

No. \_\_\_\_\_

**19-7528**

IN THE

SUPREME COURT OF THE UNITED STATES

**ORIGINAL**

DAVID L. SMITH — PETITIONER  
(Your Name)

FILED

JAN 15 2020

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

vs.  
RICK JACKSON AND SUCCESSION  
CLISTODIAN 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)

BIRGAM 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 SHADING  
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  
MONTHS 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. KIELLS P.O. BOX 1058 BLURCAH N.C. 28115  
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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### STATUTES AND RULES

N.C.G.S. 14-7.1

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[ ] is unpublished.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[ ] is unpublished.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 BURGLAR 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 BURGLAR 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 LAINFUL SENTENCE OF (2) CONSECUTIVE 20 MONTH TO 25 MONTH SENTENCES.

APPELLANT HAS COLORABLY SHOWN IS INNOCENCE OF FELONY B AND B 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, WITH OUT COMMENT.

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: JAN. 15, 2020