

No. _____

19-7528

IN THE

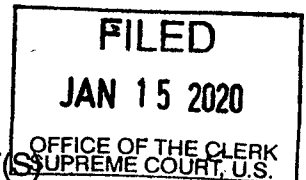
SUPREME COURT OF THE UNITED STATES

ORIGINAL

DAVID L. SMITH — PETITIONER
(Your Name)

vs.

RICK JACKSON AND SUCCESSOR
CLINTON BRYAN K. WELLS — RESPONDENT(S)



APPEAL OF DENIAL OF RELEASE PENDING
APPEAL ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. COURT OF APPEALS FOR FOURTH 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)

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

(Phone Number)

QUESTION(S) PRESENTED

IS APPELLANT ENTITLED TO RELEASE ON HIS OWN RECOGNANCES, AFTER DEMONSTRATING N.C.G.S. 14-7.1 IS PATENTLY UNCONSTITUTIONAL, COLORABLY SHOWING HIS INNOCENCE OF FELONY B AND E AND LARCENY, SERVING OVER 16-YEARS IN PRISON AND COMPLETING HIS LAWFUL MAXIMUM (2) CONSECUTIVE SENTENCES OF 20 MONTH AND 25 MONTHS ?

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:

BRYAN K. WELLS P.O. BOX 1058 BLIRGAN N.C. 28125
JOSHUA STEIN P.O. BOX 629 RALEIGH N.C. 27602

RELATED CASES

SMITH V. NORTH CAROLINA ET., AL NO. 19-6597
SMITH V. U.S.A. ET., AL -CV-02123-LINA

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U.S. SUPREME COURT RULE 36 (2) AND 3(A)

F.R. APP. P. RULE. 9(B)

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 _____ 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☐ is unpublished.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☐ is unpublished.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 _____.

☐ 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

F.R. APP. P. RULE. 9(B)

U.S. SUPREME COURT RULE. 36 (2) AND 3(A)

STATEMENT OF THE CASE

APPELLANT HAS SERVED OVER 16-YEARS IN PRISON AND COMPLETED HIS MAXIMUM LEGAL SENTENCE FOR (1) COUNT OF FELONY B AND E AND (1) COUNT OF FELONY LARCENY, WHICH WAS (2) CONSECUTIVE 20 MONTHS TO 25 MONTHS SENTENCES.

APPELLEES IN A CONSPIRACY HAVE UNLAWFULLY ASSEMBLED (4) CRIMINAL STATUTES INTO N.C.G.S. 14-7.1 FOR STATE COURT USE OF ENHANCING REPEAT OFFENDER SENTENCES.

N.C. LEGAL AUTHOR LEXIS PUBLISHING IN CONSPIRACY PRINTED N.C. CRIMINAL PROCEDURE LEGAL MANUALS INCORRECTLY STATING N.C.G.S. 14-7.1 FROM YEARS 1996 THROUGH 2019.

WAKE COUNTY PROSECUTOR TOM FORD DECEIVED TRIAL COURT JURY, BY PASSING OFF A LATENT FINGERPRINT LIFT AS EVIDENCE APPELLANT WAS INVOLVED IN B AND E AND LARCENY. [PROSECUTOR BEGGED APPELLANT TO TOUCH CAN IN COURT ROOM, DURING TRIAL]

APPELLANT IS INDIGENT BY HIS CONFINEMENT.

REASONS FOR GRANTING THE PETITION

APPELLANT HAS COMPLETED HIS MAXIMUM LAWFUL SENTENCE OF (2) CONSECUTIVE 20 MONTH TO 25 MONTH SENTENCES.

APPELLANT HAS COLORABLY SHOWN HIS INNOCENCE OF FELONY B AND E AND FELONY LARCENY.

APPELLANT HAS DEMONSTRATED THE UNCONSTITUTIONALITY OF N.C.G.S. 14-7.1.

APPELLANT'S APPEAL IS NOT FRIVOLOUS AND NOT FILED FOR PURPOSE OF DELAY.

DISTRICT COURT DENIED F.R. APP. P. 9(B) MOTION FOR RELEASE PENDING APPEAL SUMMER OF 2019, WITHOUT COMMENT.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

David H. Smith

Date: JAN. 15, 2020