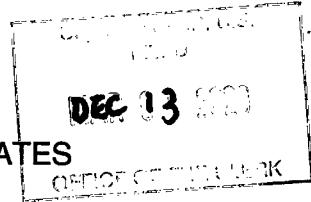


19-798 ~~ORIGINAL~~  
No. ~~ORIGINAL~~

IN THE  
SUPREME COURT OF THE UNITED STATES



MAECHEL SHAWN Patterson — PETITIONER  
(Your Name)

vs.

GEORGE Solomon, STEVEN DERZEN — RESPONDENT(S)  
LORI WISHART, LT. TURNER  
ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Court of Appeals for the Fourth Circuit  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

MAECHEL SHAWN Patterson # 0668123  
(Your Name)

P.O. Box 1058  
(Address)

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

N/A  
(Phone Number)

QUESTION(S) PRESENTED

IF PetITIONER'S DATE OF OFFENSE IS Oct. 10, 1998  
AND THE N.C.G.S. 148-5.1 (CRIME VICTIM RIGHTS ACT) WAS  
ESTABLISHED FOR CRIMES THAT WERE COMMITTED "AFTER"  
JULY 1, 1999, CAN IT BE CONSTITUTIONALLY APPLIED TO  
PetITIONER?

DID DEFENDANTS DENY PetITIONER'S DUE PROCESS AND  
EQUAL PROTECTION RIGHTS, WHEN THEY APPLIED AN ALTERED  
OR AMENDED N.C.G.S. 148-5.1 BY EXPANDING THE  
PARAMETERS OF THE LAW AND APPLYING IT AGAINST PetITIONER?

IS IT UNCONSTITUTIONAL FOR N.C. DEPARTMENT OF PUBLIC  
SAFETY TO CREATE POLICY UNDER THE VICTIMS RIGHTS ACT,  
THAT UNLAWFULLY MODIFIED THE DEFINITION OF THE  
N.C.G.S. 148-5.1, BY ALLOWING POLICY TO BE APPLIED  
RETROACTIVELY?

## **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**

#1 NO. 5:17-CV-3167-FL (1983)

#2 NO. 5:17-CV-3167-FL (Appeal)

#3 NO. 18-7058 (4<sup>th</sup> Circuit Court of Appeals)

## TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....	3
STATEMENT OF THE CASE .....	4
REASONS FOR GRANTING THE WRIT .....	5
CONCLUSION.....	6

## INDEX TO APPENDICES

APPENDIX A U.S. District Court For the Eastern District of N.C.  
Decision

APPENDIX B ORDER MOTION TO AMEND (1983)

APPENDIX C U.S. Court of Appeals Opinion

APPENDIX D Motion for Rehearing En Banc U.S. Court of Appeals

APPENDIX E Motion Local Rule 40(d) Notice

APPENDIX F NOTICE of Appeal To U.S.C.O.A.

## TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
<u>CALDER v. BULL</u> 3 DALL, 386, 390 (1798)	(5)
<u>SANDIN v. CONNER</u> , 515 U.S. AT 484 (1995)	(5)

## STATUTES AND RULES

N.C.G.S. 148-5.1	(4,5)
------------------	-------

## 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 C 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 17 March 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: 16 April 2019, and a copy of the order denying rehearing appears at Appendix D.

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**

## STATEMENT OF THE CASE

IN FEBRUARY 2003 D.O.C. OFFICIALS NOW N.C.D.P.S. INFORMED PETITIONER THAT HE COULD NOT BE HOUSED IN COUNTY OF CRIME AND THE SURROUNDING COUNTIES DUE TO THE ENFORCEMENT OF N.C.G.S. 148-51. PETITIONER FILED AND WON GRIEVANCE DUE TO N.C.G.S. 148-5.1 HAD BEEN ALTERED TO INCLUDE "SURROUNDING COUNTIES" AND IN FACT SHOULD NOT HAVE BEEN APPLIED TO PETITIONER DUE TO HIS CRIME OCCURRED BEFORE JULY 1, 1999. N.C.D.P.S. STATED IN RESPONSE TO GRIEVANCE TO CORRECT OPUS SYSTEM BUT FAILED TO CORRECT THIS PROBLEM.

JUNE 2017 PETITIONER FILED A 1983 STATING CLAIMS THAT N.C.D.P.S. IS APPLYING A N.C.G.S. 148-5.1 THAT HAS BEEN ALTERED OR CHANGED BY EXPANDING THE PARAMETERS OF THE LAW AND IN DOING SO HAS VIOLATED PETITIONER'S DUE PROCESS, EQUAL PROTECTION AND THE SEPARATION OF POWERS ACT. U.S. DISTRICT COURT MISCONSTRUED PETITIONER'S 1983, FAILING TO ADDRESS ISSUES RAISED. ON 30 JAN. 2018 U.S. DISTRICT COURT DENIED 1983 AS FRIVOLOUS.

PETITIONER FILED MOTION TO AMEND 1983, U.S. DISTRICT COURT DENIED A PRO-SE LITIGANT A RIGHT TO AMEND AND DENIED MOTION ON 15 AUG. 2018.

PETITIONER APPEALED TO FOURTH CIRCUIT STATING (1) CLAIM, THAT U.S. DISTRICT COURT FAILED TO ALLOW A PRO-SE LITIGANT A FAIR CHANCE TO AMEND COMPLAINT. U.S.C.O.A. ALSO MISCONSTRUED PETITIONER'S CLAIM BY FAILING TO ANSWER PETITIONER'S CLAIM THAT U.S. DISTRICT COURT DENIED A PRO-SE LITIGANT A FAIR AND LEGAL RIGHT TO AMEND COMPLAINT, MOTION DENIED 14 MAR. 2019.

ON NOVEMBER 19, 2019 PETITIONER FILED MOTION FOR RECONSIDERATION TO U.S. DISTRICT COURT. MOTION STILL PENDING.

ON 29 JANUARY 2020 MOTION TO U.S.C.O.A. TO EXTEND APPEAL DEADLINE. MOTION STILL PENDING.

## REASONS FOR GRANTING THE PETITION

NORTH CAROLINA GENERAL Statute 148-5.1 WAS established FOR CRIMES THAT HAPPENED ON OR AFTER JULY 1, 1999. DEFENDANT'S SOLOMON, DERZEN, WISHART, TURNER ARE ENFORCING THIS N.C.G.S. 148-5.1 UNCONSTITUTIONALLY TO PETITIONER CREATING AN EX POST FACTO VIOLATION, BECAUSE PETITIONER'S CRIME HAPPEN IN OCT. 1998. CALDER V. BULL 3 DALL. 386, 390 (1798).

BY DEFENDANT'S APPLYING THIS UNLAWFULLY AMENDED N.C.G.S. 148-5.1 RETRO ACTIVELY IT HAS CAUSED ATYPICAL AND SIGNIFICANT HARSHSHIP TO PETITIONER AND CREATED A LIBERTY INTEREST THAT HAS BEEN INTERFERED BY THE STATE, AND THE STATE HAS DEPRIVED PETITIONER OF THE SAME RIGHTS AS OTHER PRISONERS. SANDIN V. CONNER, 515 U.S. AT 484 (1995).

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Marcel Shaw Patten

Date: March 6<sup>th</sup> 2020