

No. 14-CRS-236251,

45,47,48,49,50,52

IN THE

SUPREME COURT OF THE UNITED STATES

Washington, D.C., 20543

Derek A. Smith - PETITIONER
(Your Name)

vs.

Lauren A. Ratcliffe - RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Mechlenburg County Civil Superior Court

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

PETITION FOR WRIT OF CERTIORARI

Derek Smith

(Your Name)

N/A

(Address)

N/A

(City, State, Zip Code)

N/A

(Phone Number)

QUESTION(S) PRESENTED

1. Why was I Found guilty at trial, when the transcripts of the 911 call, shows that she said nothing happened sexually?
2. Grounds for dismissal of my case, were brought up at my trial by the district attorney, due to the lack of evidence. The Judge denied it, but later himself, brought it up again. Only to deny it again, after we agreed to it again, why was I found guilty of no evidence?
3. Why was I Sentenced the maximum time, for all of these charges, when the transcripts show that she kept changing her story? Meaning, her transcripts are conflicting evidence. Also, mentioning again, the no evidence of myself doing any of this.

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:

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OTHER N/A

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 N/A to the petition and is

- reported at N/A; 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 is unpublished.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 N/A to the petition and is

- reported at N/A; 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 is unpublished.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 C to the petition and is

- reported at N/A; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the State Supreme court appears at Appendix C to the petition and is

- reported at N/A; 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 N/A.

[] 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: N/A, and a copy of the order denying rehearing appears at Appendix N/A.

[] An extension of time to file the petition for a writ of certiorari was granted to and including N/A (date) on N/A (date) in Application No. N/A N/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 June 17th, 2016. A copy of that decision appears at Appendix B.

A timely petition for rehearing was thereafter denied on the following date: February 16th 2018, 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 N/A (date) on N/A (date) in Application No. N/A N/A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

CASES:

- State v. Anderson - 40 N.C. App. 318, 253 S.E. 2d 48 (1979)
- State v. Bogle - 324 N.C. 190, 376 S.E. 2d 745 (1989)
- State v. Boyett - 224 N.C. App. 102, 735 S.E. 2d 371 (2012)
- State v. Carpenter - 362 N.C. 382, 646 S.E. 2d 105 (2007)
- State v. Collins - 334 N.C. 54, 431 S.E. 2d 188 (1993)
- State v. Gregory - 342 N.C. 580, 467 S.E. 2d 28 (1996)
- State v. Haskins - 204 N.C. App. 675, 422 S.E. 2d 376 (1991)
- State v. Johnson - 317 N.C. 417, 347 S.E. 2d 7 (1986)
- State v. Jordan - 333 N.C. 431, 428 S.E. 2d 692 (1993)
- State v. Matsoake - N.C. App. - 777 S.E. 2d 410 (2015)
Review Denied, 368 N.C. 685, 781 S.E. 2d 485 (2016)
- State v. Moore - 335 N.C. 567, 440 S.E. 2d 797 (1994)
- State v. Odom - 307 N.C. 653, 300 S.E. 2d 375 (1993)
- State v. Riddick - 316 N.C. 127, 340 S.E. 2d 422 (1986)
- State v. Sessions - 226 N.C. App. 381, 741 S.E. 2d 449 (2013)
- State v. Shaw - 322 N.C. 797, 370 S.E. 2d 546 (1988)
- State v. Stinson - 227 N.C. App. 252, 489 S.E. 2d 182 (1997)
- State v. Williams - 307 N.C. 452, 298 S.E. 2d 372 (1983)
- United States v. McCaskill - 676 F.2d 995 (4th Cir. 1982)
Cert. Denied, 459 U.S. 1018, 74 L.Ed.2d 513 (1983)

STATUES:

- N.C. Gen. Stat. § 7A-27(b)
- N.C. Gen. Stat. § 8C-1, Rule 104
- N.C. Gen. Stat. § 8C-1, Rule 404(b)
- N.C. Gen. Stat. § 14-7.7
- N.C. Gen. Stat. § 14-7.11
- N.C. Gen. Stat. § 14-7.30
- N.C. Gen. Stat. § 14-7.40
- N.C. Gen. Stat. § 15A-628
- N.C. Gen. Stat. § 15A-1232
- N.C. Gen. Stat. § 15A-1444(a)

STATEMENT OF THE CASE

I met this woman one night, as I was homeless, and drunk. She was also drunk, and gave myself her cell phone number. The next morning, only for a shower, I show up at her apartment. As I am showering, she leaves. I waited all the way to 10 pm, for her to arrive back home. Where she came back drunk, and acted like she did not know I was there. We drank more liquor, and I attempt to have sex with her. I also, attempted to, what they call digitally penetrate her. That is how her DNA got on my fingers, and so forth. She then starts crying, and cursing myself out. She gave myself her car keys, laptop, and debit cards. All so I could leave to go get more alcohol, and food, and give her time to relax. I had a Ipad, I had her laptop, so I could play my music on it out loud. That is when I was arrested, ofcourse I drove away, from the police. I had two warrants, I was drunk, I had no liscence, and I knew I was being set up. In her 911 call, she admits that we did not have sex. All the way to my trial, her story of that changes, and changes. All of the transcripts, prove that.

REASONS FOR GRANTING THE PETITION

1. I simply did not do this. I have been getting set up, and harassed in this state by officers, for years. All starting in 2009, when I became homeless, after losing my apartment.
2. I represented myself at trial, due to highly believing the district attorney they appointed myself, was in on the set up. I have no friends, neither family, I was adopted by bad people. I feel, this is another reason I was found guilty to 99 years. I am all alone, who cares, I am just one guy.
3. The womans story, changes so much over time. Lauren A. Ratcliffe, I am referring to. Especially at first, her saying that I attempted to have sex with her, but nothing happened. That is the dead give away here, that everyone is ignoring, for some reason. That also, shows that she could highly be lying about everything else. She did, this whole thing is a lie, nothing happened.
4. The positivity of myself, being released from prison. I am still, going to enroll in to a university college. That is what I was about to do, before meeting Lauren A. Ratcliffe. I had been gone from this state, for a little over two years. I only came back, to ask, what you would call a "high school sweet heart", to marry myself. Her name, is also Lauren, how ironic. That meeting, did not go well, she cursed myself out. I met Lauren A. Ratcliffe, right after that.
5. The always factor of taking a womans side, in these types of cases, no matter what.
6. The lack of evidence, in my case. Everything is my word, versus her word. The district attorney, brought up "grounds for dismissal", due to lack of evidence. For some reason, the trial judge denied it. IF I robbed this woman, I would have stole her two flat screen TV's, game system, other laptop, and more she had. IF I robbed her with a knife, I would have been arrested with a knife, and my fingerprints on that knife. Also, why was I arrested with a key to her apartment, and a note containing her correct debit card passcode?

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Donald A. Smith

Date: June 15th 2018