

1 Reed K. Christensen, husband of Cynthia Christensen  
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2 916-792-0805  
[reed@ourchristensenfamily.net](mailto:reed@ourchristensenfamily.net)

3 I wrote this motion for Reed. He has driven to California and does not answer his phone. - Lawyerdude.  
4 This document is <http://www.lawyerdude.netfirms.com/8369.pdf> and  
<http://www.lawyerdude.netfirms.com/8369.wpd>  
5 Judge Willmore's ruling is at <http://www.lawyerdude.netfirms.com/8370.pdf>

6 First Judicial District of Utah. Cache County.

**Court of Gordon Low**

7 135 north, 100 West, Logan, Utah 84321

435-750-1314 Fax: 435-750-1335

8 <http://www.utcourts.gov/directory/empdir/d1/1ddis.html>

9 Reed K. Christensen,  
10 husband of Cynthia Christensen,  
next friend,

Petitioner

11 ex. rel. Cynthia Christensen,

12 v

13 Sheriff G. Lynn Nelson,

Respondent.

Case Number:

Underlying Criminal case: 06-11-00213

Document #8369 Version #1.002

**2<sup>nd</sup> Amended Demand for Writ of Habeas Corpus re 22 day diesel therapy for my wife on this Valentine's Day. Demand for reconsideration in view of mistake of law by Judge Willmore.**

**Amended Declaration of Applicant regarding wife in transit for 3 weeks. Proof of Service.**

Date: Today. Wed Feb 14, 200707

Time: 3 pm

Place: This court of Judge Low

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26 **Application for Writ of Habeas Corpus**

27 Common sense requires that a litigant ask a judge reconsider his opinion before the litigant goes to a higher court.

28 Comes now Reed Christensen demanding that this court order the sheriff to appear **this afternoon at 3 pm** or at such other time as the court shall designate and show cause why he should not

Amended Habeas Corpus Pet. ex. rel. Cynthia Christensen.

1 be ordered to expedite transit and present the body of Cynthia Christensen to this court at 1:30 pm Fri Feb  
2 16. Cynthia has been "in transit" from Phoenix for **22 days**. This is called "**diesel therapy**."

3 **Declaration of Reed Christensen, husband, in support of Writ of Habeas Corpus**

4 I, Reed Christensen, declare the following under penalty of perjury:

5 I am the husband of Cynthia. We have 3 children, ages 3, 5, and 6. On or about Monday 22  
6 January, 2007, Cynthia was transported from the jail in **Phoenix** en route to the jail here in Logan, Utah.  
7 She waived extradition. There is a warrant issued from this court.

8 Rather than drive to Utah, the van carrying Cynthia drove her to **Gallup, New Mexico**. She told  
9 me that she expected to be taken to **Colorado**. **I have not heard from her since**.

10 I have attempted to obtain information from our local extradition officer, **Ms. Dunschombe**.  
11 She is hostile toward me. In our most recent conversation she repeatedly baited me saying "You calling  
12 me a liar?" She refuses to tell me where Cynthia is or when she will be here.

13 The sheriff has exceeded the limit to how much you can drive a prisoner around the country.

14 Judge Willmore apparently did not read my previous petition. He said that this matter will be  
15 heard when my wife returns to this court. Judge Willmore's ruling is at  
16 <http://www.lawyerdude.netfirms.com/8370.pdf> My demand is to return my wife to this court; therefore a  
17 hearing on the issue will necessarily be moot after she has already returned. If not litigated the issue  
18 would be "**capable of repetition yet evading review**."

19 Judge Willmore made some other mistakes. In particularly he cited a overruled 1944 weak Utah  
20 case that is not even pertinent to a Habeas Corpus case.

21 Judge Willmore appears to think that the appointment of one lawyer precludes anybody else from  
22 speaking on behalf of a criminal defendant. As to the issue of appointed lawyer David Perry, he asked me  
23 what to do. I retained a California lawyer; he said that a writ of habeas corpus is a remedy. He wrote this  
24 petition.

25 Signed \_\_\_\_\_ Reed Christensen. Wednesday, February 14, 2007.

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26 **Table of Authorities cited herein:**

27 **List of U.S. Supreme Court cases cited herein:**

28 ***Bowen v. Johnston***, 306 U.S. 19, 26 (1939). Cited in the Avery opinioin. . . . . **-3-**

***Johnson v. Avery*** (1969) <http://www.lawyerdude.8k.com/avery.html> 393 U.S. 483. . . . . **-3-, -4-**

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29 **Memorandum of Authorities Supporting Layman's Right to Petition and Supporting Right**  
30 **to the Writ.**

31 Cynthia Christensen suffers a disability. Her disability is that she is incapable of communicating  
32 with her lawyer and the court. She is incommunicado. Her husband does not know where she is. She is

1 in custody of the transportation detail.

2 A writ of habeas corpus or other extraordinary writ is the appropriate remedy for addressing  
3 problems of custody such as food, medical care, access to the law library, and the current problem of 22  
4 days in transit.

5 Cynthia has a right to effective access to the courts. This right has been denied her for the past  
6 22 days. The method of addressing this issue is by application for extraordinary writ. It matters not what  
7 the writ is called.

8 A disability is what triggers the authority for a "next friend" to petition for Cynthia.

9 Judge Willmore's ruling is at <http://www.lawyerdude.netfirms.com/8370.pdf> Common sense  
10 requires that a litigant ask a judge reconsider his opinion before the litigant goes to a higher court. There  
11 was no opposition filed in my previous application yesterday. Judge Willmore cited a 1944 case which has  
12 been effectively overruled in the intervening 63 years of liberating progressive opinions of the U.S.  
13 Supreme Court.

14 The leading case on point is **Johnson v. Avery** (1969) <http://www.lawyerdude.8k.com/avery.html>  
15 393 U.S. 483.

16 This Court has constantly emphasized the fundamental importance of the  
17 writ of habeas corpus in our constitutional scheme, (Footnote 2) and the  
18 Congress has demonstrated its solicitude for the vigor of the Great Writ.  
19 (Footnote 3) The Court has steadfastly insisted that "there is no higher  
20 duty than to maintain it unimpaired." **Bowen v. Johnston**, 306 U.S. 19,  
21 26 (1939).

22 Justice William O. Douglas spoke about petitions written for prisoners in Avery:  
23 Their preparation must never be considered the exclusive prerogative of  
24 the lawyer. Laymen - in and out of prison - should be allowed to act as  
25 "next friend" to any person in the preparation of any paper or document  
26 or claim, so long as he does not hold himself out as practicing law or as  
27 being a member of the Bar. - Supreme Court in **Johnson v. Avery**  
28 (1969)

Justice William O. Douglas also said:

"We think of claims as grist for the mill of the lawyers. But it is becoming  
abundantly clear that more and more of the effort in ferreting out the  
basis of claims and the agencies responsible for them and in preparing  
the almost endless paperwork for their prosecution is work for laymen.  
There are not enough lawyers to manage or supervise all of these affairs;  
and much of the basic work done requires no special legal talent. Yet  
there is a closed-shop philosophy in the legal profession that cuts down  
drastically active roles for laymen. It was expressed by a New York court

1 in denying an application from the Neighborhood Legal Services for  
2 permission to offer a broad legal-aid type of service to indigents:  
3 . . .That traditional, closed-shop attitude is utterly out of place in the  
4 modern world where claims pile high and much of the work of tracing and  
5 pursuing them requires the patience and wisdom of a layman rather than  
6 the legal skills of a member of the bar. The plight of a man in prison may  
7 in these respects be even more acute than the plight of a person on the  
8 outside. He may need collateral proceedings to test the legality of his  
9 detention or relief against management of the parole system or against  
10 defective detainers lodged against him which create burdens in the  
11 nature of his incarcerated status. He may have grievances of a civil  
12 nature against those outside the prison. . ." - Supreme Court in **Johnson**  
13 **v. Avery** (1969)

14 Cynthia Christensen is incommunicado. I don't know where she is. She cannot speak and write  
15 for herself.  
16 Signed \_\_\_\_\_ Reed Christensen. Wednesday, February 14, 2007.

17 **Proof of Service**

18 I, Reed Christensen, served this document upon the office of the sheriff by personally delivering it  
19 to the receptionist at the sheriff's office on this day.  
20 Signed \_\_\_\_\_ Reed Christensen. Wednesday, February 14, 2007.