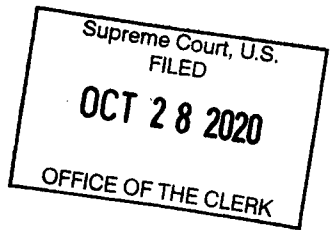


20-6729

No. 20-6182

ORIGINAL



IN THE
SUPREME COURT OF THE UNITED STATES

Michael Allen Bullock PETITIONER
(Your Name)

vs.

ERIK A. HOOKS — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Court of Appeals 4th Circuit

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

PETITION FOR WRIT OF CERTIORARI

Michael Allen Bullock

(Your Name)

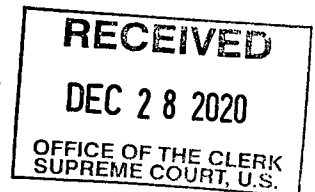
5150 Western Avenue

(Address)

Morganton, N.C. 28655

(City, State, Zip Code)

(Phone Number)



QUESTION(S) PRESENTED

1. Petitioner's attorney deliberately and flagrantly violated my constitutional rights, why has each court avoided my rights under the United States Constitution.

2. Why was I sentenced at a prior record level V, when I should have been sentenced at a level IV.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- VI Ineffective Assistance of Counsel
- XIV Due Process and Equal Protection of the Law
(United States Constitution)

N.C.G.S. 15A-1340

STATEMENT OF THE CASE

Petitioner contends that I was unlawfully sentenced to the wrong prior record level and my points only total 12. My attorney willfully, and knowingly, flagrantly violated my constitutional right to be sentenced to the sentence required by state law; The fabrication of evidence by a party in which an attorney is implicated, will constitute a fraud on the court. *United States v. Beggerly*, 524 U.S. 38, 38 (1998). A cause of action for fraud upon the Court may be recalled and set aside, as well be brought at any time, and any order, judgment or decree obtained by fraud upon the court may be recalled and set aside at any time. *Hazel-Atlas*, 322 U.S. at 244. This is because a decision produced by fraud on the court is not in essence a decision at all and never becomes final. *Kenner v. CIR*, 387 F.2d 689 (7th Cir. 1968). The consecutive sentence of 8 months, I am requesting to be vacated, and by resentencing as a prior record level IV, with 12 points, Petitioner requests this court to enter a order for immediate release.

REASONS FOR GRANTING THE PETITION

Petitioner contends reasons to grant this petition are; The first plea that I agreed to was rejected, and the current plea was not explained or brought to my attention, until I was in court. Furthermore, my prior record level points did not exceed 12 points, therefore, I was entitled to be sentenced as a prior record level IV, with 12 points. Also, defense counsel failed to exercise my right to a trial, due to my innocence, and no evidence indicating that I was driving a vehicle or involved in any criminal activity involving Driving while impaired. Finally, the statements entered in the MAR, clearly show there were several violations of my constitutional rights, and those violations were so serious to my sentence, that a jury of my peers, would have to dismiss the prosecution, based on no evidence. Therefore, I am requesting this court to dismiss the prosecution and enter an order to have me released immediately.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Michael A Bullock

Date: 10/14/20