

No. 19-8897

IN THE
SUPREME COURT OF THE UNITED STATES

DAVID LEE SMITH — PETITIONER
(Your Name)

vs.

NORTH CAROLINA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

N.C. SUPREME COURT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

DAVID LEE SMITH
(Your Name)

P.O. BOX 1058
(Address)

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

(Phone Number)

REASONS FOR GRANTING THE PETITION

N.C. HABITUAL FELON CLASS SENTENCES HAVE RISEN TO LEVEL OF CRUEL AND UNUSUAL PUNISHMENT, BECAUSE CLASS MEMBERS HAVE COMPLETED THEIR LAWFUL MAXIMUM SENTENCES AND ARE BEING UNCONSTITUTIONALLY HELD TO COMPLETE AN UNLAWFULLY ENHANCED PRISON SENTENCE, DURING A GLOBAL DEADLY CORONA VIRUS PANDEMIC WHILE BEING HOUSED IN DORMITORIES WITH (2) MAN BUNK BEDS (4) FEET APART, IN VIOLATION OF N.C. GOVERNOR'S SOCIAL DISTANCING AND REDUCED CAPACITY ORDERS. [28 U.S.C. § 2101(E)]

NOW N.C. PRISON WARDENS HAVE CURE NOR VACCINE TO TREAT DEADLY CORONA VIRUS.

CLASS MEMBER ARE FORCED TO TOUCH HANDLES ON SINKS, TOILETS AND SHOWERS ROUTINELY, BUT ONLY AFTER THE OTHER PRISONERS.

N.C. PRISON WARDERS CANNOT COMPLY WITH N.C. GOVERNOR'S SOCIAL DISTANCING AND REDUCED CAPACITY ORDERS, DUE TO PRISON OVERCROWDING.

CRIMINAL STATUTES ARE NOT LAWS AND BARRED FROM ASSEMBLY BY 5TH, 8TH AND 14TH AMENDMENTS OF U.S.C.

OVER 102,000 DEADLY CORONA VIRUS CASES REPORTED IN STATE OF NORTH CAROLINA AND 1698 DEATHS.

SEE *FARMER V. BRENNAN* 511 U.S. 825, 832 (1994) (PRISONERS RETAIN 8TH AMENDMENT RIGHT TO BE FREE FROM CRUEL AND UNUSUAL PUNISHMENT).

RELEASE OF CLASS IS ONLY REMEDY FOR VIOLATION OF DUE PROCESS RIGHTS CITED BY U.S. JUDGE BERYL A. HOWELL IN CASE 1:15-CV-02123-LMA.

DISSOLUTION AND REPEAL OF UNLAWFULLY ASSEMBLED N.C.G.S. 14-7.1 WOULD INITIATE CLASS RELEASE PROCESS. [U.S. SUPREME COURT RULE. 11] IF APPELLANT HAD BENEFIT OF COUNSEL PETITION WOULD BE FILED CORRECTLY.

PENDER CORRECTIONAL FACILITY DOCTOR LEWIS INFORMED PETITIONER HE TEST POSITIVE FOR COVID-19, OCTOBER 26, 2020.

PENDER CORRECTIONAL HAS TOTAL OF (4) DEATHS AND 192 DEADLY CORONA VIRUS CASES, IN (7) MONTH PERIOD.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

X David L. Smith

Date: OCT. 31, 2020