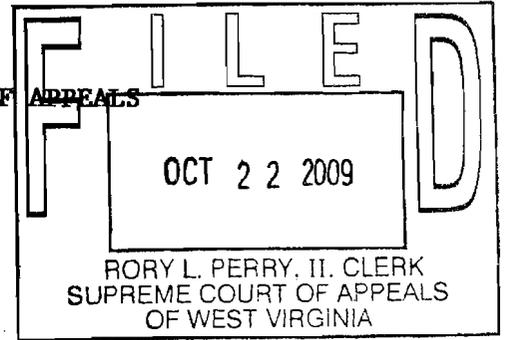


IN THE WEST VIRGINIA SUPREME COURT OF APPEALS  
CHARLESTON, WEST VIRGINIA



STEVE P. COGAR, Pro-se,  
Denmar Correctional Center  
HC 64, Box 125  
Hillsboro, WV 24946,  
Plaintiff,

vs.

Civil Action No. \_\_\_\_\_

GARY L. JOHNSON, Judge,  
Nicholas County Courthouse  
700 Main St.  
Summersville, WV 26651  
Defendant.

**PETITION FOR A WRIT OF MANDAMUS AND WHISTLE BLOWER COMPLAINT**

JURISDICTION

This is a request for a Petition for a Writ of Mandamus per WV Codes §51-1-3, §53-1-1 et seq. and Whistle Blower's Complaint per WV Code §6C-1-1 et seq.. Petitioner has no other remedy of law. In support of this request and complaint petitioner Cogar submits the following:

COMPLAINT

Judge Gary L. Johnson is intentionally denying petitioner access to his court in violation of the First Amendment of the United States Constitution and Articles III, §4 and 17 of the West Virginia Constitution. (See attached exhibits). Petitioner is convinced that Judge Johnson is doing this to cover-up criminal acts committed by Judge Johnson and the Nicholas County Sheriff's Dept. et al. If one has the money and hires certain attorneys in Nicholas County one can get out of just about anything even molesting a seven(7) year old child 400 times and molesting other children.(See exhibit K and exhibits).

Poor offenders that appear before Judge Johnson always get the big stick and rich offenders always get the carrot even for non-violent offenses. The foxes are definitely guarding the hen-house in Nicholas County. JUDGE JOHNSON ET AL. IS IN NEED OF SOME SERIOUS OVERSIGHT BY THIS COURT, FBI, JUDICIAL INVESTIGATION COMMISSION, ETHICS COMMISSION AND OTHERS. (See exhibit K and its exhibits).

#### PROCEDURAL HISTORY

- 1] On October 31, 1998 petitioner was arrested for the cultivation of approximately a dozen marijuana plants and common household items.
- 2] On November 18, 1999 petitioner was convicted by a ad hoc jury and received multiplicitous sentences totaling 4-18 years.
- 3] On July 19, 2000 petitioner appealed his conviction and this court doth refused it on October 5, 2000.
- 4] On March 27, 2001 petitioner Cogar petitioned Judge Johnson for a Writ of Habeas Corpus. (See exhibit A).
- 5] On March 30, 2001 Judge Johnson ruled that petitioner's habeas petition had merit and order hearings, Case No. 02-C-82.
- 6] On May 15, 2003 petitioner filed an amended habeas corpus petition. (See exhibit B).
- 7] Several hearing were held but petitioner was released on parole November 21, 2005.
- 8] On November 30, 2005 Judge Johnson dismissed petitioner Cogar's petition as Moot even though petitioner was still in custody by the DOC/Parole Authority. (See exhibit C).
- 9] On May 11, 2006 petitioner appealed and on December 6, 2006 this court doth refused petitioner's appeal. (See exhibit D).
- 10] On September 26, 2006 petitioner Cogar was rearrested for parole violations.
- 11] On May 1, 2008 petitioner refiled petition 02-C-82. (See exhibit E).

12] On July 18, 2007 petitioner timely filed a Motion for Reconsideration.  
(See exhibit F).

13] On June 17, 2008 petitioner filed an Amended Motion for Reconsideration.  
(See exhibit G).

14] On April 3, 2008 petitioner filed a small claims complaint against the  
Nicholas County Sheriff's Office et al. for stealing his personal property.  
Petitioner's complaint was quickly denied by Ex-State Trooper Magistrate,  
Robert Gordon, Case No. 08-C-102.

15] On June 5, 2008 petitioner appealed Magistrate Gordon's ruling to Judge  
Johnson. (See exhibit I).

16] On August 27, 2008 petitioner sued, Robert A. Brown, Case No. 08-C-159  
for also stealing petitioner property. (See exhibit ~~H~~<sup>5C</sup>).

17] On July 6, 2009 petitioner wrote Judge Johnson asking about the status  
of his numerous pending cases but did not receive an answer. (See exhibit J).

18] On September 15, 2009 petitioner again wrote Judge Judge asking about the  
status of his pending cases and complaining about JUDGE JOHNSON CODDLING  
CHILD MOLESTERS and throwing the book at non-violent offenders. (See exhibit K).

19] Petitioner Cogar is presently in the process of complaining to the Court of  
Public Opinion, i.e. Bill O'Reilly, Montel Williams, Oprah Winfrey, Geraldo  
Rivera and the others listed in petitioner Cogar's letter of September 15,  
2009 addressed to Judge Johnson. (See exhibit K).

20] As of this date Judge Johnson has not adjudicated any of the above cases  
and one is eight(8) years old.

PRAYER

1] That this Honorable Court order a full investigation of Judge Johnson et al.  
and the facts of petitioner's case.

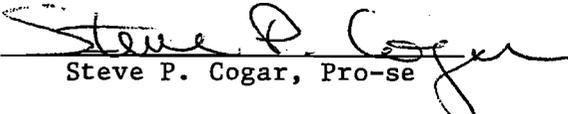
- 2] Upon finding that petitioner's facts and allegations are true appoint petitioner effective assistance of counsel and a Honest Judge to ensure that petitioner gets meaningful access to the courts.
- 3] That this Honorable Court ORDER the Circuit Court of Nicholas County and a new Judge to give petitioner a full and fair evidentiary hearing for his refiled Petition for a Writ of Habeas Corpus/Coram Nobis pursuant to WV Code 53-4A-1 et seq., Losh vs. McKenzie, 166 WV 762 (1981) and the All Writs Act.
- 4] That this Court ORDER the Circuit Court of Nicholas County and a new Judge to give petitioner a full and fair Motion for Reconsideration hearing per WV Rules of Criminal Procedure, Rule 35(b).
- 5] Whatever else this Honorable Court deems just and proper.

For this petitioner Cogar will forever pray.

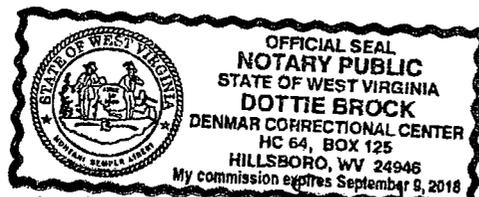
VERIFICATION

STATE OF WEST VIRGINIA,  
COUNTY OF POCAHONTAS, SS:

This day personally appeared before the undersigned Notary Public in and for the State and County aforesaid, Steve P. Cogar, after being duly sworn, swears that the facts and allegations contained within this PETITION FOR A WRIT OF HABEAS CORPUS AND WHISTLE BLOWER COMPLAINT are true, except to those statements made upon information, and to those he believes them to be true.

  
Steve P. Cogar, Pro-se

Taken, sworn to and subscribed to before me by Steve P. Cogar, this day of October, 2009.



  
NOTARY PUBLIC

My commission expires: September 9, 2018.