

# Supreme Court of North Carolina

IN RE:

DAVID LEE SMITH

From Office of Admin. Hearings  
( 13MIS12404 13MIS12404 )  
From N.C. Court of Appeals  
( 03-1033 P05-866 P05-922 P12-176 P14-529 P16-263 P20-230 )  
From Wake  
( 03CRS49692 03CRS56350 03CRS49693 03CRS49691 03CRS49694 )

## AMENDED ORDER

Upon consideration of the petition filed by Petitioner on the 28th of March 2020 in this matter for a writ of mandamus, the following order was entered and is hereby certified to the Superior Court, Wake County:

"Denied by order of the Court in conference, this the 3rd of June 2020."

Ervin, J., Recused

**s/ Davis, J.  
For the Court**

Upon consideration of the emergency petition filed by Petitioner on the 30th of April 2020 in this matter for a writ of mandamus, the following order was entered and is hereby certified to the Superior Court, Wake County:

"Denied by order of the Court in conference, this the 3rd of June 2020."

Ervin, J., Recused

**s/ Davis, J.  
For the Court**

The following order has been entered on the motion filed on the 2nd of June 2020 by Petitioner for Appropriate Emergency Relief:

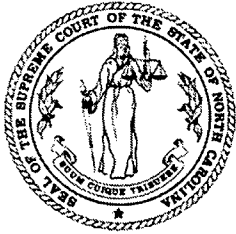
"Motion Denied by order of the Court in conference, this the 3rd of June 2020."

Ervin, J., Recused

**s/ Davis, J.  
For the Court**

WITNESS my hand and the seal of the Supreme Court of North Carolina, this the 8th day of June 2020.

APP, D



Amy L. Funderburk  
Clerk, Supreme Court of North Carolina

*M. C. Hackney*  
M. C. Hackney  
Assistant Clerk, Supreme Court Of North Carolina

Copy to:

North Carolina Court of Appeals

Mr. David Lee Smith, For Smith, David Lee

Ms. Kimberly N. Callahan, Assistant Attorney General, For State of NC - (By Email)

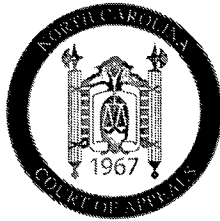
Ms. Kathleen N. Bolton, Assistant Attorney General, For State of NC - (By Email)

Ms. N. Lorrin Freeman, District Attorney

Hon. Frank Blair Williams, Clerk

West Publishing - (By Email)

Lexis-Nexis - (By Email)



## North Carolina Court of Appeals

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Web: <https://www.nccourts.gov>

DANIEL M. HORNE JR., Clerk  
Court of Appeals Building  
One West Morgan Street  
Raleigh, NC 27601  
(919) 831-3600

Mailing Address:  
P. O. Box 2779  
Raleigh, NC 27602

No. COAP20-230-1

**IN-RE: DAVID LEE SMITH  
PRO-SE APPELLANT**

From Wake  
03CRS049694 03CRS056350 03CRS49691 03CRS49692 03CRS49693 13MIS12404

### AMENDED ORDER

PETITION FOR WRIT OF MANDAMUS filed on the 28th of March 2020 and the 30th of April 2020 were denied by order of the North Carolina Supreme Court on the 8th day of June 2020, and same has been certified to the North Carolina Court of Appeals.

IT IS THEREFORE CERTIFIED to the Clerk of Superior Court, Wake County, North Carolina that the North Carolina Supreme Court has enied the PETITION FOR WRIT OF MANDAMUS filed by the Petitioner in this cause.

WITNESS my hand and official seal this the 9th day of June 2020.

Daniel M. Horne Jr.  
Clerk, North Carolina Court of Appeals

Copy to:  
Attorney General, For State of North Carolina  
Mr. David Lee Smith, Pro Se, For Smith, David Lee

APP. C

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

FILED

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

03CRS049694  
03CRS056360

2020 MAY 22 PM 1:37

STATE OF NORTH CAROLINA  
WAKE CO., C.S.C.

v.

BY

WJ

ORDER

DAVID LEE SMITH  
Defendant.

THIS MATTER comes before the Court upon a *pro se* paper-writing filed May 12, 2020 and received by the Court on March 13, 2020 entitled "PRO-SE MOTION FOR RECONSIDERATION OF EMERGENCY RELIEF REQUEST - N.C.G.S.". Upon consideration of the record proper and Defendant's filings, the Court enters the following Order.

In his Motion, Defendant "request[s] Wake County Superior Court Judge Vince Rozier to vacate thes court's order of denial of his motion for emergency relief entered on or about April 13, 2020."

Here, the Court finds the Defendant failed to provide any valid basis in law or fact to support his prayer for relief. Wherefore, Defendant's Motion for Reconsideration is DENIED.

So ORDERED this, the 14<sup>th</sup> day of May, 2020.



Vince M. Rozier, Jr.  
Resident Superior Court Judge

APP. A

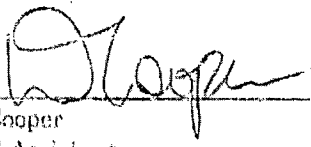
Certificate of Service

THIS IS TO CERTIFY that a copy of the foregoing Order was served upon the following parties and persons by mailing a copy thereof by postage prepaid, first class mail or by otherwise approved delivery addressed as follows:

Douglas L. Faucette  
Senior Assistant District Attorney  
10<sup>th</sup> Prosecutorial District  
Post Office Box 31  
Raleigh, NC 27602

David Lee Smith #0375340  
Pender Correctional Center  
Post Office Box 1058  
Burgaw, NC 28425

This, the 22<sup>nd</sup> day of May, 2020.

  
\_\_\_\_\_  
Davis Cooper  
Judicial Assistant  
Wake County Superior Court Judges' Office