

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

DAVID L. SMITH — PETITIONER
(Your Name)

vs.

BRYAN WELLS ET, AL — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. DISTRICT COURT N.C. EASTERN DISTRICT
(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)

QUESTIONS PRESENTED

ARE § 2154 PETITIONER(S) ENTITLED TO REMAND, WITH INSTRUCTIONS FOR DISTRICT COURT TO ORDER CASE DISMISSED WITH PREJUDICE, BECAUSE OF PROSECUTOR'S ONLY EVIDENCE WAS A LATENT FINGER PRINT LIFT, THAT JURY CONFUSED AS A LATENT FINGER PRINT, BOTH OF WHICH BELONGED TO PETITIONER?

IS A LATENT FINGER PRINT LIFT AND A LATENT FINGER PRINT, ONE IN THE SAME?

IS A LATENT FINGER PRINT, LIFTED OFF SURFACE, EVIDENCE OF A BATTERY AND LARCENY?

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

5:18-CT-3209-D
SMITH V. NORTH CAROLINA ET., AL

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TABLE OF AUTHORITIES CITED

CASES

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2008)

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STATUTES AND RULES

U.S. SUPREME COURT RULE. 18

28 U.S.C. § 1915(b)

28 U.S.C. § 1254(1)

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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 B 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☒ is unpublished.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 A 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☒ is unpublished.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☐ is unpublished.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. 20, 2019~~ OCT. 22, 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: NOV. 20, 2019, and a copy of the order denying rehearing appears at Appendix B.

☐ 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. § 1915(b)

28 U.S.C. § 1254(1)

6TH AMD. U.S.C. CONFRONTATION CLAUSE

28 U.S.C. § 1254(2)

STATEMENT OF CASE

PROSECUTOR TOM FORD DECEIVED JURY, BY PASSING OFF A LATENT FINGER PRINT ~~LIFTED~~ PETITIONER'S RIGHT THUMB, AS A LATENT PRINT ON AN ALTOID CANDY MINT CAN, WHICH WAS ONLY EVIDENCE USED TO LINK THE PETITIONER TO THE CRIME OF BURGLARY AND LARCENY.

PETITIONER COLORABLY DENIED ALLEGATIONS DURING HIS TESTIMONY AND HAS SERVED 16-YEARS IN PRISON.

REASON FOR GRANTING PETITION

NO REASONABLE JURY WOULD HAVE FOUND PETITIONER GUILTY BEYOND REASONABLE DOUBT, ABSENT PROSECUTOR IMPROPER ADMISSION.

PETITION COLORABLY DENIED ALLEGATIONS DURING HIS TESTIMONY AND HAS SERVED 16-YEARS IN PRISON.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

David L. Smith

Date: DEC. 5, 2019