

P. 7

19-6637

No. _____

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Gregory Cooper — PETITIONER
(Your Name)

Supreme Court, U.S.
FILED
NOV 07 2019
OFFICE OF THE CLERK

vs.

The State of North Carolina — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

4th Circuit U.S. Appeals Ct. in V.A.
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI - To Set
a side Judgment for fraud upon the ct.

Gregory Cooper
(Your Name)

22385 McGirts Bridge Road
(Address)

Laurinburg NC near 28352
(City, State, Zip Code)

910-673-3110
(Phone Number)

QUESTION(S) PRESENTED

1. Can a defendant be stopped from confronting his accusers and witnesses with other testimony when the 5th Amendment to the U.S. Const. Provides for due process?
2. If a defendant's Counsel Compelles defendant to not testify by threat of taking away the right to Counsel is it a violation of the 6th Amendment to the U.S. Const.?
3. For convictions obtained in violation of due process of law under the U.C. Const. Art. I, Sec. 23, 18, and 19 what jurisdiction does the Convicting Court have over the person of the defendant when Counsel for this purpose is not present?
4. Can the right to Counsel be waived when a Counsel's defendant did not waived the right knowingly, or with any knowledge of consent and a valid conviction be obtained in accord with the U.S. Const. Am. 5 and 6 and the N.C. Const. Art. I Sec 19 and 23?
5. Is it cruel and unusual Punishment under the 8th Am. to the U.S. Const. to impose a 12 to 17 yr. sentence on a defendant who was denied the right to present evidence in his own defense when the U.S. Const. 5th amendment provides for due process and defendants Counsel ineffectiveness caused the denial of that right while the 6th amendment to the U.S. Const. Provides for effective Counsel?
6. If Counsel is never present in an effective way does the court have subject matter Jurisdiction in a trial setting?

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:

RELATED CASES

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TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
- Glover V. U. S., 531 U.S. 198, 201, 204 (2001), - - - - -	5
- Strickland, 466 U. S. at 687, 691-92 - 42 GEO. L. J. ANN. REV. C.A.M. PROC. 547 (2013) - - - - -	5
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STATUTES AND RULES

6.S. 15A-1411 et Seq., 6.S. 15A-1415 (b)(3), 6.S. 15A- 1415 (c), 6.S. 15A-1415 (b)(7), 6.S. 15A-1415, (b)(8), 6.S. 15A-1417 (a)(1), 6.S. 15A-1417 (a)(4) - - - - -	3
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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 A to the petition and is

☐ reported at _____; 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 B to the petition and is

☐ reported at _____; 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 _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ 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 8-23-2019.

☒ 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 PROVISIONS INVOLVED

U.S. Const. Am. 6 and 5 Also 8. N.C. Const. Art. I,
Sec. 23, 21, 19, and 18

G.S. 15A-1411 et seq., G.S. 15A-1415(b)(3),
G.S. 15A-1415(c), G.S. 15A-1415(b)(7),
G.S. 15A-1415(b)(8), G.S. 15A-1417(a)(1),
G.S. 15A-1417(a)(4). Fed. R. Civ. P. 60(b).

Const. Provisions Supra. Provide for right to counsel,
due process, and no Crule Unusual Punishment respectively.

Statutory Provisions Supra Provide for appropriate relief,
due process of law, right to present evidence, effective
counsel respectively.

STATEMENT OF THE CASE

I was stoped from confronting my accusers and witnesses with other testimony. Also compelled to not testify by MY Counsel threatening to withdraw from MY case if I gave MY testimony. (Counsel felt MY Story lacked corroborative evidence); resulting in MY Counsel's Failure to press growing argument at Sentencing, which caused MY increased Sentence.

I presented my Service of Process of MY Motion for Appropriate Relief to the District and Appeals Court introduced Supra. However it appears from there response(s) that they think MY rights were not deprived when the Clearly established law of the case tells otherwise.

Please View the attached documents :

PER CURIAM statement-"Limiting our review..."
At appendix A

CJ With:

Appendix C - MAR. writ Served on Moore County, moved to the U.S. Fed. District Court and to the U.S. Fed. Appeals Court.

REASONS FOR GRANTING THE PETITION

1. My Conviction was obtained by denial of Defendant's rights to Present evidence in his own defense.
2. Cf: U.S. Const. Am. 5, 6; NC. Const. Art I Sec. 19, 19, 21, 23.
3. My Conviction was obtained due to ineffectiveness of trial Counsel.
4. Cf: U.S. Const. Am 5, 6; NC. Const. Art. I Sec. 19, 23.
5. The appeals Ct. was wrong in there findings because these issues were Present Before the Court.
6. I accert my rights and request the Court to consider my relief with Comparing the Following case law:
 42 GEO. L.J. ANN. REV. CRIM. PROC. 547 (2013) - Strickland, 466 U.S. at 687, 691-92;
 Glover V. U.S., 531 U.S. 198, 201, 204 (2001),
 also
7. 42 GEO. L.J. ANN. REV. CRIM. PROC. 552 (2013) -
 U.S. V. Midgett 1342 F.3d 321, 326 (4th cir. 2003)

I Presented the motion Served on Moore County to the District and Appeals Ct. of the U.S., so where the appeals Ct. Says they Can't see the Const. Violations must be a mistake. This is their Law. I hereby demand a remand back to the Appeals and lower Federal Courts for a Dismissal of a new trial on all or any of my Charges and a new Sentencing hearing for the lesser Charge of Self-defence as offered to the Jury in trial, or any other relief that the Court deems Appropriate.

The Violations out lined Violate the most important rights that are Secured, that are listed in the Constitution For the United States of America and the Constitution For the State of North Carolina and Statutory Provisions that even the Moore County Officials of the Court Should honor. What MY trial Attorney did was and is "fraud UPon the Court" and even if a Year has Passed Since the fraud the Power of the Court is not limited to correct MY Judgement, under Fraud. - See Fed. R. C. V. P. 60(b).

CONCLUSION

Remand to the lower Ct. to Set aside MY Judgement;

The petition for a writ of certiorari should be granted.

All Rights Reserved U. C. C. 1-308

Respectfully submitted,

Grenier P. Loomer
Natural Person

Date: 9-17-2019AD