

No. ~~19-725~~ _____

19-7095

IN THE

SUPREME COURT OF THE UNITED STATES

FILED

DEC 11 2019

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN-RE: DAVID L. SMITH — PETITIONER
(Your Name)

vs.

USA, ET. AL — RESPONDENT(S)

ORIGINAL

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. COURT OF APPEALS FOR 4TH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

DAVID L. SMITH
(Your Name)

P.O. BOX 1058
(Address)

BURGAIN N.C. 28425
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

IS PRO-SE PETITIONER ENTITLED TO THIS COURT'S DECIDING OF ENTIRE MATTER IN CONTROVERSY BY ISSUING A WRIT OF HABEAS CORPUS CALISING N.C. GOVERNOR ROY A. COOPER III TO DECLARE N.C. G.S. 14-7.1 UNCONSTITUTIONAL?

IS PRO-SE PETITIONER ALSO ENTITLED TO REPEAL AND DISSOLUTION OF N.C. G.S. 14-7.1?

IS PRO-SE PETITIONER ENTITLED TO ADDITIONAL RELIEF IN THIS WRIT OF HABEAS CORPUS, CALISING HIS CUSTODIAN BRYAN K. WELLS TO IMMEDIATELY RELEASE HIM WITH OUT CONDITIONS?

IS PRO-SE PETITIONER ENTITLED LIBERALL CONSTRUCTION OF HIS COMPLAINT?

IS IT UNLAWFUL FOR STATE GOVERNMENTS TO ASSEMBLE CRIMINAL STATUTES INTO CRIMINAL STATUTE TO ENHANCE REPEAT OFFENDER SENTENCES?

IS PRO-SE PETITIONER ENTITLED TO COURTS' LIBERAL CONSTRUCTION OF HIS PETITION, AS APPLICATION FOR COURT TO DECIDE MATTER ENTIRELY BY REMANDING CASE TO DISTRICT COURT, WITH INSTRUCTIONS TO DECLARE N.C.G.S. 14-7.1 UNCONSTITUTIONAL AND ORDER REDUCTION OF HIS (2) CONSECUTIVE 168 MONTHS AND 211 MONTHS SENTENCE TO (2) CONSECUTIVE 20 MONTHS TO 25 MONTHS TIME SERVED AND ORDER HIS CUSTODIAN BRYAN K. WELLS TO RELEASE HIM WITH OUT CONDITIONS?

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

[X] 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:

N. C. GOV. ROY A. COOPER III P. O. BOX 629 RALEIGH N.C. 27602
N. C. ATT. GEN. JOSHUA STEIN P. O. BOX 629 RALEIGH N.C. 27602
BRYAN K. WELLS P. O. BOX 1058 BURGAIN N.C. 28425
NANCY S. NASH P. O. BOX 7587 CHARLOTTESVILLE VA. 23216
LEXIS PUBLISHING P. O. BOX 7587 CHARLOTTESVILLE VA. 23216
U. S. JUDGE LOUISE W. FLANAGAN P. O. BOX 25670 RALEIGH N.C. 27611

RELATED CASES

U. S. SUPREME COURT 19-6579
D. C. CIRCUIT NO. 18-5005
U. S. DISTRICT COURT 1:15-CV-02123-UNA
U. S. DISTRICT COURT 1:15-CV-00941-UNA
U. S. DISTRICT COURT 1:18-CV-00618-UNA
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STATUTES AND RULES

N.C.G.S. 14-7.1 _____ P.(9)
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OTHER

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 _____ 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 NOV. 25, 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

28 U.S.C. § 1254(2)

28 U.S.C. § 2243

N.C.G.S. 14-7.1

N.C. HABITUAL FELONY DECLARATION

28 U.S.C. § 1746

STATEMENT OF THE CASE

OVER 40,000 N.C. DECLARED HABITUAL FELON PRISONERS SENTENCES WERE UNLAWFULLY ENHANCED FROM 1996 THROUGH DEC. 11, 2019 BY N.C. LEGISLATURE'S ASSEMBLY OF (4) CRIMINAL STATUTES INTO A CRIMINAL STATUTE.

ADDITIONAL CIVIL RIGHTS VIOLATIONS OCCURRED BY N.C. LEGAL AUTHOR LEXIS PUBLISHING'S UNLAWFUL SUBSTITUTION OF THE ESSENTIAL ELEMENT OF N.C.G.S. 14-7.1 WITH ELEMENTS OF THE N.C. HABITUAL FELON DECLARATION IN N.C. CRIMINAL PROCEDURE MANUALS 1996 THROUGH 2019 AND N.C. GENERAL STATUTES RELEVANT VOLUMES.

PETITIONER'S CLERK SHIRLEY BRYAN K. WELLS FAILED TO PROVIDE LAW LIBRARY OR PARA-LEGAL TO ASSIST HIM IN PREPARING THIS DOCUMENT.

REASONS FOR GRANTING THE PETITION

FEDERAL COURTS MAY ORDER RELEASE ONLY IN SUFFICIENTLY EGREGIOUS CASES, BECAUSE U.S. DISTRICT COURT FOUND DUE PROCESS VIOLATION FEB. 11, 2016 1:15-CV-02123-LNA, N.C. GOVERNMENT RECEIVED NOTICE; CERTIFICATE OF SERVICE, BUT CONTINUED PRINTING FRAUDULENT MANUAL, UNTIL 2019.

DEFENDANTS ALSO CONTINUED CONVICTING PRISONERS OF VIOLATING N.C.G.S. 14-7.1. THROUGH DATE OF THIS DOCUMENT.

PETITIONER HAS SERVED OVER 16-YEARS IN PRISON AND EARNED 648 DAYS GAINED TIME AND 407 DAYS OF MERIT TIME AND HAS COMPLETED HIS LAWFUL SENTENCE.

PETITIONER IS ENTITLED TO LIBERAL CONSTRUCTION OF HIS PRO-SE PETITION, AS A MOTION TO REMAND CASE, WITH INSTRUCTIONS FOR DISTRICT COURT TO ISSUE UNCONDITIONAL WRIT ORDERING HIS CUSTODIAN TO IMMEDIATELY RELEASE HIM, WITHOUT CONDITIONS.

DE'LONTA V. ANGELONE, 330 F.3D 630, 633 (4TH CIR. 2003)
(COURT LIBERALLY CONSTRUED PRO-SE COMPLAINT)

PETITIONER HAS APPLIED FOR RELIEF IN ALL FEDERAL AND STATE COURTS AND HAS NOT BEEN ABLE TO OBTAIN ADEQUATE RELIEF.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

David L. Smith

Date: DEC. 11, 2019