (*Caperton*, 556 U.S. 876), ... '[b]ut it is also true that EXTREME cases are more likely to cross constitutional limits REQUIRING this Court's intervention...', ... '[t]his is particularly true in cases where due process is violated' (*Caperton*, 556 U.S. 887)

I PRAY to this Court, for ALL "We the People of the United States", to RESTORE the Fifth Amendment Right that NO PERSON shall be deprived of liberty without due process of law. I PRAY to this Court for relief from the unconscionable lawlessness of the Gwinnett County of Georgia "Public Law Enforcement Officials". An AXIOM of mine is... "There is good and bad in everything."

My hope in this case is, by the "bad" being the horrid, unjust suffering of myself and my family, that the "good" will be to spare untold number of people that same unjust suffering. So, to my last PRAYER to this Court, I PRAY this Court seize on this unprecedented opportunity to insure the promises and blessings guaranteed by the Constitution be bestowed upon ALL "We the People of the United States".

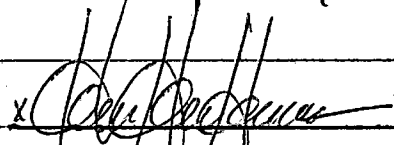
For "We the People"



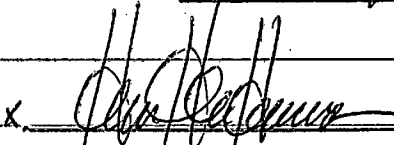
VIII. VERIFICATION/OATH/SIGNATURE

Pursuant to 28 USC 1746: I, Kevin H. McKenna, verify under penalty of perjury, that any/all statements, references, representations, and any/all exhibits herewithin and accompanying the foregoing Petition for Writ of Habeas Corpus, are as true, accurate, and correct as I am able to convey by this written instrument.

Executed on September 15, 2023


Kevin H. McKenna

Executed on November 02, 2023


Kevin H. McKenna

**Additional material
from this filing is
available in the
Clerk's Office.**