

25-6361

No. \_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES

FILED  
OCT 15 2025

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

Ronald Johnson — PETITIONER  
(Your Name)

vs.

KANSAS SUPREME COURT — 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)  
#2000048148 JOHNSON, RONALD, H.C.F./KDOC  
500 S. Reformatory Rd  
(Address)

Hutchinson, KS 67504  
(City, State, Zip Code)

(316) 794-9740  
(Phone Number)

RECEIVED

DEC - 2 2025

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

**QUESTION(S) PRESENTED**

1. Did the W.Y. CO, KS. district Court have the authority to violate the statute governing upward departures / 2003 K.S.A. 21-41716(b), or proceed without a waiver of rights for the judge alone to hear agg or mitigating factors to enhance or increase the amount of time before petitioner Ronald Johnson sees the Kansas Review Board ?
2. Once the Kansas Supreme Court held K.S.A. 21-4635 to be an unconstitutional sentencing scheme, for being a sixth amendment due process violation, did this event trigger the mandatory saving clause sentence modification pursuant to K.S.A. 21-4639 / K.S.A. 21-6628(c) ?
3. Is K.S.A. 21-4639 / K.S.A. 21-6628(c) a state created liberty interest ?
4. Was K.S.A. 21-4635 sua sponte invoked, or was it the Courts own volition ? Does this trigger the liberty interest automatically ?
5. Once Kansas Supreme Court held K.S.A. 21-4635 to be a unconstitutional sentencing scheme, was it then the various district courts of Kansas duty to apply the automatic saving clause mandatory sentence modifications to the dozens of Kansas prisoners who had the unconstitutional sentencing scheme applied to them ?
6. If this been a Kansas Courts systematic withholding of the saving clause mandatory sentence modifications for over 53 Kansas prisoners, did this action or inaction hinder or withhold Kansas prisoners release for time served pursuant to K.S.A. 21-6628(c), formerly K.S.A. 21-4639 ?
7. Did these dozens of Kansas prisoners sentenced to the unconstitutional sentencing scheme K.S.A. 21-4635 have to Motion the Court to get the relief outlined within K.S.A. 21-4639 now K.S.A. 21-6628(c) ?

**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:

**RELATED CASES**

Apprendi v. U.S. (2000)

State v. Horn 8/20/2010; No. 97,872

State v. Duncan Supp. Kan. 11/19/2010; No. 99,463

State v. Bennett, 51, Kan. App. 2d. 356, 357; April 3, 2015

State v. Ballard, 218 P.3d 432, 289 Kan. 1000 (Kan. 2009)

State v. Brown, 339 P.3d 413 (Kan. App. 2014)

State v. Dunn, 444, P.3d 343 (Table) (Kan. App. 2019)

## TABLE OF CONTENTS

OPINIONS BELOW .....	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....	
STATEMENT OF THE CASE .....	
REASONS FOR GRANTING THE WRIT .....	
CONCLUSION.....	

## INDEX TO APPENDICES

APPENDIX A IN THE COURT OF APPEALS OF THE STATE OF KANSAS  
Ronald Johnson, Appellant v. JEFF ZMUDA, Secretary of K.D.O.C. et al.,  
No. 127-121

APPENDIX B RONALD JOHNSON, #79020 Petitioner v.  
JEFF ZMUDA, et al, Respondents ; Case No. BU-2023-CV-000133

APPENDIX C No. 127,121; SUPREME COURT OF KANSAS/ ORDER  
September 8, 2025; Petition For Review Denied.

APPENDIX D MANDATE/ September 16, 2025

APPENDIX E 2003 K.S.A. § 21-4639

APPENDIX F K.S.A. § 21-6628 (c)

Appendix G K.S.A. § 21-4716

Appendix H K.S.A. § 21-4718

## TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
STATE v. Soto, April 11, 2014	3, 5, 4, 6
STATE v. Ronald Johnson, April 30, 2021 (339,486 P.3d 544)	5, 6
Alleyne v. U.S. 133 S.Ct. 2151, 186 L.Ed. 2d 314 (2013)	5, 6
STATUTES AND RULES	
K.S.A. 21-4635	3, 4, 6
K.S.A. 21-4635 et seq	3, 4, 6
K.S.A. 21-4639	3, 4, 6
K.S.A. 21-6628 (c)	3, 4, 6
Kansas Administrative Regulation / K.A.R. 44-6-107	3, 4, 6
K.S.A. 60-1701 et seq.	3, 4
K.S.A. 21-4716, or Appendix Codified in Kansas Law.	3, 6, 4
OTHER	
United States Sixth Amendment	3, 4, 6
Eighth Amendment	3, 4, 6
Fourteenth Amendment	3, 4, 6
Kansas Governor 2013 Proclamation	3, 4, 6

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

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

**OPINIONS BELOW**

For cases from **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**:

The opinion of the highest state court to review the merits 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 \_\_\_\_\_ 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.

**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 September 8, 2025. A copy of that decision appears at Appendix C.

[ ] A timely petition for rehearing was thereafter denied on the following date: September 16, 2025, and a copy of the order denying rehearing appears at Appendix D.

[ ] 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

The Constitutional provision involved here is the sixth amendment due process clause, because the Supreme Court of Kansas stated the sentencing scheme provision statutory provision K.S.A. 21-4635 is unconstitutional because it allowed a judge alone to increase the amount of time to do before seeing a Kansas parole board, from a 25 year board to a 50 year board, without the fact finding of the jury.

The saving clause mandatory sentence modification liberty interest statutory provision within the hard 50 act (K.S.A. 21-4635 et seq.) was triggered *sua sponte*; being K.S.A. 21-4639, renumbered to K.S.A. 21-6628(c); this is the liberty interest saving clause statutory provision that instructs on what is to be done in the event one of the provisions within the hard 50 act is held unconstitutional.

2003 K.S.A. 21-4716(b) instructs the Court on how to give out an upward durational departure sentence; none of these instructions were met in Petitioners Ronald Johnson case, the legal criteria went out the window, and went ignored by the district court. This is *Apprendi* codified in Kansas, a protection of the sixth amendment

K.S.A. 21-4635 been held unconstitutional; Equal Protection under the 14<sup>th</sup> amendment is in violation, equaling a 8<sup>th</sup> amendment violation.

K.S.A. 21-4639 is the triggered liberty interest; it's being withheld 2003 K.S.A. 21-4716(b) was/is violated by sentencing Court

K.S.A. 21-6628(c) is the exact same as K.S.A. 21-4639, just renumbered.

K.A.R. 44-6-107, is triggered, instructing KDOC to apply law that governs.

2013 Kansas Governor Proclamation; stating "significantly weaker sentences" for these Kansas prisoners

### STATEMENT OF THE CASE

The sentencing Court was/is without a waiver of rights to have the jury dismissed and a judge alone to hear aggravating and mitigating factors to increase Petitioners time from a 25 year Kansas Review Board to 50 years before Petitioners sees the KRB.

The sentencing Court on it's own volition *sua sponte* invoked K.S.A. 21-4635 et seq. which automatically triggers the liberty interest saving clause mandatory sentence modification in the event any provision of this act is held unconstitutional.

K.S.A. 21-4635 was held unconstitutional in 2014, triggering K.S.A. 21-4639 / K.S.A. 21-6628(c) liberty interest saving clause; *sua sponte*. Kansas Courts have ignored the duty and responsibility to *sua sponte* enforce the liberty interest in form of K.S.A. 21-4639 / K.S.A. 21-6628 (c). Ignoring questions presented K.S.A. 60-1701

Petitioner has sought the relief due through several state created vehicles to only be denied by the Court without the Court addressing the *sua sponte* issue at bar, nor addressing the merits of the case, as here.

Petitioner Contends the relief sought in the liberty interest K.S.A. 21-4639 is not, or was not contended on Petitioner filing a Motion, the relief sought is automatic; or the *sua sponte* duty of the Court at district court or sentencing Court. K.S.A. 21-4716 is Apprendi Codified in Kansas Law.

Petitioner Contends the sentencing court exceeded jurisdiction by invoking the upward departure by violating the application of K.S.A. 21-4716(b), getting a waiver of rights to proceed. Petitioner Contends once the KSC held K.S.A. 21-4635 unconstitutional this triggered the forced application of the liberty interest *sua sponte* K.S.A. 21-6628(c), formerly K.S.A. 21-4639, Petitioner Contends the Court had intered the responsibility to apply the saving clause in the event one of the upward departure hard 50 provisions is ever held unconstitutional.

Petitioner Contends this event happened in *State v. Soto* (April 11, 2014). Petitioner Contends the sentencing Court has an automatic duty to duty to sentencing Petitioner as directed by K.S.A. 21-6628(c) / K.S.A. 21-4639 within its commands and instructions. Kansas Court are violating the 6<sup>th</sup>, 8<sup>th</sup>, and 14<sup>th</sup> U.S. amendments, by its actions or inactions.

### REASONS FOR GRANTING THE PETITION

Petitioner contends several compelling reasons exist for the exercise of the Court's discretionary jurisdiction. #1 the lower court never addressed the merits of the case, #2 the sentencing Court never obtained a waiver of rights to proceed to an upward departure without the jury findings of aggravating or mitigating factors to increase a 25 year KRB to a 50 year KRB. #3 the lower court decision is in error because the state created liberty interest within the upward departure act / hard 50 is being withheld, not only for this case at bar, but for at least 53 other similarly situated Kansas prisoners sentenced to the illegal unconstitutional sentencing scheme K.S.A. 21-4635. Petitioner contends the STATE created the liberty interest K.S.A. 21-4639 / K.S.A. 21-6628(c) when the Court / state invoked K.S.A. 21-4635 et seq. the application was triggered in the "Soto" case, April 11, 2014, but the Court has not taken remedial action to enforce the sua sponte provision, if the Court invoked which has been held not only illegal but unconstitutional as well. Petitioner contends this conflicts with several Apprendi law principle cases in Kansas. see : State v. Horn, Supp. Kan. August 20, 2010 #97842; State v. Duncan Supp. Kan. November 19, 2010 #99,463; State v. Bennett, 51 Kan. App. 2d, 356, 357, 347, P. 3d. 299, 231, April 3, 2015. Allegne is an extention of Apprendi Petitioner contends, and K.S.A. 21-4716(b) is Apprendi Codified in Kansas. Then Kansas Governor Sam Brownback, stated in the 2013 Proclamation: "The unconstitutional hard 50 will virtually guarantee significantly weaker sentences, for these violent Kansas prisoners. This is also an event that triggered the remedial application and enforcement of the liberty interest within K.S.A. 21-4639 / K.S.A. 21-6628(c).

Petitioner Ronald Johnson contends with the records supporting the automatic triggering of K.S.A. 21-4639, the lower Courts are in error.

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Donald Johnson El  
Date: 10/10/2025, Friday