

26-5680 ORIGINAL
No. _____

FILED
AUG 11 2026
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES
WASHINGTON, DC

TREVOR JOHNSON

(Your Name) — PETITIONER

vs.

WARDEN, SHANNON BUTRUM

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

COURT OF APPEALS FOR THE SIXTH CIRCUIT

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

PETITION FOR WRIT OF CERTIORARI

TREVOR JOHNSON

(Your Name)

LUTHER LUCKETT CORR. COMPLEX P.O. BOX 6

(Address)

LAGRANGE, KENTUCKY 40031

(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

DID THE COURT OF APPEALS FOR THE SIXTH CIRCUIT ERRONEOUSLY DENY PETITIONERS HABEAS CORPUS PETITION BECAUSE OF SECOND OR SUCCESSIVE § 2254 WITHOUT REVIEWING THE RECORD AS WELL AS BASING ITS DECISION ON THE UNITED STATES DISTRICT COURT IN VIOLATION OF THE FIFTH AND FOURTEENTH AMENDMENT RIGHTS TO THE UNITED STATES CONSTITUTION.

DID THE COURT OF APPEALS FOR THE SIXTH CIRCUIT ERRONEOUSLY DENIED PETITIONER ACTUAL INNOCENCE CLAIM WITHOUT REVIEWING THE RECORD OF THE CASE WHERE PETITIONER WAS CHARGED WITH FIRST-DEGREE RAPE, FIRST-DEGREE SODOMY, AND FIRST-DEGREE PERSISTENT FELONY OFFENDER WHICH WAS IN VIOLATION OF THE FIFTH AND SIXTH AMENDMENT RIGHTS TO THE UNITED STATES CONSTITUTION, AND; CLEARLY ESTABLISHED FEDERAL LAW, AS DETERMINED BY THE SUPREME COURT OF THE UNITED STATES UNDER.

DID THE COURT OF APPEALS FOR THE SIXTH CIRCUIT ERRONEOUSLY DENY PETITIONERS HABEAS CORPUS PETITION BECAUSE OF SECOND OR SUCCESSIVE § 2254 PETITION WITHOUT REVIEWING THE RECORD AS WELL AS BASING ITS DECISION ON THE UNITED STATES DISTRICT COURTS FINDINGS WITHOUT REVIEW THESE ARGUMENT ON THE MERITS OF THE CASE IN VIOLATION OF THE FIFTH AND FOURTEENTH AMENDMENT RIGHTS TO THE UNITED STATES CONSTITUTION.

LIST OF PARTIES

TREVOR JOHNSON #191593, LUTHER LUCKETT CORRECTIONAL COMPLEX, 1612 DAWKINS ROAD, P.O. BOX 6, LAGRANGE, KENTUCKY 40031; WARDEN SHANNON BUTRUM, 1612 DAWKINS ROAD, P.O. BOX 6, LAGRANGE, KENTUCKY 40031; ATTORNEY GENERAL OF KENTUCKY, RUSSELL COLEMAN, STATE CAPITOL 700 CAPITAL AVENUE, SUITE 118, FRANKFORT, KENTUCKY 60601; UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT, KELLY L. STEPHENS, CLERK (CIRCUIT JUDGE HERMANDORFER), 100 E. FIFTH STREET, ROOM 540, CINCINNATI, OHIO 45202-3988.

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(Johnson v. Butrum, 2026 U.S. App. LEXIS 16628) (No. 25-6104) (June 8, 2026)

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

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

[] reported at Johnson v. Butrum, 25-6104 (June 8, 2026); or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

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

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

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

[] 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 June 8, 2026.

☐ 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 _____.
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 PROVISION INVOLVED

Amend. V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, *nor be deprived of life, liberty, or property, without due process of law.*

Amend. VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the state and district wherein which the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusations; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense (competent counsel).

Amend. 14, Section 1

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No State shall make or enforce any law that will abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within jurisdiction the Equal Protection of the Law.

STATEMENT OF THE CASE

Trevor Johnson (hereinafter Mr. Johnson) was indicted by the Fayette County Grand Jury for two (2) count of **Rape, one count of Kidnapping, one count of Second-degree assault, and one count of being a Second-degree Persistent Felony Offender.**

Mr. Johnson took a Guilty Plea of the aforementioned charges for a total of seventy (70) years. After being reviewed by the Kentucky Parole Board, Mr. Johnson was notified by the parole board that he was serving a sentence of one-hundred (100) years.

Mr. Johnson then filed a Motion to Correct sentence pursuant to KRS 532.110 (1) (c) and RCr 10.10. However, the Commonwealth of Kentucky respondent and stated that Mr. Johnson sentence was correct of one-hundred (100) years.

Mr. Johnson's was pointed counsel to handle his illegal sentence. Counsel supplemented Mr. Johnson's RCr 10.10 motion of his plea agreement.

Mr. Johnson then appeared in Fayette Circuit Court with counsel addressing his RCr 10.10 motion. The Fayette Circuit Court in Lexington, Kentucky agreed with Mr. Johnson that his sentence was illegal when he was sentence to one-hundred (100) years. The Fayette Circuit Court entered another order amending Mr. Johnson's Judgment to Seventy (70) years.

Mr. Johnson filed a Writ of Habeas Corpus explaining that he's being detained illegally and that both his judgments are *void ab initio*. The Oldham Circuit Court denied Mr. Johnson's Writ of Habeas Corpus.

Mr. Johnson file his Notice of Appeal to the Court of Appeals Court and later, the Court of Appeals; denied Mr. Johnson's Writ of Habeas Corpus.

Mr. Johnson then went to the Kentucky Supreme Court requesting a Discretionary Review of the Kentucky Court of Appeals denial.

As a result of the denial of Discretionary Review by the Supreme Court of Kentucky, Mr. Johnson brought this motion to vacate judgment under *Federal Habeas Corpus*. The Western District of Kentucky transferred Mr. Johnson's case to the Eastern District of Kentucky pursuant to 28 U.S.C. § 1404 (a). The magistrate judge recommended that the claim be dismissed as procedurally defaulted because the state court rejected it on procedural grounds.

The Magistrate Judge then recommended dismissing Mr. Johnson's petition for failure to allege a violation of federal law. Furtherance, the District Court adopted the recommendation over Mr. Johnson's objection.

Mr. Johnson the filed a timely Notice of Appeal requesting a Certificate of Appealability to the United States Court of Appeals for the Sixth Circuit. *See* Fed. R. App. P. 22 (b)(1).

After the United States Court of Appeals reviewed Mr. Johnson's petition, the United States Court of Appeals for the Sixth Circuit made a determination that Mr. Johnson had not made a required showing and that a Reasonable jurist could not debate the district court's conclusion that Mr. Johnson failed to allege a cognizable federal habeas claim and that's the reason for the Denial of Mr. Johnson Certificate of Appealability.

REASON FOR GRANTING THE PETITION

The Court of Appeals for the Sixth Circuit Erroneously Denied Mr. Johnson Habeas Corpus Petition when stating Mr. Johnson was Procedurally Defaulted and Mr. Johnson failure to allege a violation of Federal Law.

Mr. Johnson petition shall be granted by way of the two Final Judgment being void and the Fayette County Circuit Court lacked jurisdiction over his case after ten (10) days has elapsed. Mr. Johnson's petition shall not be deemed as Procedural defaulted because he (Mr. Johnson) chose to file a State Habeas Corpus instead of RCr 11.42, CR 60.02 and/or Direct Appeal. The United States Court of Appeals for the Sixth Circuit falsified information when stating that Mr. Johnson failed to alleged violation of Federal Law.

ARGUMENT I

Did the Court of Appeals for the Sixth Circuit Erroneously deny Mr. Johnson § 2254 Petition in Violation of the Fourteenth Amendment to the United States Constitution, and Clearly Established Federal Law when all lower court alleges Mr. Johnson is procedurally defaulted.

On or about the 8th day of June, 2026, the United States Court of Appeals for the Sixth Circuit denied Mr. Johnson's Petition for a Certificate of Appealability by way of Procedurally Defaulted, and failure to allege a violation of federal law and on the Merits.

When a habeas corpus petitioner seeks to initiate an appeal of the dismissal of a habeas corpus petition after April 24, 1996 (the effective date of AEDPA), the right to appeal is governed by the certificate of Appealability (hereinafter COA) requirements now found at 28 U.S.C. § 2253 (c).

The writ of habeas corpus plays a vital role in protecting constitutional rights. In setting forth the preconditions for issuance of a COA under § 2253 (c). Congress expressed no intention to allow trial court procedural error to bar vindication of substantial rights on appeal. Slack v. McDaniel, 529 U.S. 473 (2000).

The United States Court of Appeals for the Sixth Circuit and the United States District Court stated that Mr. Johnson has made no showing and that Mr. Johnson petition was procedurally defaulted and failed on the merits. However, both court's reasoning to deny Mr. Johnson Certificate of Appealability is misplaced.

First, Mr. Johnson will address the Procedural Default aspect of his Petition. And that aspect is, his Habeas Corpus is not Procedural Defaulted and he exhausted all the state remedies that he had.

A state prisoner must exhaust available state remedies before presenting his claim to the federal habeas court § 2254 (b) (1) (A). The exhaustion requirement is designed to avoid "unseemly" result of a federal court "upset[ing] a state court conviction without" first according the state courts an "opportunity to . . . correct a constitutional violation," Rose v. Lundy, 455 U.S. 509, 518, 102 S. Ct. 1198, 71 L. Ed. 2d 379 (1982); Davila v. Davis, 582 U.S. 521 (2017) (internal quotation marks omitted). However, that would be true if Mr. Johnson was attacking his conviction head on but Mr. Johnson is only attacking his two judgment which both are *void ab initio*. And the 2254 wasn't the avenue Mr. Johnson was seeking because he is not attacking his conviction because he plead guilty to all charges.

The procedural defaulted doctrine and its attendant "cause and prejudice" standard are grounded in comity and federalism concerns, Coleman v. Thompson, 501 U.S. 722, 730, and

apply whether the default occurred at trial, on appeal, or on state collateral attack, Murray v. Carrier, 477 U.S. 478, 490_492. Thus, a prisoner must demonstrate cause for his state-court default of any federal claim, and prejudice therefrom, before the federal habeas court will consider that claim's merits. 501 U.S., at 750.

"[A] habeas petitioner who has failed to meet that State's procedural requirements for presenting his federal claims has deprived the state courts of an opportunity to address those claims in the first instance." Coleman, 501 U.S., at 732.

The one exception to that rule, at issue here, is the circumstance in which the habeas petitioner can demonstrate a sufficient probability that the court's failure to review his federal claim will result in a fundamental miscarriage of justice. Edwards v. Carpenter, 529 U.S. 446, 120 S. Ct. 1587, 146 L. Ed. 2d 518 (2000).

More so, a federal habeas court generally may consider a state prisoner's federal claim only if he has first presented that claim to the state court in accordance with state procedures. When the prisoner has failed to do so, and the state court would dismiss the claim on that basis, the claim is "procedurally defaulted."

A state prisoner may request that a federal court order his release by petitioning for a writ of habeas that [the prisoner] is in custody in violation of the Constitution or laws or treaties of the United States." § 2254 (a). To respect the United States' system of dual sovereignty, see Printz v. United States, 521 U.S. 898, 918, 117 S. Ct. 2365, 138 L. Ed. 2d 914 (1997), the available of habeas relief is narrowly circumscribed, see Brown v. Davenport, 596 U.S. 118, 142 S. Ct. 1510, 212 L. Ed. 2d 463 (2022). Among other restrictions, only rarely may a federal court hear claim or consider evidence that a prisoner did not previously present to the state courts in

compliance with state procedural rules, not because it wasn't brought under a different avenue.

Shinn v. Ramirez, 596 U.S. 366.

More so, Mr. Johnson did what the law stated he *shall* do under Rule 60 (b) and that show's a fundamental defect in his proceedings and that inherently resulted in a complete Miscarriage of Justice, or an error so egregious that it amounted to a violation of due process. Furthermore, the Kentucky State Courts, the United States District Court and the United States Court for the Sixth Circuit is misplaced when they state that Mr. Johnson is procedural barred because there were other avenues available. However, if Mr. Johnson would have decided to file an RCr 11.42 or CR 60.02, the same result would have occurred and that's, ***Mr. Johnson should had used another avenue.*** Furthermore, Mr. Johnson, was not stating his trial counsel was ineffective, so an RCr 11.42 was improper; Mr. Johnson is not attacking his conviction or sentence so an CR 60.02 was also not proper; and lastly, Mr. Johnson took a guilty plea so he did not have a Direct Appeal to file, so there's only one motion to file with the state courts and that was a State Habeas Corpus asking for his *immediate release* by way of his *judgment being void*.

When the higher state court denies Mr. Johnson, his next step is a Federal Rule of Civil Procedure 60 (b) which he followed, so the Magistrate Judge procedural barred argument is misplaced.

ARGUMENT II

Did the Court of Appeals for the Sixth Circuit Erroneously deny Mr. Johnson § 2254 Petition in Violation of the Fourteenth Amendment to the United States Constitution, and Clearly Established Federal Law when stating that Mr. Johnson failed to allege violation of Federal Law and his petition had no Merits.

The United States Court of Appeals for the Sixth Circuit stated that Mr. Johnson failed to allege a violation of federal law which is also misplaced. Federalism secures the freedom of the individual. It allows States to respond, through the enactment of positive law, to the initiative of those who seek a voice in shaping the destiny of their own times without having to rely solely upon the political processes that control a remote central power. True, of course, these objects cannot be vindicated by the Judiciary in the absence of a proper case or controversy; but the individual liberty secured by federalism is not simply derivative of the rights of the States. Bond v. United States, 131 S. Ct. 2355, 180 L. Ed. 2d 269, 564 U.S. 211 (2011).

The lower courts are given frivolous orders when stating that Mr. Johnson failed to allege a violation of federal law; Mr. Johnson respectfully ask this Honorable Court to read as follows: *A conviction under an unconstitutional law "is not merely erroneous, but is illegal and void, and cannot be a legal cause of imprisonment. It is true, if no writ of error lies, the judgment may be final, in the sense that there may be no means of reversing it. But if the laws are unconstitutional and void, the circuit court acquired no jurisdiction of the cause."* Ex parte Siebold, 100 U.S. 371 (1879). *The same logic governs a challenge to a punishment that the constitution deprives states of authority to impose.* Penry v. Lynaugh, 492 U.S. 302 (1989). This specific argument was first brought to the attention of the Oldham Circuit Court in LaGrange, Kentucky (2024-CI-221); Mr. Johnson then argued the same Federal Violation to the Kentucky Court of Appeals (Johnson v. Robey, 2024-CA-0858-ME (Ky. Ct. App. Oct. 11, 2024)). Lastly in the state court was Mr. Johnson Discretionary Review to the higher state court, the Kentucky Supreme Court (Johnson v. Robey, 2024-SC-0512-DE (Ky. Apr. 24, 2025)).

As a rule, a state prisoner's habeas claims may not be entertained by a federal court "when (1) 'a state court [has declined to address [those] claims because the prisoner had failed to

meet a state procedural requirement; and (2) ‘the state judgment rests on independent and adequate state procedural grounds.’” Walker v. Martin, 562 U.S. 307, 316, 131 S. Ct. 1120, 179 L. Ed. 2d 62, 66 (2011) (quoting Coleman, 501 U.S., at 729-730, 111 S. Ct. 2546, 115 L. Ed. 2d 640). The bar to federal review may be lifted, however, ‘if “the prisoner can demonstrate cause for the [procedural] default [in state court] and actual prejudice as a result of the alleged violation of federal law.”’ *Id.*, at 750, 111 S. Ct. 2546, 115 L. Ed. 2d 640; see Wainwright v. Sykes, 433 U.S. 72, 84-85, 97 S. Ct. 2497, 53 L. Ed. 2d 594 (1977).

When a state prisoner seeks federal habeas relief on the ground that a state court, in adjudicating a claim on the merits, misapplied federal law, a federal court may grant relief only if the state court’s decision was “contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States.” 28 U.S.C. § 2254 (d) (1). Judicial precedent emphasized, time and again, that the Antiterrorism and Effective Death Penalty Act of 1996 prohibits the federal courts of appeals from relying on their own precedent to conclude that a particular constitutional principle is “clearly established.” See, e.g., Marshall v. Rodgers, 569 U.S. 58, 64, 133 S. Ct. 1446, 185 L. Ed. 2d 540 (2013); Lopez v. Smith, 574 U.S. 1 (2014).

Mr. Johnson will address the Merits of his case by way of the trial court not having Jurisdiction and that his final judgment was *void ab initio*. The United States Court of Appeals for the Sixth Circuit alleged that, the reasoning that Mr. Johnson’s Certificate of Appealability was denied by way of the “Merits” issues being apparent from the record and arguments and the reasonable jurist could not debate the district court’s conclusion that Johnson failed to allege a cognizable federal habeas claim which is *misplaced*.

When a federal claim has been presented to a state court and the state court has denied relief, it may be presumed that the state court adjudicated the claim on the merits in the absence of any indication or state-law procedural principles to the contrary. Cf. Harris v. Reed, 489 U.S. 255, 265, 109 S. Ct. 1038, 103 L. Ed. 2d 308 (1989) (presumption of a merit determination when it is unclear whether a decision appearing to rest on federal grounds was decided on another basis).

Federal court should act in doing justice if the record makes plain a right to relief. The writ of habeas corpus commands general recognition as the essential remedy to safeguard a citizen against imprisonment by state or nation in violation of his constitution rights. To make this protection effective for unlettered prisoners without friends or funds, federal courts disregard legalistic requirements in examining applications for the writ and judge the papers by the simple statutory test of whether facts are alleged that entitle the applicant to relief. Adams v. McCann, 317 U.S. 269, 272.

As for the case at hand, Mr. Johnson will address the contradiction of the CR 59.05 and RCr 10.10; the Magistrate Judge stated the same thing as Mr. Johnson and that's, the trial court had ten (10) days to correct an inmates sentence pursuant to CR 59.05. However, RCr 10.10 states that, a clerical error can be corrected at any time. More so, Mr. Johnson filed his RCr 10.10 motion decades later stating that his judgment and sentence had a Clerical Error. However, the Commonwealth and the Trial Court both stated that there was no Clerical Error and the one-hundred (100) years was correct. Furtherance, Mr. Johnson exhausted his remedies by way of asking for his immediate release by way of a State Habeas Corpus because of his Judgment's being void. Mr. Johnson had no reason to file an RCr 11.42 or Direct Appeal; as for the CR

60.02, the rule of that avenue states that, Mr. Johnson had to file at a reasonable time; also, CR 60.02 is not asking for an immediate release.

Part of the Magistrate Judge recommendation were based on, Mr. Johnson not bringing the Violations of Federal Law to the State Court which is misplaced. Mr. Johnson explained to the Magistrate Judge and the State Courts that a conviction under an unconstitutional law "is not merely erroneous, but is illegal and void, and cannot be a legal cause of imprisonment. It is true, if no writ of error lies, the judgment may be final, in the sense that there may be no means of reversing it. But. . . if the laws are unconstitutional and void, the Circuit Court acquired no jurisdiction of the cause." *Ex parte Siebold*, 100 U.S. 371. The same logic governs a challenge to a punishment that the Constitution deprives states of authority to impose. A conviction or sentence imposed in violation of a substantive rule is not just erroneous but contrary to law and, as a result, void. It follows, as a general principle, that a court has no authority to leave in place a conviction or sentence that violates a substantive rule, regardless of whether the conviction or sentence became final before the rule was announced. *Montgomery v. Louisiana*, 577 U.S. 190.

Mr. Johnson contends he is being illegally "detained without lawful authority" in violation of his rights under the 14th Amendment to the Constitution of the United States; that he is being held by **Shannon Butrum, Warden**, of the Luther Luckett Correctional Complex, P.O. Box 6, LaGrange, Kentucky by order of the Fayette Circuit Court in Lexington, Kentucky.

If Mr. Johnson would have never pursued his one-hundred (100) year sentence, the trial court would never have omitted a new judgment and when Mr. Johnson informed the trial court, it still refused to amend his judgment to reflect the seventy (70) years and it stated the Mr. Johnson one-hundred (100) years was not a Clerical Error and therefore not subject to correction

under RCr 10.10. Therefore, they should not be able now to argue to the court that it was a Clerical Error and can be fix at any time.

The Magistrate Judge and the Oldham Circuit Court violated Mr. Johnson's Federal Constitutional rights when both, denied Mr. Johnson Fed. Rules Civ. P. Rule 60 b (4) & (6) by way of the Trial Court amended his judgment to reflect the Plea Agreement it already welched on and not to mentioned, Mr. Johnson gave the Trial Court an equal opportunity to correct his illegal sentence and it denied the request until six (6) years later. Mr. Johnson asserts he has shown this Court that he has made "a substantial showing of the denial of a federal right." Barefoot v. Estelle, 463 U.S. 880, 894, 103 S.Ct. 3383, 77 L.Ed. 2d 1090 (1983).

The Circuit Court amendment of Mr. Johnson's judgment was beyond it power because the trial court loses jurisdiction to amend a judgment in a criminal case ten days after its entry. And the Circuit Court entered its amended judgment in this case seventeen (17) years later from 2007-2024, after entry of the original judgment. The sentence for Mr. Johnson incarceration under the October 2, 2007 judgment has expired based on being void ab initio. The Petition for State Habeas Corpus seeks Mr. Johnson's immediate release on grounds that the trial court sentence Johnson's to reflect an illegal sentence and then, amended his judgment seventeen (17) years later without jurisdiction which made his amended judgment void.

The state court loses all jurisdiction over the case, and, being without jurisdiction, its subsequent proceedings and judgment are not simply erroneous, but absolutely **void**. Roman Catholic Archdiocese of San Juan v. Feliciano, 589 U.S. 57 (2020). More so, the Supreme Court of Kentucky has said repeatedly in the past that a trial court loses jurisdiction of a case ten (10) days after entry of a final order or judgment.

Furthermore, subject-matter jurisdiction may be raised at any time. Henderson v. Shinseki, 562 U.S. 428 (2011). Thus, a party, after losing at trial, may move to dismiss the case because the trial court lacked subject-matter jurisdiction. Arbaugh, 546 U.S., at 508, 126 S. Ct. 1235, 163 L. Ed. 2d 1097.

In Steel Co. v. Citizens for a Better Env't, 523 U.S. 83, 118 S.Ct. 1003, 140 L.Ed. 2d 210 (1998), the Court said, "Without jurisdiction the Supreme Court cannot proceed at all in any cause. Jurisdiction is power to declare the law, and when it ceases to exist, the only function remaining to the court is that of announcing the fact and dismissing the cause." Ex parte McCardle, 74 U.S. 506, 7 Wall. 506, 514, 19 L.Ed. 264 (1869). "On every writ of error or appeal, the first and fundamental question is that of jurisdiction, first, of this court, and then of the court from which the record comes. This question the court is bound to ask and answer for itself, even when not otherwise suggested and without respect to the relation of the parties to it." Great Southern Fire Proof Hotel Co. v. Jones, 177 U.S. 449 at 453(1900). The requirement that jurisdiction be established as a threshold matter "springs from the nature and limits of the judicial power of the United States" under U.S. Const. art. III, § 2, and is "inflexible and without exception." Mansfield, C. & L. M. R. Co. v. Swan, 111 U.S. 379, 382, 28 L. Ed. 462, 4 S. Ct. 510 (1884).

However, lack of subject-matter jurisdiction cannot be waived and jurisdiction cannot be conferred upon a federal court by consent, inaction or stipulated.... A court lacking jurisdiction cannot render judgment but must dismiss the cause of action at any stage of the proceedings in which it becomes apparent that jurisdiction is lacking. Sweeton v. Brown, 27 F.3d 1162, 1169 (6th Cir. 1994).

The main fact in the case at hand, Mr. Johnson tried to give the Commonwealth of Kentucky and the Trial Court an opportunity to correct his one-hundred (100) years to his original plea deal of seventy (70) years. Both, the Commonwealth and the Trial Court stated that Mr. Johnson's one-hundred (100) years was correct. Mr. Johnson then filed a motion stating that the trial court welched on his plea. Right then and there, Mr. Johnson refused to accept anything that was offered by the Commonwealth of Kentucky and the Trial Court. The Supreme Court of Kentucky has clearly stated; when the court has lost jurisdiction to modify the sentence—that is, ten days after entry of the judgment—whether the term of imprisonment are to be served concurrently or consecutively cannot be changed. Goldsmith v. Commonwealth, 363 S.W. 3d 330 (Ky. 2012).

The United States Court of Appeals for the Sixth Circuit admitted that Mr. Johnson first filed a State Habeas asking for his immediate release by way of a void judgment and after the Oldham Circuit Court denied Mr. Johnson's State Habeas, he (Mr. Johnson) then moved on to the Kentucky Court of Appeals and then the Supreme Court of Kentucky. "So" for the State Courts, the United States District Court and the United States Court of Appeals for the Sixth Circuit allege that Mr. Johnson is Procedurally Defaulted and that his arguments are without "Merit" is misplaced. Mr. Johnson has "substantially shown his Constitutional Right" where violated, when his judgment was changed by the Trial Court whom had no *jurisdiction* over his case which made his judgment *void ab initio* and with that being said, Mr. Johnson should had obtained a COA. 28 U.S.C.S. § 2253 (c) (2). Buck v. Davis, 580 U.S. 100 (2017).

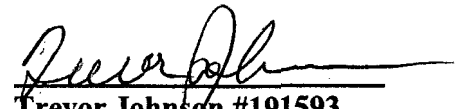
"[T]he judgment of state courts in criminal cases will not be reviewed on habeas corpus merely because some rights under the Constitution. . . is alleged to have been denied to the person convicted." Henry v. Henkel, 235 U.S. 219, 228-229, 35 S. Ct. 54, 59 L. Ed. 203 (1914).

However, this Honorable Court eventually came to view the "limited" class of void judgments to include "(i) convictions based on assertedly unconstitutional statutes" and "(ii) detentions based upon an allegedly illegal [successive] sentence." *Stone v. Powell*, 428 U.S. 465, 476, 96 S. Ct. 3037, 49 L. Ed. 2d 1067 and n. 8 (1976) (citing *Ex parte Siebold*, 100 U.S. 371, 25 L. Ed. 717 (1880); *Ex parte Lange*, 85 U.S. 163, 18 Wall. 163, 21 L. Ed. 872 (1874)).

CONCLUSION

For the reason stated above, Mr. Johnson asks this Honorable Court to grant his Petition and reverse the denial of the United States Court of Appeals for the Sixth Circuit. The trial court had no jurisdiction to amend Mr. Johnson final judgment after the ten days elapsed which was a violation of Mr. Johnson's Fourteenth Amendment of the United States Constitution. For these reason, the petition for certiorari should be granted.

Respectfully Submitted,



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Date: June 30, 2026.