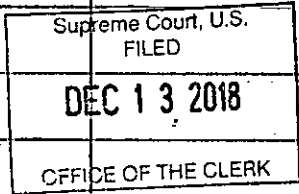


18-8196

IN THE
SUPREME COURT OF THE UNITED STATES

No. 18-6176 / 1:17-cv-00260-WO-JLW

ORIGINAL



LARRY R. TART

v.

ERIC HOOKS [sec. of North Carolina Prisons]

PETITION FOR A WRIT OF CERTIORARI

Petition for a Writ of Certiorari to the
Supreme Court of the United States of
America

Larry Ricardo Tart, Pro se

Larry R. Tart, Pro se 2-21-19

11 - total pages

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No. 18-6176

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- (2) Table Of Authorities
- (3) Opinions : Unpublished Judgement, Order; attached
- (4) Jurisdiction
- (5) Constitutional and Statutory Provisions
- (6) Statement
- (7) Reason for Granting the Petition
 - (a): There were no theories based by prosecutors of premeditation or deliberation for second degree felony murder sentencing
 - (b): Improper Pressure : Plea was not voluntarily ^{LTJ} ~~and~~ or intelligently made.
- (8) Conclusion
- (9) Certificate Of Service
- (10) August 28, 2018, denial by the Fourth Circuit Court
- (11) Informal Brief for Habeas Appeal (45 pages)
- (12) Certificate Of Service

Note: Items "10" ten, "11" eleven, sent to the Supreme Court only. Respondants have these documents already

TABLE OF AUTHORITIES

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CASES:

STATE v. BONDURANT, 309 N.C. 674, 309 S.E. 2d 170 (1983)

STATE v. PATTERSON, 279 N.C. 247, 254 S.E. 2d 604 (1979)

STATE v. LANG, 309 N.C. 512, 308 S.E. 2d 317 (1983)

Constitutional Provisions:

(a): United States Constitution: Amendment VI

(b): United States Constitution: Amendment VIII

Statutes:

(a): 28 U.S.C. 1254

(b): N.C.G.S. Rule 601(c)(2) Witnesses: Deadmans Statutes

(c): N.C.G.S. 14-51.3.

QUESTIONS PRESENTED

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No. 18-6126

1. Where in pre trial confinement Petitioner was unknowingly administered "3" three different mental health psychological medications and not his correct "29" twenty nine year prescribed anti depressant medication as requested by Petitioner, and arresting officer, and placed in solitary confinement for the first "5" five or "6" months until he became incompetent to understand his situation or his case, and this type of psychological torture continued for "16" sixteen months until a guilty plea was involuntarily coerced from him or his death occurred, not a Eighth Amendment violation prohibiting cruel and unusual punishment?
- (a): In a total of "16" sixteen months, in a capital case, where one's mental state of mind is at issue, why wasn't Petitioner ever taken for any State Forensic Mental Health Evaluations as the law requires?
- (b): Why was a 2005 Daymark Behavioral Health Report used in a 2009 capital case to replace correct forensic 2008 non-evaluations?
- (c): Is the Court aware that by Petitioner consuming those psychological medications for months that the meds nearly killed him in the jail by giving Petitioner type II diabetes with glucose sugar levels reaching 700, "coma stages"?
- (2): Would Petitioner had died in a Forsyth County jail cell, "alone," by being administered wrong medications like

QUESTIONS PRESENTED : continued.

TART v. HADDS

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inmate Dino Vann Nixon, in 2013, or Jennifer Eileen M^c Cormack Schuler, in 2014, or DeShawn Lamont Coley, on May 2, 2017, or Steven Antwon Patterson, on May 26, 2017, had Petitioner not involuntarily accepted the March 11, 2009 coerced guilty plea?

Petitioner truly believes to this very day that he would have died in Forsyth County Detention Center had he not done something he wouldn't have done in his right frame of mind.

(a): Can a Superior Court Judge order a surprise Writ for polygraph examination without informing Petitioner, nor the Public Defenders Office [his attorneys] of the Writ and the Writ's intention's?

(b): Is not a "18" eighteen day, or 400 hour delay, in the Court, or Writ Judge contacting attorney's for counsel in violation of due process clause of equal protection under the law? I was brought back from the penitentiary in the am. on 12-17-⁰⁷~~18~~, and the surprise polygraph was on 12-18-07, in the afternoon? Why wasn't Petitioner informed what was going on in that "24" twenty four hour period?

(3): My attorney lied about the plea deal of 11 1/2 month, where in reality my attorney never made any such terms with the prosecution. This ineffectiveness prejudiced Petitioner making the 3-11-09 plea involuntary: see attorney's October 2008 letter to me in Habeas filings.

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secretary of North Carolina Prisons

Petition for a Writ of Certiorari to the
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PETITION FOR A WRIT OF CERTIORARI

I, Larry R. Tart, pro se Petitioner, petition for a Writ of Certiorari, to review the judgment of the United States Court of Appeals for the Fourth Circuit, rendered in their consolidated appeal, which judgment affirmed the denial by the Middle District Court of North Carolina of my 28 U.S.C. 2254 Habeas Corpus relief motion to allow criminal charge reductions from second degree murder, to involuntary manslaughter accordingly

IN THE
SUPREME COURT OF THE UNITED STATES

TART V. HODDS

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OPINIONS BELOW

The opinions of the Fourth Circuit Court of Appeals, and the Middle District Court of North Carolina, are unpublished.

JURISDICTION

The judgment of the Fourth Circuit Court of Appeals was entered August 28, 2018.

The jurisdiction of this Court is invoked under 28 U.S.C. 1254. This Petition is timely filed before any 90 day tolling period expired.

CONSTITUTIONAL AND STATUTORY PROVISIONS

- 1: The Eighth Amendment of the United States Constitution provides in relevant part, "nor cruel and unusual punishment inflicted."
- 2: The Sixth Amendment of the United States Constitution provides also in relevant part that, "in all criminal prosecutions the accused shall have the assistance of counsel for his defense," plus, "be informed of the nature and cause of the accusation."

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Constitutional and Statutory Provisions : continued

North Carolina General Statute, Rule 601, Witnesses :
601(C)(2) states: "the testimony of the deceased or incompetent person is given in evidence concerning the same communication or transaction"; Deadmans Statutes:
The deceased person, Mr. Richard W. Plummers, police records [which were in the 8-14-12 M.A.R. as exhibits:
but were removed by Forsyth County Clerks I speak for
the deceased in that just as he communicated serious
threats to harm police officers, as well as many in
the community he was violent when intoxicated on,
or off his medication's

STATEMENT

According to North Carolina General Statute 14-51.3
Use of force in defense of person : (a) "A person is
justified in using force, except deadly force, against another
when and to the extent that the person reasonably
believes that the conduct is necessary to defend him-
self or herself or another against another's imminent
use of unlawful force."

The States witness, Detective T.J. Taylor testified
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IN THE
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under oath on 3-11-09, that "I was attacked by a man known to attack others for no reason. I was trying to help, and I got attacked. My friend had the 2x4 beating me with it. It fell out of his hands and I got it and hit him back. I didn't intend to kill him on purpose. He was my friend of 2" two years. This was an accident. This is not in the record of the Court, but it is in the investigation records of homicide detective T.J. Taylor. "My friend beat me once before with a 2x4 in January of 2007, and put me in the hospital for a week." By my being sick and all messed up on those wrong psychotic medications this totally slipped my mind for years. Everything comes and goes at certain times, but I remember T.J. Taylor telling me what happened to me in January 2007.

State v. Bondurant, 309 N.C. 674, 369 S.E. 2d 170 (1983)

State v. Patterson, 279 N.C. 247, 254 S.E. 2d 604 (1979)

State v. Lang, 307 N.C. 512, 308 S.E. 2d 317 (1983)

All "3" three of the above cases confirm that, "Where there is some evidence justifying an instruction concerning self-defense or heat of passion killing upon sudden provocation any presumption of malice arising from a finding that defendant intentionally inflicted the wound with a deadly weapon disappears. Presumptions do not arise if an instrument which is, or may be a deadly weapon, is not intentionally used as a weapon"

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The statement I gave on 12-18-07 to homicide detective T.J. Taylor, was that I acted in self defense. I didn't confess to murder!

My preliminary hearing plea [without counsel present] was self-defense, and I feel that the only reason I'm defending myself now about this second degree murder charge is because I was tortured by the State to accept the charge, or die a forced psychotic death in a jail cell like those inmates I mentioned in the opening Questions Presented section of this petition.

The facts underlying the Eighth Amendment cruel and unusual violation and the Sixth Amendment Ineffective Assistance of Counsel due process violations and Judicial Abuse of discretion are also set forth in the opening Questions Presented section of this petition

REASONS FOR GRANTING THE PETITION

There were no theories based by the District Attorney of premeditation and or deliberation of felony murder.

Guilty plea induced by improper psychotic pressure upon defendant by the use of mental health drugs, and not defendant's correct medications. My attorney knew of the torture, but did nothing to stop it.

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SUPREME COURT OF THE UNITED STATES

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CONCLUSION

The petition for a Writ of Certiorari should be granted.

Respectfully submitted : Larry R. Part[®] 12-13-18

Larry R. Part[®] 2-21-19