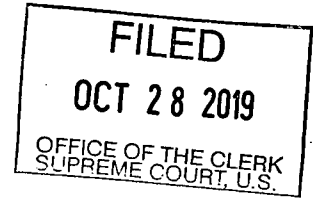


No. 19-8181

ORIGINAL



IN THE

SUPREME COURT OF THE UNITED STATES

Arkeem Hakim JORDAN — PETITIONER
(Your Name)

VS.

STATE OF NORTH CAROLINA Respondent

ON PETITION FOR A WRIT OF CERTIORARI TO

NORTH CAROLINA COURT OF APPEALS

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Arkeem Hakim JORDAN
(Your Name)

4600 W SWAMP FOX HWY. W.
(Address)

Tabor City N.C. 28463
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

- ISSUE ONE. WAS the Search Warrant AND AFFIDAVIT CONSTITUTIONALLY AND SUFFICIENTLY PARTICULAR OR WERE they BROAD, AND ALLOWED the OFFICERS to use their description AS to what property to SEIZE.
- ISSUE TWO. IS the STATE OFFICERS ALLOWED TO RAM OUR HOMES DOORS WITHOUT properly ANNOUNCING who they are AND why they are there, AND WITHOUT DELAY RAM OUR HOMES DOORS, WITHOUT there being ANY EMERGENCY?
- ISSUE THREE. WAS the property shown to the JURY by the STATE in this ISSUE the Fruit of the POISONOUS - Tree, AND did this display VIOLATE Federal LAW, AND the CONSTITUTION.
- ISSUE FOUR. WAS the Search Warrant AND AFFIDAVIT For the second search constitutionally PARTICULAR, AND WAS the search under the second warrant ALLOWED under the UNITED STATES CONSTITUTION.
- ISSUE FIVE. DO the CONSTITUTION ALLOW the STATE TO SEIZE property NOT listed in the Search Warrant AND AFFIDAVIT.
- ISSUE SIX. WAS THE WAKE COUNTY SHERIFF DEPT. ALLOWED to just make one knock ON OUR DOORS WITH NO PAUSE IN TIME to ALLOW defendant to come to the DOOR, AND AT the same time RAM OUR HOMES DOOR WITHOUT GIVING defendant time to come to the DOOR?
- ISSUE SEVEN. did the First Search Warrant AND AFFIDAVIT TO SEIZE the ONE .45 CAL HAND-GUN ALLOW the STATE OFFICERS TO CONSTITUTIONALLY SEIZE All the property LISTED in the INVENTORY.
- ISSUE EIGHT. DO THE STATE INDICTMENTS No(s) 06 CRS 64112-115 COMPLY WITH the U.S. CONSTITUTION, ARTICLE I, §§ 19, 22, 23, AND North Carolina General STAT. 15A-924(a)(5), 15A-952-954, AND 15A-955.
- ISSUE NINE. DO North Carolinas Short Form indictment COMPLY WITH The U.S. Supreme COURTS RULING in JONES V. UNITED STATES, 526 U.S. 143 L.Ed. 2d 311 (1999) (IN THAT JONES, the SUPREME COURT MADE clear that all elements must be charged in the indictment, submitted to a JURY, AND proved by the Government beyond a reasonable doubt. Id. 526 U.S. at 232.
- ISSUE TEN. DO the LACK OF PARTICULARITY in my indictments FAIL to INSURE that the defendant will be prosecuted ON the FACTS presented to the Grand JURY. AND IS one of the SAFEGUARDS by which an indictment IS to INSURE that the defendant is prosecuted ON the BASIS OF FACTS presented to a Grand JURY.
- ISSUE ELEVEN. IS it AN Federal AND CONSTITUTIONAL LAW That when an indictment FAILS to set forth AN ESSENTIAL ELEMENT OF a crime, the court, has NO JURISDICTION to try a defendant under that count or indictment.
- ISSUE TWELVE. IS it A Legal FACT that to ALLOW a prosecutor or judge to make a subsequent GUESS AS to what was in the mind of the Grand JURY at the time they RETURNED the indictment would DEPRIVE the defendant of a basic protection that the Grand JURY was designed to SECURE.
- ISSUE THIRTEEN. DO the STATE COURT VIOLATE the defendants CONSTITUTIONALLY PROTECTED Right to speedy-trial, when, he MOTIONS the court to or FOR a speedy-trial, then MOTIONING for the court TO DISMISS for FAILURE to prosecute the case.
- ISSUE FOURTEEN. IS North Carolinas prosecutors AND court ALLOWED to UNCONSTITUTIONALLY AND clearly ALLOWED to OMIT essential elements FROM their Short Form indictments.
- ISSUE FIFTEEN. DO the LACK OF FACTUAL PARTICULARITY in North Carolinas INDICTMENTS (SHORT FORM) FAIL to INSURE that the defendant will be prosecuted ON the FACTS presented to the Grand JURY.

QUESTIONS PRESENTED

ISSUE Sixteen.

IS it the LAW under N.C.G.S. § 15-1442(a), in the indictment for sex offense it is not necessary to allege every matter required to be proved on the trial. But in the Body of the indictment, AFTER naming the person accused, the date of offense, the county in which the sex offense was allegedly committed, and the averment "with force and arms."

ISSUE Seventeen.

IS the indictment File No. (S) : 06 CRS 64 112-115 defective under Apprendi v. New Jersey, 530 U.S. 466 S Ct. (2000), and do it fully put the defendant on notice, as the Apprendi court stated it should.

ISSUE Eighteen.

IF the alleged victim states that something happened only once can the state indict the defendant twice and make him

ISSUE NINETEEN. Did the state court violate the defendants Federal and state constitutional rights under N.C.G.S. § 15A-249, and the 4th amendment of the U.S. Constitution.

ISSUE TWENTY. IF consecutive sentences was not in the indictment can the state court judge sentence the defendant with a enhancement or consecutive sentence.

ISSUE TWENTYONE. DO the defendant have the right to appeal a sentence that exceeds the presumptive term under the Fair Sentencing Act or structured sentencing law.

ISSUE TWENTYTWO Other than the facts of a prior conviction, can a state court use any other fact that increases the penalty for a crime beyond the prescribed statutory maximum, and must the facts be submitted to a jury and proved beyond a reasonable doubt.

QUESTIONS PRESENTED

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ISSUE TWENTY THREE. DO the Apprendi Rule AS interpreted in the Supreme COURT CASE BLAKELY V. ~~WASH~~ WASHINGTON, 542 U.S. - 124 S. CT 2531 (2000) ABROGATE NORTH CAROLINA'S STATE LAW THAT ALLOW A JUDGE TO FIND AGGRAVATING OR MITIGATING FACTORS REASONABLY RELATED TO THE PURPOSE OF SENTENCING BY A PREPONDERANCE OF THE EVIDENCE STANDARD.

ISSUE TWENTY FOUR. DOES NOT THE JUDGES AUTHORITY TO SENTENCE DRIVE WHOLLY FROM THE JURYS VERDICT ONLY.

ISSUE TWENTY FIVE. IS IT LAWFUL AND LEGAL TO ILLEGALLY FORCE ENTER SOME-ONES HOME THEN SHOW THE FRUIT OF THE PORTRONOUS ENTRY TO THE JURY. DO THE CONSTITUTION ALLOW SUCH CONDUCT.

ISSUE TWENTY SIX. DO THE LAW ALLOW THE COURT TO MAKE A DISJUNCTIVE INSTRUCTION, ALLOWING THE JURY TO CONVICT DESPITE THE INDICTMENTS INJUNCTIVE PLEA; IN VIOLATION OF AMENDMENTS 5, 6, AND 14TH OF THE UNITED STATES CONSTITUTION. T VOL VII P 14 line 16. T VOL VII P 15 line 4. RPP 12, 25, 26.

ISSUE TWENTY SEVEN. DO THE DEFENDANT IN A NORTH CAROLINA TRIAL HAVE THE RIGHT OF ALLOCUTION. AND DO FEDERAL RULES. CRIMINAL P. 32(i) (4) (A) (ii) (Prior to Dec 1 2002 Rule 32 (i) (3) (c); GREEN V. U.S. 365 U.S. 301. 304-05 (1961) (Rule 32 require courts to AFFORD defendant, not merely defendants LAWYER / COUNSEL OPPORTUNITY TO SPEAK BEFORE IMPOSING OF SENTENCE; see e.g., U.S. V. DE ALBA PAGANI, 33 F.3d 125 129-30 (1st Cir 1994) (Rule 32 Requires resentencing when Judge Fail to OFFER defendant right OF ALLOCUTION); U.S. V ADAMS, 252 F.3d 276 279 (3d Cir 2001) (Rule 32 required resentencing when court asked defendants COUNSEL whether hrs Client wished to ALLOCUTE, but Failed to ADDRESS defendant personally)

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QUESTIONS PRESENTED

ISSUE TWENTY EIGHT. CAN the STATE COURT enhance your sentence by giving you consecutive sentences without placing the enhancement in the indictment. UNDER Apprendi v New Jersey, 530 U.S. 466 120 S.Ct 2348 (2000).

ISSUE TWENTY NINE. DO the COMMON-LAW KNOCK AND ANNOUNCE RULE bind the STATE police OFFICERS, and require a wait in between the knock and force entry. UNDER 18 U.S.C. § 3109.

ISSUE ~~Twenty~~ THIRTY What is the Law when a Alleged victims story changes from the first Reports.

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:

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CONTINUE INDEX TO

APPENDIX

APPENDIX M M. TP 118 line 13-25 Alleged victim asking her mom can her younger sister come to live with her at our home, younger sister is ~~was~~ also classed as a victim. Their mom was asked by the older sister who claimed she was being raped from 9 or 10 years old.

APPENDIX M LIST OF ALL THAT WAS SEIZED WITH SEARCH WARRANTS ONE AND TWO, First search warrant was for only one 45. CAL HAND GUN. THE OTHER STUFF WAS SEIZED AFTER SEARCH # ONE.

APPENDIX N STATE COURT ~~ATTS~~ DISMISSAL OF WRIT OF ERROR

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PN = PAGE NUMBER.

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Federal R. Crim P. 32 (c) (3) (c). PN 3, 11.

JURISDICTION

☐ For cases from **federal courts:** *N/A*

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

KNOCK AND ANNOUNCE. OFFICERS MAY NOT ENTER HOME UNLESS THEY FIRST GIVE NOTICE OF THEIR AUTHORITY AND PURPOSE, AND THEN MAKE A DEMAND FOR ENTRY. SEE *STATE V. MILLER*, 16 N.C. APP. 1 190 S.E.2d 888 (1972) modified, 282 N.C. 663 194 S.E. 2d 353 (1973) AND N.C.G.S. § 15A-245(a) (2005); *STATE V. MILLER*, 16 N.C. APP. 1 190, S.E.2d 888 (1972) modified, 282 N.C. 663 194 S.E.2d 353 (1973).

U.S. V. VALDEZ, 302 F.3d 320, 322 (5th Cir 2002) (Knock and Announce Rule violated when police forcibly entered home immediately after knock without waiting for answer, and without exigent circumstances.)

Where police officers in executing a search warrant for drugs simultaneously announced his presence and entered the residence the officer violated N.C.G.S. 15A-249; *STATE V. STAMPPETER*, 150 N.C. APP. 431 S.E.2d 60 2002 N.C. APP LEXIS 493 (2002); AND THE 4TH, 14TH AMENDMENT, DUE PROCESS OF LAW, AND N.C.G.S. § 15A-251. AND THE FRUIT OF THE POISONOUS TREE DOCTRINE; AND THE EXCLUSIONARY RULE, WHICH IS A CONSTITUTIONAL GUARANTEE. *MILLER V. UNITED STATES*, 357 U.S. 301, 313, 78 S.Ct. 1190, 1177, 98, 2 L.Ed.2d 1332 (1958); *UNITED STATES V. NABORS*, 901 F.2d 1354 (6th Cir) cert. denied, 494 U.S. 871. 111 S.Ct. 192, 112 L.Ed.2d 154 (1990). The presence of a weapon creates an exigent circumstance, provided the government is able to prove law-enforcement officers possessed information that the suspect was armed and likely to use a weapon or become violent.

ALLOCATION. Federal Rule Crim. P. 32 (i) (4) (A) (ii) (prior to Dec 1 2002 Rule 32 (c) (3) (c); *Green v. U.S.*, 365 U.S. 301, 304-5 (1961) (Rule 32 ~~(c) (3) (c)~~ Require courts to afford defendant, not merely defendant's lawyer/counsel opportunity to speak before imposition of sentence, see e.g., *U.S. v. De Albia Paganini*, 33 F.3d 125 129-30 (1st Cir 1994) (Rule 32 requires resentencing when judge fails to offer defendant right of allocation); *U.S. v. Adams*, 252 F.3d 276 279 (3d Cir 2001) (Rule 32 requires resentencing when court asked defendant's counsel whether his client wished to allocate, but failed to address defendant personally); *U.S. v. Haygood* 549 F.3d 1049 1054 (6th Cir 2008) Rule 32 required resentencing when court failed to invite defendant to make a statement at sentencing on his behalf. The trial judge should have formally addressed the defendant, asking him to speak in mitigation of the sentence to be imposed upon him this address is required under Fed R. Crim. P. 32 (c) (3) (c).

DEFECT IN SENTENCE AND ALL INDICTMENTS. Relying upon the U.S. Supreme Court decision in *Appenzel v. New Jersey*, 530 U.S. 466 120 S.Ct. 2348 (2000) THE COURT OF APPEALS VACATED A MANDATORY CONSECUTIVE SIXTY (60) MONTH SENTENCE ENHANCEMENT BECAUSE THE INCREASED PUNISHMENT WAS NOT ALLEGED IN THE INDICTMENT, SUBMITTED TO THE JURY AND PROVEN BEYOND A REASONABLE DOUBT.

STATEMENT OF THE CASE

1. The STATE violated petitioners constitutional rights AND N.C.G.S. § 15A-251; BY ENTRY BY FORCE, AND N.C.G.S. § 15A-249 OFFICERS TO GIVE NOTICE OF HIS identity AND purpose to the person to be searched. or persons in apparent control of the premises to be searched. he must give notice in the manner likely to be heard by any one who is present. SEE T.P. 187A. line 19-21 next page. THE STATE DID NOT GIVE PROPER NOTICE.
2. The notice requirement is for the protection of the occupants AND the officers AND the occupants constitutional rights. STATE V. GAINES, 33 N.C. App. 66 234 S.E. 2d 42 (1977)
3. Where police officers in executing a search warrant for drugs simultaneously announced his presence and entered the residence the officer violated N.C.G.S. § 15A-249; STATE V. STUMPTER, 150 N.C. App. 431 S.E. 2d 60 2002 N.C. App. LEXIS 493 (2002). SEE T.P. 187A-190A.
4. The LAW IN WILSON V. ARKANSAS, -- U.S. -- 115 S.Ct 1914 1916 131 L.Ed 2d 976 (1995) (The Supreme Court has found that absent exigent circumstances, it is unreasonable for officers to enter a dwelling without first knocking and announcing their presence. (THE STATE DID NOT KNOCK, THE OFFICER SAT AND THEN ENTERED WITHOUT ANY TIME FOR DEFENDANT TO COME TO THE DOOR. IN MY CASE THERE WAS NO EXIGENT CIRCUMSTANCES.
5. The STATES Search warrant issued on July 28 2006 @ 1:55 which is search warrant number one (1) only asked to SEIZE: A 45. CAL HAND GUN. The search warrant issued on July 28 2006 @ 5:20 PM which is search warrant number two (2), ask to SEIZE other property that was not FIRE ARMS, listed to be SEIZED, AFTER the officers had a chance to RISH through our belongings. THIS SEARCH WAS IN THE FORM OF A GENERAL-SEARCH AND SEIZURE WHICH violated my constitutional rights. The LACK OF PARTICULARITY AND OPEN endedness OF the search warrant WAS NOT CURED BY INCORPORATION OF THE AFFIDAVIT because the AFFIDAVIT WAS NOT ATTACHED to the the search warrant AND the AFFIDAVIT IT SELF WAS ALSO broad.
- 6.

STATEMENT OF THE CASE

~~AFFIDAVIT~~

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I Am Arkeem Hakim Jordan in propria persona, I positively STATE that All of the evidence used, seized, And Shown to the Jury during my trial WAS A direct violation OF the 4th, 14th Amendment OF the UNITED STATES CONSTITUTION, AND Clearly the Fruit OF the POISONOUS TREE. Which violated Federal LAW. There is positive PROOF that the WAICE COUNTY Sheriffs Office And their Agents did not knock ON the defendants Front And Back doors, nor did the properly announce, At all before Raming the defendants doors. The Sheriff OFFICE refused to Give me the document that I Requested to prove that FACT. But there is Other PROOF. At trial LEAD OFFICER KAREN BATTLE ET AL, For the STATE, said At trial that they knocked ONLY once And immediately Ramed our homes Doors, NOT allowing the defendant the time or opportunity to answer the doors, And there being NO Exigent Conditions. The entry into our home WAS A violation OF the UNITED STATES CONSTITUTION, Federal LAW. The CASE LAW And State decisis OF Wilson V. ARKANSAS, -- US. --, -- 115 S.Ct. 1914 1916 131 L.Ed 22 976 (1995) (THE Supreme Court has Found that Absent Exigent Circumstances, it IS Unreasonable For OFFICERS to enter a dwelling without Frst Knocking And Announcing their presence. Id At -- 115 S.Ct At 1918. Thus unless Exigent Circumstances Exist the Failure OF the State LAW enforcement OFFICIALS to knock And announce their presence will render the evidence procure during the ensuing Execution OF A WARRANT Inadmissible.

Reason for Granting the petition.

INDICTMENT.

AN INDICTMENT MUST CONTAIN (1) THE NAME OF THE SUPERIOR COURT IN WHICH IT IS FILED (2) THE TITLE OF THE ACTION; (3) A CLEAR AND CONCISE STATEMENT OF THE CRIMINAL CHARGE; (4) THE SIGNATURE OF THE PROSECUTOR; AND (5) THE SIGNATURE OF THE FOREMAN OR ACTING FOREMAN OF THE GRAND JURY, WHICH ATTESTED TO THE FACT THAT 12 OR MORE GRAND JURORS HAVE CONCURRED IN THE ~~FOLLOWING~~ FINDING OF A TRUE BILL OF INDICTMENT.

N.C.G.S. § 15A-644 (2005). IN DESCRIBING THE CRIMINAL CHARGE, THE INDICTMENT IS SUFFICIENT IF THE EXPLICIT LANGUAGE OF A STATUTORY OFFENSE IS USED; HOWEVER, ESSENTIAL ELEMENTS OF THE CRIME MUST BE ALLEGED. STATE V. NORWOOD, 289 N.C. 424, 222 S.E. 2d 253 (1976); STATE V. CRABTREE, 286 N.C. 541 212 S.E. 2d 103 (1975).

AN INDICTMENT MUST CLEARLY AND POSITIVELY IDENTIFY THE PERSON CHARGED WITH THE COMMISSION OF THE OFFENSE. THE NAME OF THE DEFENDANT, OR A SUFFICIENT DESCRIPTION OF THE PERSON IF HIS NAME IS UNKNOWN, MUST BE ALLEGED IN THE BODY OF THE INDICTMENT. FAILURE TO DO SO WILL BE DEEMED A FATAL AND INCURABLE DEFECT. STATE V. SIMPSON, 302 N.C. 613, 276 S.E. 2d 361 (1981). [CRIMINAL PROCEDURE IN NORTH CAROLINA. THIRD EDITION, IRVING JOYNER. P# 151. PROFESSOR OF LAW NORTH CAROLINA CENTRAL UNIVERSITY SCHOOL OF LAW.

THE INDICTMENTS IN THIS CASE ARE MANIFESTLY UNCONSTITUTIONAL, BECAUSE EACH COUNT OF THE INDICTMENT FAILS TO COMPORT WITH CONSTITUTIONAL STATUTORY MANDATE. (N.C.G.S. § 15A-924 (a) STATE V. BELNETT, 271 N.C. 423 156 S.E. 2d 725 (1967); STATE V. SIMPSON 276 N.C. S.E. 2d 361 (1981); STATE V. CRABTREE, 286 N.C. 541 212 S.E. 2d 103 (1975); STATE V. HAMMOND - 241 N.C. 226 85 S.E. 2d 133 (1954); ~~STATE V. HAMMOND, 18 N.C. 584 107 S.E. 2d 309 (1921)~~; STATE V. MC COLLUM, 18 N.C. 584 107 S.E. 2d 309 (1921); STATE V. CHUMMEL, 230 N.C. 462 53 S.E. 2d -

313 (1949); STATE v. Phelps, 65 N.C. 450 (1871); Appenzel v New Jersey,

The ADMINISTRATIVE OFFICE OF THE COURTS HAS CREATED AND PROMULGATED AN INDICTMENT FORM THAT IS USED EXTENSIVELY THROUGHOUT THE STATE OF NORTH CAROLINA. THE JUDICIAL COMMUNITY OF THE COURTS (JUDGES, DISTRICT ATTORNEYS, DEFENCE ATTORNEYS) AUTOMATICALLY PRESUME AND CONVEY A FALSE ASSUMED BELIEF AND AUTHENTICITY AND AUTHORITY THAT THE INDICTMENT FORM USED AND PRODUCED BY THE A.O.C. FOLLOWS THE STATUTORY WORDING PRESENTING AN INDICTMENT COINED IN THE LANGUAGE OF THE STATUTE, N.C.G.S. § 15A-924(a) THAT IS SUFFICIENT TO CHARGE A STATUTORY OFFENSE. THIS PRESUMPTION AND RELIANCE IS SOLELY MIS-PLACED AND HARMFUL TO THE DEFENDANTS DETRIMENT.

THE A.O.C. HAS CREATED AN INDICTMENT FORM UTILIZING REFERENCE PHRASES. "THE JURORS FOR THE STATE UPON THEIR OATH PRESENT ... THAT ON OR ABOUT THE DATE OF OFFENSE SHOWN AND IN THE COUNTY NAMED ABOVE THE DEFENDANT NAMED ABOVE ... (UNDERLINED EMPHASIS ADDED.) THIS SPECIFIC USE OF REFERENCING PHRASES HAS CREATED A MANIFEST ERROR THAT IS A VIOLATION OF FEDERAL LAW AT A LEVEL OF FUNDAMENTAL, CONSTITUTIONAL MAGNITUDE. THE PHRASES ABOVE NOTED ALLOW THE DISTRICT ATTORNEYS IN THE STATE OF NORTH CAROLINA TO USE AN ILLEGAL PRACTICE OF INCORPORATING BY REFERENCE OR CROSS REFERENCE PRIMARY PRINCIPLE ESSENTIAL MATERIAL FACTS, ELEMENTS, INFORMATION CONTAINED IN THE CAPTION OF THE INDICTMENT, ALLUDING TO INFORMATION CONTAINED IN THE CAPTION, WHICH IS A DIRECT VIOLATION OF N.C.G.S. § 15A-924(a) WHERE CROSS REFERENCING OR INCORPORATING BY REFERENCE IS ALLOWED FROM ONE COUNT TO ANOTHER. THE LOCATION WHICH MAY BE REFERENCED, FROM ONE COUNT TO ANOTHER IS WITHIN THE BODY OF THE INDICTMENT

There is Absolutely NO Authority allowing cross referencing or incorporation of information contained in the caption into the Body of the indictment. SO the STATE IS IN ERROR; AND the court did not have Jurisdiction to convict or sentence me the petitioner.

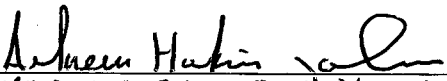
There is STATUTORY requirements that the defendant: MUST be Named IN the Body of the indictment, along with the county where the OFFENSE was Allegedly committed AND the date OF the OFFENSE. There IS ALSO legal precedent set by this States Highest court STATING ... the caption IS NOT A part OF the indictment AND INFORMATION contained therein can neither enlarge nor diminish that which is contained in the Body. STATE V. Bennett 271 N.C. 423 156 S.E. 2d ~~723~~ 725 (1967);
 STATE V. SIMPSON 271 N.C. 423 156 S.E. 2d 725 (1967);
 STATE V. CRABTREE, 286 N.C. 541 212 S.E. 2d 103 (1975);
 STATE V. HAMMOND, 241 N.C. 226 85 S.E. 2d 133 (1954);
 STATE V. H. McCOLLUM, 18 N.C. ~~582~~ 584 107 S.E. 2d 309 (1921);
 STATE V. CAMMEL, 230 N.C. 426 53 S.E. 2d 313 (1947)
 STATE V. Phelps, 65 N.C. 450 (1871).

This IS the PROOF, AND this IS the Reason for Granting the petition.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,


Andrew Hakin
All Rights Reserved - Without prejudice
Without Recourse.

Date: 10-27-19