

21-6051

No. \_\_\_\_\_

ORIGINAL

Supreme Court, U.S.  
FILED

OCT 12 2021

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Travis L. Watson — PETITIONER  
(Your Name)

vs.

Dennis Daniels, et al., — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals, Fourth Circuit  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Travis L. Watson  
(Your Name)

527 Commerce Dr.  
(Address)

Elizabeth City, N.C. 27906  
(City, State, Zip Code)

\_\_\_\_\_  
(Phone Number)

### QUESTION(S) PRESENTED

1. After Mr. Watson's September 7, 2005 Conviction, the state materially altered the Original Judgment and committed him to prison via a counterfeited and Fraudulent Document. Does the U.S. Constitution protect a convict from imprisonment under a falsified document?
2. The state imprisoned Mr. Watson past the 125 month maximum sentence ordered in the 2005 Original Judgment. Does the constitution afford protection to convicts from being incarcerated past the maximum sentence allowed by law?
3. Does the constitution protect a defendant-supervisee from fraud, Obstruction of Justice, and Conspiracy during court proceedings?
4. On May 22, 2017, the state committed Mr. Watson to a state prison to process before adjudication of guilt for pending charges and before any process for post-release supervision (PRS). Is a parole warrant alone sufficient to commit an individual to prison who has been accused of a crime while on PRS?
5. Mr. Watson was subjected to involuntary servitude as a pretrial detainee. Does a parole warrant alone sanction this treatment?
6. Does the constitution protect defendant-supervisees from the breach of an agreement by the state when state waiver implicates liberty?
7. Are defendant-supervisees protected under pretrial detainee's right to be free from punishment until convicted or due process satisfied?
8. When a state habeas petitioner is afforded counsel by state statute, is prejudice presumed under *Strickland v Washington*, when the court fails to appoint counsel, whereas counsel is prevented from assisting and the petitioner is allowed to proceed pro se without a waiver of counsel?
9. Is a defendant-Supervisee protected under the constitution when the state fails to appoint counsel for 4 months in those proceedings leading to trial?

10. Are Federal Habeas Petitioners protected from the bias and abuse of discretions of lower federal courts?

11. The Respondents' initial counsel has entered counterfeit documents and fraudulent claims into the record of federal proceedings and then jumped off the case. Does due process require any notice to pro se petitioners before counsel can be substituted?

12. On September 8, 2021, the U.S. Court of Appeals denied Mr. Watson's Petition for Rehearing, Petition for Rehearing En Banc, and Motion To Amend Pleading for Requested Relief, before they received the supporting documents that Mr. Watson assured would be sent and before the Respondents disclosed any discovery to Mr. Watson's Interrogatories and Request for Production of Documents. Does this comport with the usual and accepted course of judicial proceedings?

13. The U.S. Court of Appeals did not address: (1) Initial Motion To Amend Pleading for additional relief and review - July 8, 2021 opinion, (2) Interrogatories and Request for Production of Documents to Respondents - September 8, 2021 order, and (3) entitlement to review of Ground Three right to counsel claim supported by the record - September 8, 2021 order. Does this comport with the usual and accepted course of judicial proceedings?

14. At the November 16, 2017 state habeas hearing, Mr. Watson's original habeas Application was concealed, as the record reflects. Is a filed motion essential to a full and fair hearing and opportunity to be heard, when that motion comes on for hearing?

15. Does the constitution protect habeas petitioners from these arbitrary actions of the government?

16. Mr. Watson was released from prison to PRS on April 16, 2015 and charged with new crimes on December 29, 2016, which resulted in "parallel proceedings" regarding PRS (2005 Judgment) and the 2016 felony offenses (2018 Judgment), each of which were subject to due process requisites. Does the state's premature and wrongful termination of PRS preclude review of the 2005 Judgment in this case?  
(See Section 3.C. of petition).

17. In response to Mr. Watson's Ground One claim in his FHP, the Respondent's defense was to attribute Mr. Watson's loss of liberty to the 2005 Judgment. Does a fraudulent claim from a party concerning a judgment, open the door to scrutinization and review of that judgment?

## 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:

1. Joshua H. Stein, State Attorney General
2. Erik A. Hooks, Secretary, N.C. Dep't. Public Safety
3. Phillip A. Rubin, Respondent's Counsel
4. William A. Wood II, Guilford County D.A.
5. Maury A. Hubbard III, Guilford County D.A.
6. Willis J. Fowler, Chairman, parole commission (N.C.)
7. James Vaughn, Warden, Pasquotank Corr. Inst.

## RELATED CASES

- Travis L. Watson v Mark Carver, No. 1:17 cv 1067, U.S. District Court - Middle District of North Carolina. Judgment entered on November 30, 2017 - Appendix B.
- Travis L. Watson v Dennis Daniels, No. 1:18 cv 451, U.S. District Court - M.D.N.C. Judgment entered January 31, 2019 - Appendix B.
- Travis L. Watson v Dennis Daniels, No. 1:19 cv 249, U.S. District Court - M.D.N.C. Judgment entered February 6, 2020, Appendix B.
- Travis L. Watson v Dennis Daniels, No. 20-6239 (1:19 cv 249) U.S. Court of Appeals for the Fourth Circuit. Judgment entered July 8, 2021, (Appen. B).
- Travis L. Watson v State of N.C., Superior Court Division, State Habeas, No. 16CRS 92606, 92616; 17CRS 69730, 24031, 24032, 24175. Judgment entered November 22, 2017 - Appendix A.
- State of N.C. v Travis Watson, No. 18-1254, N.C. Court of Appeals. Judgment entered May 19, 2020 - Appendix A.
- State of N.C. v Travis Watson, No. 298P20 - N.C. Supreme Court (denied 2-3-21).

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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 A 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 B 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.

(U.S. Constitution) **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

6th Amendment - "In all criminal prosecutions, the accused shall enjoy the right... to have assistance of counsel for his defense."

13 Amendment - "Neither slavery nor involuntary servitude, except as punishment for a crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to jurisdiction".

14th Amendment - "... nor shall any state deprive any person of life, liberty, or property without due process of law."

N.C. Constitution - Article 1, Sec. 17 - "Slavery is forever prohibited. Involuntary Servitude, except as punishment for a crime whereof the parties have been adjudged guilty, is forever prohibited."

N.C. Con. - Art. 1 Sec. 21 - "Every person restrained of his liberty is entitled to a remedy to inquire into the lawfulness thereof, and to remove the restraint if unlawful and that remedy shall not be denied or delayed."

(28 U.S.C.) 2254 (e)(2) - "If a petitioner has failed to develop the factual basis of a claim in state court proceedings", the district court cannot hold an evidentiary hearing unless petitioner shows that: 1) the claim relies either (a) on a "new rule of constitutional law", or (b) on "a factual predicate that could not have been previously discovered through the exercise of due diligence", and 2) "the facts underlying the claim would be sufficient... that but for constitutional error, no reasonable factfinder would have found applicant guilty of underlying offense."

(28 U.S.C.) 2241 (c)(3), 2254(a),

Federal courts may consider an Application for a Writ of Habeas Corpus only on the ground that the prisoner's confinement violates the Constitution, laws, or treaties of the United States. 41 GEO. L.J. ANN. REV. CRIM. PROC. p. 950 (2012).

18 USCA Sec. 1506, 2071, 2073 - Appendix E.

ABA Standards for Criminal Justice - 4-7.8, p. 4-97; 3-5.8 (2d ed. 1980) (a); 3-5.8 p. 3-88 (2d ed 1980); 3-1.1 (b) (2d ed 1980) - Appendix E.

ABA Model Code of Prof. Responsibility EC 7-13 (1980) - Appendix E.

ABA Model Rules of Prof. Conduct - Rule 3.8 comment - Appendix E.

18USCA 371 - Conspiracy



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## STATEMENT OF THE CASE

On September 7, 2005, Mr. Watson pled guilty to two counts of 2nd degree rape, conspiracy to commit 2nd degree rape, and 2nd degree kidnapping in Guilford County Superior Court. The trial court judge, Henry Frye, imposed a 96-125 month sentence and a 27-42 month sentence. The court did not specify whether those sentences were to run consecutively or concurrent- [concurrently]. Mr. Watson also received a 5-year post-release supervision (PRS) sentence, which he began to serve on April 16, 2015 (04CRS 78728, 04CRS 78731), after serving 131 months in the state prison. See 2005 Original Judgment at Appendix A (12)

On December 29, 2016, officers with the Greensboro Police Department arrested Mr. Watson on two new felony charges and detained him in the Guilford County Jail. Two things happened upon the arrest, (1) the initiation of a criminal process, giving rise to protected liberty interests, (2) the new charges triggered a Post Release Supervision and Parole Commission warrant/detainer for a determination of whether Mr. Watson violated the terms of PRS. The warrant was served on January 3, 2017. On January 13, 2017, while in the Guilford County Jail (GCT), Mr. Watson met with a representative of the PRSPC whereas he entered into an agreement with the State of North Carolina to waive the PRS revocation proceedings "until pending North Carolina criminal charges has been disposed of by the courts." See docket entry 23 - No. 20-6239 (U.S. Court of Appeals (COA) - 4th Circuit). \* - footnote. Waiver at Appendix F.

On May 22, 2017, Mr. Watson was committed to a state prison facility to process. However, the pending charges had not been "disposed of" (adjudicated) nor had there been any hearing or process regarding PRS, as the record reflects. See Mr.

\* Also at Travis L. Watson v Dennis Daniels - No. 1:18 cv 451 - U.S. District Court - M.D.N.C. - Docket Entry 13-8. - Appendix F; 12 - Hot Document (Smoking Gun - Appendix A (2005 Original Judgment)).

Watson's initial 28 U.S.C. 2241 - Travis Lashaun Watson v Mark Carver - NO. 1:17 cv 1067, as a pretrial detainee - page 12 - Appendix B. Mr. Watson raised the federal questions sought to be reviewed, as a pretrial and prerevocation detainee while the new criminal charges and revocation process were unresolved. See *Id.* at page 2. Prior to this November 27, 2017 U.S. District Court - M.D.N.C. filing, Mr. Watson filed a state habeas corpus to challenge the imprisonment and deprivation of freedom and counsel, on November 1, 2017. That motion is not a part of the record because it was removed and concealed by Guilford County Court officials and was not available at the commencement of the state habeas hearing. See Habeas Transcript, Volume 1 of 1 - page 4 line 17-25 and page 5 line 9-22 - Appendix A. Also at Travis L. Watson v Dennis Daniels - No. 1:19 cv 249 - U.S. District Court - M.D.N.C. (Same pages). \*On November 13, 2017, Mr. Watson followed up with a Motion To Dismiss the pending criminal charges. On November 16, 2017, the said motions came for hearing before the Honorable John O. Craig III, Superior Court Judge presiding. Finding he was without jurisdiction to address a related habeas issue involving PRS, Judge Craig declined to dismiss the criminal charges as requested by Mr. Watson. For a briefing on Mr. Watson raising the federal questions sought to be reviewed, See habeas transcript, Volume 1 of 1 - page 9 starting at line 22 - page 15 ending at line 14 at Appendix A. Mr. Watson represented himself at the habeas hearing because his attorney could not address the matter in court for legal reasons. See habeas transcript, Volume 1 of 1 - page 6 line 5-22 and page 15 line 22 - page 16 line 6 at Appendix A. On November 22, 2017, an order denying habeas relief was issued by a second judge, Judge Patrice Hinnant - Appendix A. On December 11, 2017, two weeks

\* Motion To Dismiss - Appendix A.

after Mr. Watson sought federal authority for relief, an order was issued by the Post Release Supervision and Parole Commission (PRSPC) to release Mr. Watson from the custody of the Dep't. of Public Safety (DPS), Division of Adult Correction (DAC). Appendix B. No orders were issued by the PRSPC prior to this, concerning Mr. Watson's post-release supervision (PRS), as the record reflects.

On March 1, 2018, at the sentencing phase of Mr. Watson's trial, Mr. Watson reiterated the due process violation in the proceedings and court related processes leading to trial. The two volume transcript has been exhibited by the Respondents in their Motion For Summary Judgment. Ex. 9 - Travis L. Watson v Dennis Daniels - No. 1:19 cv 249 - U.S. District Court - M.D.N.C. Mr. Watson has extracted the pertinent parts for this court's purpose. See 2018 transcript, Sentencing - page 426 line 19 - page 427 to line 22. Appendix A.

\*On May 23, 2018, Mr. Watson filed a 28 U.S.C. 2254 Federal Habeas Petition (FHP) challenging the 2005 Judgment and the entire proceeding leading to the 2018 trial. The petition was denied. On March 1, 2019, Mr. Watson filed a 2254 FHP challenging the 2018 Judgment, his imprisonment without any process, and Right to Counsel violations. Travis L. Watson v Dennis Daniels - No. 1:19 cv 249 - U.S. District Court - M.D.N.C. The petition was denied on February 6, 2020. Mr. Watson sought these reviews under the miscarriage of justice doctrine. Mr. Watson appealed to the U.S. Court of Appeals for the Fourth Circuit. As the case advanced, he became aware that it was the fraudulent responses and documents entered by the Respondents that were improperly

\*Travis L. Watson v Dennis Daniels No. 1:18 cv 451 - U.S. District Court - M.D.N.C. Denial and Order at Appendix B.

influencing the triers of fact and the judicial system's ability to impartially adjudicate the issues presented. And so,  
16 on July 17, 2021, Mr. Watson filed a Motion To Amend Pleading for Requested Relief, in which he addressed and exposed the fraud in this case and requested additional relief and review in the 2018 Judgment and corresponding proceedings as well as the 2005 Judgment, including the counterfeit judgment and commitment that the state imprisoned Mr. Watson under after the September 7, 2005 conviction. The Motion was not addressed in the U.S. Court of Appeals (U.S. COA) July 8, 2021 opinion and judgment denying his appeal.  
17 Opinion and judgment at Travis L. Watson v Dennis Daniels No. 20-6239, (1:19 cv 249) - MOTION TO STAY - U.S. Supreme Court - EX 7 - filed September 20, 2021. After filing for a Petition for Rehearing (Submitted July 13, 2021) and Petition for Rehearing En Banc (Submitted July 17, 2021), Mr. Watson resubmitted an amended version of The Motion To Amend Pleading for Requested Relief (submitted August 1, 2021), requesting that the 2005 and 2018 Judgment be set aside for intervening actions by the State of N.C. including fraud, collusion, deception, malfeasance, joint participation, conspiracy, and obstruction of justice, in those Judgments, which have and continue to prejudice Mr. Watson. On September 8, 2021, the U.S. COA denied both petitions and the motion. No reason was given for the denials of relief and review, Id. Appendix C. Motion To Stay was submitted September 9, 2021, reiterating the fraud, the counterfeit documents, the falsified PRS proceeding, the denial of counsel, the concealed habeas motion and was denied on September 17, 2021, a day after the mandate was issued on September 16, 2021. Id. Appendix C.

16. U.S. COA docket sheet - Appendix F.

17. U.S. COA opinion + J - Appendix C.

## REASONS FOR GRANTING THE PETITION

This petition should be granted because the State of North Carolina has exhibited on numerous occasions, during the 12-year span of the judgments challenged in this petition, that the United States Constitution nor their own North Carolina Constitution and General Statutes, supercede the importance of their own personal agendas. This petition will show a malicious, egregious, and intentional injustice that has deprived Mr. Watson of several rights protected under the Constitution. Criminal liability will be established by the state's actions. Fraud, malfeasance, deception, collusion, and conspiracy to cover up a "parallel proceeding" Due Process violation will be established and has opened a can of worms regarding numerous fraudulent acts by the state in this case as a whole. The fairness and integrity of both judgments and proceedings have been seriously affected and compromised at Mr. Watson's expense and caused irreparable constitutional injury to Mr. Watson also. Fraudulent responses, documents, information, orders, along with a \*counterfeit judgment and commitment, has supported the unauthorized, unjustified, and arbitrary deprivation of Mr. Watson's freedom. This continuous fraud to defraud Mr. Watson of his constitutionally protected rights has pervaded the entire 2005 Judgment (Cases): 04CRS78728, 04CRS78731, been injected into the 2018 Judgment, and improperly influenced the judicial system's ability to impartially adjudicate the corresponding hearings, processes, proceedings, and appeals, without prejudice to Mr. Watson. This petition will show the State of North Carolina utilizing the 2005 Judgment and misrepresenting material facts in that judgment, to obstruct justice. This petition will present issues that are of a special interest to the public and our society as a whole.

\*Counterfeit Judgment and Commitment at Appendix D.

1.\*As the prelude to this case, After Mr. Watson's September 7, 2005 conviction "the State of N.C. did not file the original judgment and commitment with the Department of Correction (DOC) as ordered. The state violated the judge's order and proceeded to counterfeit the original judgment, to imprison Mr. Watson for over a decade before releasing him to PRS", See Original 2005 Judgment and Commitment Forms - Appendix A. The Original 2005 Judgment was changed to a consecutive term, a felony offense of stolen motor vehicle added, and was delivered along with Mr. Watson to the DOC, where the altered judgment was executed. See Counterfeit judgment at Appendix D. The Original Judgment is signed and certified by (then Deputy CSC) Lisa Harman. The counterfeit has been forged to be an original by Rita K. Several recommendations have been added by the perp in the counterfeit document as well. Case file No. 04CRS 78731 of the fraudulent forms, an X has been placed in the very bottom box and right below it, information that specifies consecutive sentences. The omission of these two particular changes in the original document means sentences are presumed to run concurrently by law. See N.C. General Statute 15A-1354,

"If not specified or required by statute to run consecutively, sentences shall run concurrently."

This material alteration and fraud are in violation of N.C. Gen. Stat. 14-221.2 of Article 30 Obstruction of Justice and render the judgment invalid; the 2005 Judgment is a Void Judgment:

"Any person who without lawful authority who intentionally enters a judgment upon or materially alters or changes any criminal or civil process, criminal or civil pleading, or other official case record, is guilty of a Class H felony."

An individual should be protected by the safeguards of Due Process  
\*Counterfeiting. See 18 U.S.C. 470 et. seq.  
Forgery. See Model Penal Code 224.1(1).

against the intervening arbitrary actions of the local government, to materially alter an official case record and judge's order, which constitutes fraud and obstruction of justice. Individuals that accept plea deals and do not appeal and are not given notice of a change of sentence or been afforded a hearing to dispute the change, have an expectation of the finality of the judge's order. This unauthorized alteration of Mr. Watson's sentence, has violated due process. The counterfeit document falsely imprisoned Mr. Watson for over a decade before release to post-release supervision (PRS). See footnote 5.

2. "Mr. Watson's release to PRS materially altered". According to the applicable controlling laws of PRS at the time of Mr. Watson's 2005 conviction, Mr. Watson was to be released 9 months prior to his maximum sentence (minus any earned time awarded by the Dep't. of Adult Correction, per statute law - See Post Release Supervision Guidelines/Protocol - Appendix F). Mr. Watson had a right to this release because of existing interest in liberty. See *Greenholtz v Inmates of Neb. Penal & Corr. Complex*, 442 U.S. at 11, 12 (1979). When mandatory language exists, such as where statute provides that the parole board "shall" release an inmate if certain conditions are met, a prisoner has a legitimate expectation of parole, or "liberty interest", that cannot be denied without due process. See *Franklin v Shields*, 569 F.2d 784, 789-90 (4th Cir. 1978) (state mandating conditional release when requirement fulfilled created liberty interest. The language "will be released" 9 months prior to their maximum sentence term creates a protected liberty interest - PRS Guidelines - Appendix F).

The original 2005 Judgment required 125 maximum sentence. Original commitment - Appendix A. Minus the 9 months and years of work credits to reduce the sentence, Mr. Watson should have been released after serving his minimum sentence of 96 months. Instead, he was unlawfully imprisoned after the 125 months maximum sentence, until he served 131 months from May 7, 2004 (offense date at original judgment - Appendix A) to April 16, 2015 (parole commission release order - Appendix B), in violation of the U.S. Constitution and laws. See 28 U.S.C. 2241(c)(3), 2254(a). See 18 U.S.C. 1506, 2073 p.1 - Appendix E. ← ← ← footnote 5



3. Mr. Watson imprisoned under the guise of a PRS violation.

On May 22, 2017, while awaiting disposal of the 2016 pending felony Charges, per due process and per contract waiver at Travis L. Watson v Dennis Daniels No. 1:18cv451 - U.S. District Court - M.D.N.C. - docket entry 13-8, Mr. Watson was committed to the Dep't. of Public Safety (DPS), Division of Adult Correction (DAC) under the guise that his PRS was revoked by the PRSPC. To support this false pretense, the state employed the following:

A. Prosecutor commits fraud on the court with this false claim; "Badge of fraud": (See footnote 10),

"Your honor, the way I understand what happend is [Mr. Watson] was convicted of two rapes back in 2005 or so - maybe 06'. He served a substantial lengthy sentence. At the end of that sentence he was given his nine months [PRS], then one or more of his Guilford County - the new charges popped up. And the [DPS] activated the nine months that they had suspended at the end of his sentence and sent him back to prison". - (Habeas Transcript - Appendix F).

See Travis L. Watson v Dennis Daniels - No. 1:19cv249 - U.S. District Court - M.D.N.C. - Petitioner's Exhibits 1 (Habeas Transcript Volume 1 of) (page 7 - line 8-13). Here, the prosecutor has misrepresented material facts of the 2005 judgment, in an attempt to justify Mr. Watson's loss of liberty that he was experiencing as a pretrial detainee. As the record reflects, Mr. Watson's PRS was a 5 year sentence, not 9 months and there is no order in the record to support this false claim at the date of the hearing (November 16, 2017 state habeas hearing). This case is bigger than the facts or the parties involved.

B. Order Denying State habeas relief states:

See 6 and \* "The Applicant is imprisoned for a parole violation on [PRS] with an expected release date of April 14, 2020."

See Id. at docket entry 12-5. This information is unfounded and

\* habeas order at Appendix A; 1. Waiver at Appendix F.

6. See U.S.C 1506, 2073 p1 - Appendix E; 10. See ABA standards p 2 - Appendix E.

unsupported by the record, any hearing, or notice to Mr. Watson. Mr. Watson was released from prison on April 16, 2015 for a 5-year PRS period. Id. at Magistrate's Recommendations - top of page 2. The fact of the matter is that Mr. Watson's supervised period was to end on April 14, 2020, not his imprisonment for a supposed PRS violation. This false claim and document was fabricated to corroborate the prosecutor's false claim at the November 16, 2017 habeas hearing. The order also states:

"The court received the file on November 22, 2017, upon which the court reviewed the Application..." - Appendix A. Id. at docket entry 12-5. The thing is, at this point the habeas hearing was over and presiding Judge John O. Craig III had already ruled lack of jurisdiction. Also, the record reflects that Mr. Watson's habeas application could not be found by the court or the clerk at the commencement of Mr. Watson's habeas hearing. The habeas motion is not apart of the record because it was concealed, stolen, destroyed or otherwise made unavailable for the habeas hearing. See Appendix A - State Court Habeas Transcript page 4 line 17-25 and page 5 line 9-22. The concealment was meant to deny Mr. Watson a full and fair hearing, an opportunity to be heard, and accurate fact finding. This was an act of entrinsic fraud and undermines the the states own constitution: (See footnote 11).

"Every person restrained of his liberty is entitled to a remedy to inquire into the lawfulness thereof, and to remove the restraint if unlawful, and that remedy shall not be denied or delayed."

(N.C. Constitution - Article 1 - Sec. 21).

How was Judge Hinnant able to review an application unavailable at the actual hearing? The statement was inserted to cover up the missing habeas motion, further perpetrating conspiracy and fraud to defraud Mr. Watson of his rights. Document fraud.

11. See 18 U.S.C. 2071 p.1 - Appendix E.

ENTERING A FALSE RECORD - INTRINSIC FRAUD -

C. Post Release Supervision and Parole Commission (PRSPC) issue an order for Mr. Watson's release and terminate his PRS, On December 11, 2017, about one month after Mr. Watson began his litigation at the habeas hearing. The PRSPC order in regards to Mr. Watson's PRS, states:

"Upon further review of this case, the [PRSPC] finds that Mr. Watson has completed service of his maximum term in [his] 96-125 month sentence as required by N.C.G.S. 14A-1369(c)(1)..." - Order at Appendix B.

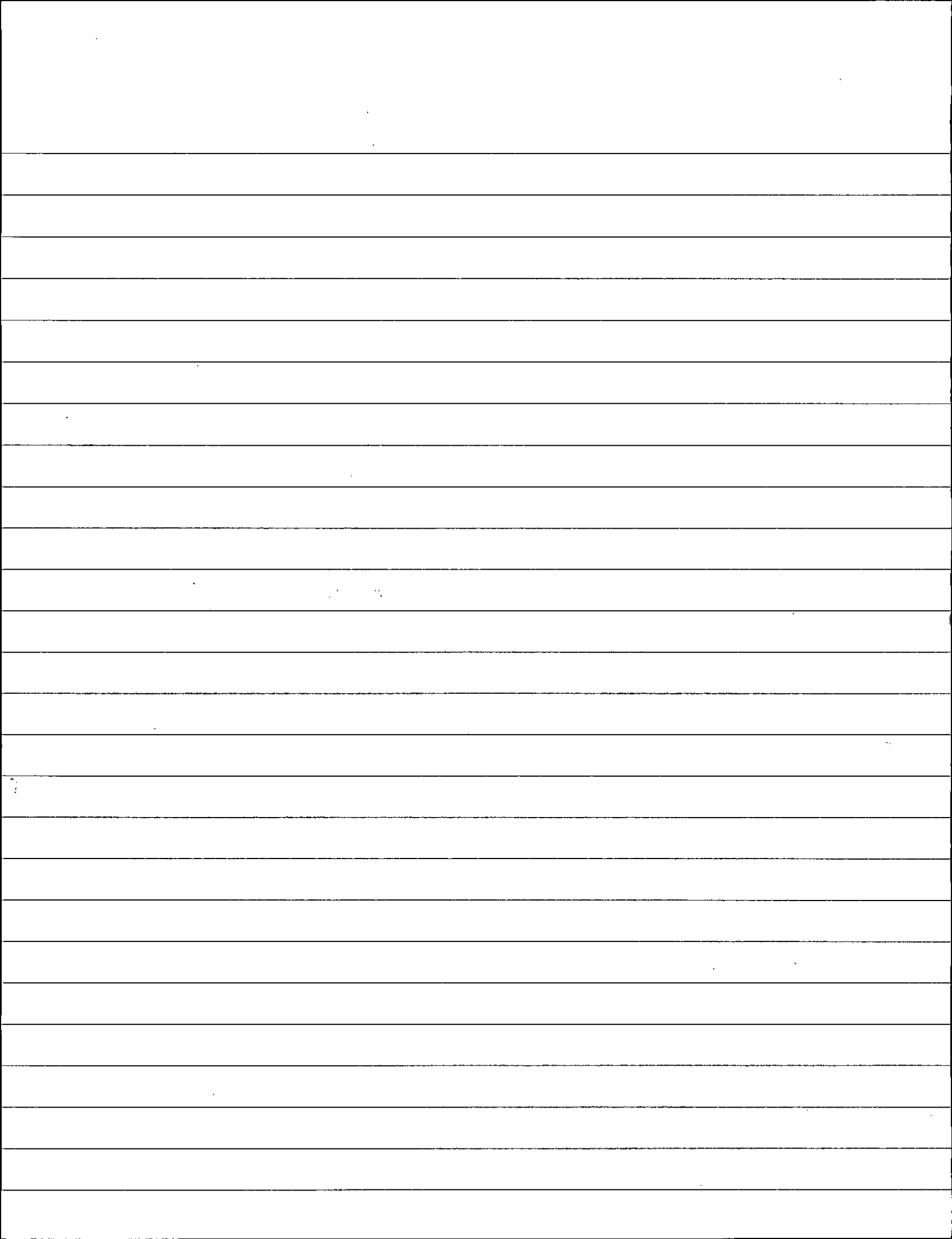
The badge of fraud here that indicates the fraudulent intent is this: The N.C. General Statute that is inserted within the text is a false statute. The correct statute, in accord with the language of the text, is N.C.G.S. 15A-1368.3(c)(1). The U.S. District Court has corrected this misrepresentation and deception twice but made no comment. See Travis L. Watson v Dennis Daniels, et al., No. 1:18 cv 451 - Magistrate's Recommendation page 10 - middle of page - U.S. District Court - M.D.N.C. - Appendix B - AND SEE Travis L. Watson v Dennis Daniels, et al., No. 1:19 cv 249 - Magistrate's Recommendation page 4. The statute relates directly to a supervisee being returned to prison for revocation of PRS, which is the Respondent's defense to Mr. Watson's Ground One claim. The error should at least have been noted as a discrepancy. It wasn't. The Magistrate Judge was twice silent on this material fallacy.

<sup>7</sup> To get a full understanding of the false claim here, let's look into the relevant statute. N.C.G.S. 15A-1368.3 Effect of a Violation,

(C) "If a supervisee violates a condition described in G.S. 15A-1368.4(b) at any time before the termination of the supervised period, the Commission... may revoke [PRS]... and reimprison the supervisee for a term consistent with the following requirements:"

(1) Supervisees who were convicted of an offense [as a sex offender] and supervisees whose supervision is revoked for a violation of the required controlling condition under N.C. General Statute 15A-1368.4(b) or for absconding

7. See 18 U.S.C. 1506, 2073 - Provisions - Appendix E.



in violation of 15A-1368.4(B)(7a) will be returned to prison up to the time remaining on their maximum imposed terms".

As the statute explains, return to prison is an effect of a determination of a PRS violation in which revocation of PRS results. The PRSPC's order has, one month after the November 16, 2017 habeas hearing, attributed Mr. Watson's pretrial imprisonment in the DPS, DAC to a PRS revocation for a violation of the terms of PRS. The order is suggesting that a process has taken place for a determination of a PRS violation, a determination and order that Mr. Watson's PRS is revoked, and that a maximum prison term had been imposed. These false claims are unsupported by any order or hearing prior to the issuing, and was fabricated in order to sustain the prosecutor's fraud on the court (3.A. of this petition) and the fabricated state habeas order (3.B. of this petition). Without revocation hearings there can be no determination of probable cause to establish the existence of a PRS violation nor can PRS be revoked. Mr. Watson is not challenging any deprivation of PRS proceedings. Mr. Watson alone is the cause of those proceedings being postponed. Mr. Watson's reason for the waiver agreement was to postpone revocation proceedings and to face the pending 2016 charges. \*See waiver at Travis L. Watson v Dennis Daniels. No. 1:18cv 451 - docket entry 13-8 - U.S. District Court - M.D.N.C.:

"I do hereby waive my right to a Preliminary Hearing and [PRSPC] Hearing until pending North Carolina criminal charges have been disposed of by the courts".

In contravention to the waiver and Mr. Watson's substantive due process rights, the State of N.C. has unlawfully  
\*Waiver at Appendix F.



imprisoned him in a state correctional facility without any process and has proceeded with an aggressive fraud once Mr. Watson began litigating the issue. Conspiracy and Joint Participation, as well as Collusion, at a glance. 18USCA 371 (CONSPIRACY):

-CONSPIRACY TO COMMIT FRAUD-

- (i) Prosecutor, William Wood, fraud on the court (3.A. of this petition). "Badge of fraud" showing state's intent to defraud.
- (ii) Attorney, Thomas Kobrin, allowed the fraudulent claim to go unchallenged. A September 2017 letter to Mr. Watson reveals he was in touch with the PRSPC, so he was aware of the facts and status of Mr. Watson's PRS. See letter at Travis L. Watson v Dennis Daniels - No. 1:18cv451 - Petitioner's Objections - Document (3) - U.S. District Court - M.D.N.C. Attorney Kobrin would not address Mr. Watson's loss of liberty at the November 16, 2017 habeas hearing, although he was cognizant of the issues. See Travis L. Watson v Dennis Daniels - No. 1:19cv249 - Petitioner's Exhibits - Ex. 1 page 6 line 15-23 and page 9 line 10, 11. Habeas Transcript - Appendix A.\*
- (iii) The Guilford County Clerk of Court did not preserve a copy of Mr. Watson's state habeas motion to be available to the Judge John O. Craig III at the November 16, 2017 hearing. This deviation from duty is in violation of N.C. Gen. Stat. 7A-109, N.C.G.S. 7A-109 Record-Keeping Procedures.

(a) Each clerk shall maintain such records, files, dockets, and indexes as are prescribed by the rules of the Director of the Administrative Office of the Courts... The rules prescribed by the director shall be designed to accomplish the following purposes:

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\* Attorney "would not address" issues. Habeas Transcript - p. 6 line 15-23 and p. 9 line 10, 11 - Appendix A,

-INTRINSIC FRAUD- CONCEALMENT-

3) To provide security against the loss or destruction of original documents during their useful life and a permanent record for historical uses.

This account is affirmed at Travis L. Watson v Dennis Daniels - No. 1:19 cv 249 - Petitioner's Exhibits - Ex. 1 (Habeas Transcript page 4 line 17-25 and page 5 line 9-22), Habeas Trans. - Same pages - (See footnote 8). (Appendix A)

(iv) The trial court accepted the the prosecutor's false claim (3.A. of petition) without any evidence or documents to affirm his assertions. No cause for Mr. Watson's loss of liberty was properly shown and presented and is not in accord with the state habeas statutes:

G.S. 17-14 provides that the return (of party) must state:

- Whether the person has the party in his or her custody or under his or her power or restraint;
- If so, the authority for the imprisonment or restraint;
- If the party is detained by virtue of a writ, warrant, or other written authority, a copy of that document must be attached to the return and the original must be produced in court.

"The trial court allowed the prosecutor to speculate, as to the 'way [he] [understood] what happened' (3.A. of petition), which was a misrepresentation designed to obstruct justice. Thus, the ensuing order to deny by another judge (Patrice Hinnant) that, did not even preside over the hearing, attributed Mr. Watson's loss of liberty during a criminal process, to a PRS violation, which is fraud. See 3.B. of petition.

(v) The State of N.C. has coerced the PRSPC to follow suit with the fraud by fabricating the December 11, 2017 Order (See 3.C. of this petition), officially defrauding Mr. Watson of his right to due process.

8. See 18 U.S.C. 1506, 2071 p. 2 - Appendix E.



The foregoing fraudulent acts in concert, have supported the unauthorized, unjustified, and arbitrary deprivation of Mr. Watson's freedom. The state has falsified an entire PRS revocation proceeding in order to imprison Mr. Watson, sustain the confinement, justify the deprivation, and effectively defraud Mr. Watson of the due process protections afforded by the 14<sup>th</sup> Amendment of the U.S. Constitution, on its own force, which elicitedly states:

"... nor shall any state deprive any person of life, liberty, or property without due process of law."

(14<sup>th</sup> Amendment - Section 1.)

(Also see 28 U.S.C. 2241(c)(3), 2254(a).)

#### 4. The Parallel Proceeding Due Process Violation - 2005/2018 Judgment."

From the beginning of Mr. Watson's arrest and detainment, on December 29, 2016, the proceedings subsequent to arrest did not have the proper safeguards employed to protect Mr. Watson's rights and to ensure a fair criminal process as well as a fair PRS process (2005 Judgment). Both of these proceedings had requisite due process demands before the state could legally commit Mr. Watson to a state prison. The state's fraud has defrauded Mr. Watson of due process concerning PRS. In parole and/or PRS revocation processes, supervisees enjoy a protected liberty interest in conditional freedom which falls within the scope of the 14<sup>th</sup> Amendment. See *Morrissey v Brewer*, 408 U.S. at 481-82 (although parolee's liberty interest is conditioned on observance of parole conditions, termination of parole inflicts grievous loss and deserves due process protection); *U.S. v Ramos*, 401 F.3d 111, 115 (2d. cir. 2005) (parolee has liberty interest in conditional freedom); *Wilkins v Timmermann-Cooper*, 512 F.3d 768, 774-76 (6<sup>th</sup> cir. 2005) (parolee

has liberty interest that cannot be taken away without minimum requirements of due process); *Domka v Portage Cnty.*, 523 F.3d 776, 781 (7th Cir. 2008) (parolee has liberty interest in retaining his parole status).

Due process requires that parole be revoked only through a procedure designed to ensure that the finding of a violation is factually correct and that the discretionary decision to recommit the parolee to prison is based on an accurate assessment of a parolee's behavior.

See *Morrissey*, 408 U.S. 484. The State of N.C. has perpetrated a fraud in the trial court proceedings by claiming that the parole commission revoked Mr. Watson's PRS and "activated the nine months that they suspended at the end of his sentence." See 3.A., B., C. of this petition. The record itself exposes this false claim. Here is an admission from the Chief Administrator of the PRSPC:

"The [PRSPC] did not revoke your [PRS] for your previously incarcerated [96 to 125] month sentence."

\* See Mary Stevens letter at Travis L. Watson v Dennis Daniels - No. 1:19 cv 249 - docket entry 13-3 at 2 - U.S. District Court - M.D.N.C. This is irrefutable evidence from a Head of the Parole Commission who has access to all PRS records. This letter was disclosed to Mr. Watson after he wrote to Governor Roy Cooper attempting to explain his plight. The State of N.C. has utilized the 2005 Judgment to deprive Mr. Watson of his civil liberty and procedural due process rights to perpetrate a fraud in a most egregious manner, false imprisonment during a criminal process. The falsification of a process is in violation of N.C. Gen. Stat. 14-118.1:

\* Mary Stevens letter at Appendix B.

## N.C.G.S. 14-118.1 Simulation of Court Process.

"It shall be unlawful for any person, firm, corporation, association, agent, or employee in any manner to coerce, intimidate, or attempt to coerce or intimidate any person in connection with any claim, demand or account, by issuance, utterance, or delivery of any matter printed, typed, or written, which (i) simulates or resembles a summons, warrant, writ, or other court process or pleading; (ii) by its form, wording, use of the name of North Carolina or any officer, agency, or subdivision thereof, use of seals or insignia, or general appearance has a tendency to create in the mind of the ordinary person the false impression that it has judicial or other official authorization, sanction, or approval. Any violation of the provisions of this section shall be a Class I felony." (See footnote 9)

The State of N.C. imprisoning Mr. Watson without any process and then perpetrating a fraud by falsifying a PRS process, attempting to cover up the due process violation and justify Mr. Watson loss of liberty from May 22, 2017 to December 11, 2017, is also a violation of N.C. Gen. Stat. 14-221.2 of Article 30 Obstruction of Justice (See page 10 of these "Reasons") because the state has materially altered Mr. Watson's criminal process for the 2016 felony offenses through document fraud. See 1. and 3.B.C. of this petition. This case is bigger than the facts.

In addition, in reference to the 2005 Judgment and PRS, the PRSPC issued a warrant/detainer against Mr. Watson on January 3, 2017. The state violated N.C. Gen. Stat. 15A-1368.6 (b) (b1). See Next Page.

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9. See 18 U.S.C. 1506 p.1 - Appendix E.

N.C.G.S. 15A-1368.6 Arrest and Hearing on Post Release Supervision Violation.

(b) When and Where Preliminary Hearing on [PRS] required, ... shall be held reasonably near the place of the alleged violation or arrest and within 7 working days of arrest of a supervisee to determine whether there is probable cause to believe that the supervisee violated a condition of [PRS]. Otherwise, the supervisee shall be released 7 working days after arrest to continue on supervision pending a hearing...

The state did not meet or adhere to the statute law. As discussed, the PRSPC detainer/warrant was served on Mr. Watson on January 3, 2017. A hearing was not offered until January 13, 2017 in which Mr. Watson opted to postpone the proceedings and face the pending charges in which the detainer was based on. \*See waiver at Travis L. Watson v. Dennis Daniels - No. 1:18cv 451 - docket entry 13-8 - U.S. District Court - M.D. N.C. After the above mentioned failure by the state, N.C. Gen. Stat. 15A-1368.6 (b1) demands that Mr. Watson be detained without bond,

N.C.G.S. 15A-1368.6

(b1) Bail following Arrest for Violation of [PRS] if releasee is [on PRS for sexual offense requiring registration].

"Notwithstanding subsection (b) of this section if the releasee has been convicted of an offense that requires registration under Article 27A of Ch. 14... the releasee shall be detained without bond until the preliminary hearing is conducted."

Despite their own statute law, the State of N.C. committed Mr. Watson to prison, disregarded due process, the waiver agreement, and the above General Statute laws.

\* Waiver at Appendix F.

The U.S. Court of Appeals' (4th Circuit) decision to deny relief is in conflict with the decisions of other U.S. Courts of Appeal, concerning PRS due process requisite. See p 18, 19. 4. "The Due Process Violation" of this petition. When an individual on PRS is charged with a new crime, it is his right to have his day in court on the new charges. And so, when that individual signs a waiver contract to postpone the PRS proceedings and to face the new charges, that individual is protected under the 14th Amendment, in the criminal proceeding for the pending charges. \*See waiver at Travis L. Watson v Dennis Daniels - No: 1:18cv451 - docket entry 13-8 - U.S. District Court - M.D.N.C. The waiver divested the parole commission of acting against Mr. Watson and directs immediate attention to the pending N.C. criminal charges for disposal, which secures liberty interests in both processes to be free from imprisonment until due process satisfied. Mr. Watson was entitled to a specific performance, per contract. There arises concerns here unique to the criminal justice system requiring greater scrutiny by the court than would be afforded by general questions of contract law because of Mr. Watson's constitutional rights and the concern for fair administration of justice. Due process requires that the agreeable understanding be interpreted in keeping in line with a defendant's reason-against the government, especially when liberty is implicated. The state has breached the waiver agreement in committing Mr. Watson to prison while failing to dispose of the pending charges. Government action that deprives an individual of life, liberty, or property must be implemented in a fair, non-arbitrary manner. See *Matthew v Eldridge*, 424 U.S. 319, 332-35 (1976) (procedural due process must be evaluated using balancing test). There is no implication of this assess-

\* Waiver at Appendix F.

ment in the lower court's opinion. As a pretrial detainee awaiting disposal of pending criminal offenses, Mr. Watson had a liberty interest in being free from punishment and imprisonment in a state correctional facility. The decision of the lower court to deny relief on Mr. Watson's Ground one claims is in conflict with U.S. Supreme Court precedent and also other appeals courts. See *Ingraham v Wright*, 430 U.S. 651, 671 n.40 (1977) (The state does not acquire the power to punish with which the 8th Amendment is concerned until after it has secured a formal adjudication of guilt in accordance with due process of law); see also *Bell v Wolfish*, 441 U.S. at 535-36 (1979) (same); see e.g., *Benjamin v Fraser*, 343 F.3d 35, 49-50 (2d Cir. 2003) (same); *Hubbard v Taylor*, 538 F.3d 229, 231 (3rd Cir. 2008) (same); *Frake v City of Chicago*, 210 F.3d 779, 781 (7th Cir. 2000) (same). A manifest disregard of the law.

Due process requires statutes imposing pretrial detention to serve a compelling government interest and not impose punishment before adjudication of guilt. See *Bell*, 441 U.S. at 537 n.16. (Due process requires that a pretrial detainee not be punished). Whether a restriction or condition accompanying pretrial detention constitutes punishment turns on whether the restriction or condition is reasonably related to a legitimate government objective. See *Id.* at 538-39. The decision to send an individual to prison has historically been known as punishment. On May 22, 2017, as a pretrial detainee, Mr. Watson was subjected to imprisonment in a state correctional facility for those already adjudged guilty. He was subjected to rules, policies, and restrictions founded on correction, retribution, deterrence, and also involuntary servitude, which all constitute punishment. The state has promoted and accomplished the traditional aim of punishment, dictating severely overly restrictive means that were not reasonably

related to a legitimate interest. Mr. Watson was taken from a penal system of detainment to a penal system of correction, punishment and forced labor for convicts. A pretrial detainee not yet convicted, may not be subjected to punishment of any description" - Hill v. Nicodemus, 979 F.2d 987 (4th Cir. 1992). Mr. Watson is not concerned with the initial decision to detain him as the accused and the curtailment of liberty that such a decision necessarily entails. Mr. Watson was being detained for process of pending criminal charges (2018 Judgment) and also process of a post-release supervision (PRS) warrant and violation determination (2005 Judgment). Upon the state committing Mr. Watson to a state facility to process, on May 22, 2017, process had been issued for these proceedings but the processes became defective when the state disregarded and bypassed the due process requisites for those proceedings, rendering those judgments Void Judgments, whereas no cause could be shown for the imprisonment and restraint. Imprisonment (state prison) of a detainee without an order or decree from a court or authorized agency is not allowed by law. These judgments should be set aside as a matter of law. What is at issue is Mr. Watson's loss of liberty and right to be free from punishment. As a man presumed innocent, who had no propensity toward immediate violence, escape, or subversion, Mr. Watson should not have been dumped into a pool of 2nd class citizens and subjected to restraints and punishments designed to regulate those who have. A manifest injustice and false imprisonment.

The lack of regard for Mr. Watson's constitutional rights, statute rights, human rights, and the accepted and usual course of judicial proceedings, raises 13th Amendment concerns. Although it was not expressed as a claim in Mr. Watson's FHP, involuntary servitude is a very real experience and a part of prison life. A defendant-unrevoked supervisee should not be allowed to be subjected to these realities and punishments before the assurance that due process has been satisfied. \*See grievance at Travis L. Watson v

\*Grievance at Appendix F.

Dennis Daniels - No. 1:18cv451 - Petitioner's Exhibit - Ex. E - U.S. District Court - M.D.N.C. This involuntary servitude was unsupported by an adjudication of guilt, any determination of wrong doing, any hearing for PRS, any order or decree from any court or authorized agency, or any legitimate cause and therefore not sanctioned by the 13<sup>th</sup> Amendment of the U.S. Constitution:

"Neither slavery nor involuntary servitude, except as a punishment for a crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."

(U.S. Constitution - Amendment 13 - Prohibition of Slavery - Sec. 1).

The State of N.C. has outlawed this practice as set out in the N.C. Constitution:

"Slavery is forever prohibited. Involuntary servitude, except as punishment for a crime whereof the parties have been adjudged guilty, is forever prohibited."

(N.C. Constitution - Article 1 - Section 17).

As this petition explains, the system of due process has failed and the State of N.C. has fed state court proceedings and also federal habeas proceedings a steady diet of wrong and fabricated information to cover it up and this warrants relief. See *Fay v Noia*, 372 U.S. 391, 423, 83 S.Ct. 832 9.L.Ed 2d 837 (1963) (It is of the historical essence of habeas corpus that it lies to test proceedings so fundamentally lawless that imprisonment pursuant to them is not merely erroneous but void). A manifest injustice.

A major errant fact has been established in Mr. Watson's case. The State of N.C. did not revoke his PRS as the state and Respondent's have claimed. \*See the Chief Administrator, Mary Stevens, letter at Travis L. Watson v

\*Mary Stevens letter at Appendix B.



Dennis Daniels - No: 1:19 cv 249 - docket entry 13-3 at 2 - U.S. District Court - M.D.N.C. The lower courts have relied on the state's fraudulent open court statements, responses, and documents that are absolutely unsupported by the record. At no time in state court proceedings (state habeas) or in federal proceedings has the state exhibited that (1) there had been a determination of a PRS violation, (2) PRS was revoked, (3) a maximum term was imposed, (4) an order was issued to imprison Mr. Watson from May 2017 to December 2017, and (5) Due process was satisfied in the 2005 Judgment (PRS process) or the criminal process for the 2016 felony offenses, in order to justify why the State of N.C. deprived Mr. Watson of liberty. The lower court's decision to deny Mr. Watson relief on his Ground One claim is an abuse of discretion, a judgment against the weight of the evidence. The U.S. District Court's order denying relief has attributed Mr. Watson's loss of liberty to the parole warrant/detainer \*See Appendix B (B). This is not an action legally prescribed or sanctioned by law. Nor has the Respondents asserted this claim in their argument. The U.S. District Court has bordered along the line of bias here, asserting an argument in the Respondent's favor, that was not presented by the Respondents, is unsupported, and is not a legally prescribed action considering the stakes and the facts and circumstances of this particular case. Mr. Watson contends that a PRS warrant/detainer is not sufficient to deprive an individual of his liberty to the degree that he is imprisoned beyond the restrictions of jail management and security, suffering a grievous loss, without some form of process and determination of the matter in which the warrant is based. Does committing a Defendant / Supervise to prison under a parole warrant comply with Federal standards? Does a parole warrant,

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\* District Court order for Ground One - Appendix B.

without more, give the state the authority to subject a Defendant / Supervisee to involuntary servitude?

5. Furthermore, "the Respondents have committed fraud on the U.S. District Court - M.D.N.C. in Mr. Watson's FHP, which addressed being sent to prison without due process of law":

A. In corroboration with the 2005 judgment and commitment forms entered into the federal habeas proceeding by the state, the Respondents have presented this false claim in pertinent part:

"Petitioner ... on 7 September 2005 ... pled guilty to ... possession of stolen motor vehicle and was sentenced to 123 to 167 months imprisonment."

See Travis L. Watson v Dennis Daniels - No. 1:19 cv 249 - Respondents Brief page 1. - U.S. District Court - M.D.N.C. See 2005 Judgment at Respondent's Exhibits - Ex. 1 of same. 2005 Judgment also at Appendix D labeled "Counterfeit Judgment." The original Judgment in the 2005 case does not support these misrepresentations. See Original Judgement at Appendix A. However, the fraudulent and counterfeit judgment was utilized by the state to falsely imprison Mr. Watson for over a decade, before releasing him to PRS on April 16, 2015. See (page 10, 11) 1, 2. under Reasons for Granting Petition - in this petition.

B. "... revocation proceedings for [Mr. Watson's] [PRS] were conducted."

Id. at Respondent's Brief page 1, 2. There are no records of a summary of hearing, findings of fact, and determination or order to support this claim. As discussed, Mr. Watson's signed waiver postponed those proceedings and Mr. Watson alone reserved the right to initiate them. See waiver at Travis L. Watson v Dennis Daniels - No. 1:18 cv 451 - docket entry

13-8 - U.S. District Court - M.D.N.C. The Respondents' claim here is false and has no factual basis or evidentiary support. Respondents are sustaining the fraud.

C. "On May 22, 2017, [Mr. Watson's] PRS was revoked by the parole commission..."

See Respondents' Brief page 2 at Travis L. Watson - No. 1:19 cv 249 - U.S. District Court - M.D.N.C. This claim again, is properly expelled by the Chief Administrator, Mary Stevens, of the parole commission:

"The [PRSPC] did not revoke your PRS for your previously incarcerated 96 to 125 month sentence".

See Mary Stevens letter at Id. docket entry 13-3 at 2. (Letter at Appendix B).

Mr. Watson's FHP (No. 1:19 cv 249) was initially filed in the U.S. District Court for the Middle District of North Carolina - filed March 1, 2019. Mr. Watson sought review under the miscarriage of justice doctrine. Courts may dispense with the exhaustion requirement if... a miscarriage of justice has occurred. 41 GEO. L.J. ANN. REV. CRIM. PROC. page 963-64 (2012). See *Grandberry v Greer*, 481 U.S. 129, 135-36 (1987). Also see *Mickens v Tayler*, 227 F.3d 203, 209 (4th cir. 2000) (A federal habeas petitioner can establish "cause" that overcomes both the exhaustion and procedural bars by showing that the factual basis of the claim was unavailable to him when he filed his state habeas petition and establishes actual prejudice).

The factual basis of Mr. Watson's FHP Ground One Claim and fraud claims were indeed unavailable. The state habeas hearing in which the prosecutor committed fraud on the court, was held on November 16, 2017. No orders or

determinations concerning Mr. Watson's PRS (2005 Judgment) or the pending 2016 felony offenses (2018 Judgment) had been issued. The first order regarding PRS was issued on November 22, 2017 by Judge Patrice Hinnant.<sup>2</sup> See order at Appendix A. The second order regarding Mr. Watson's PRS was issued by the parole commission.<sup>3</sup> See order at Appendix B. The parole commission order suggested that Mr. Watson's PRS had been revoked and a maximum term imposed and served. After seeking Governor Roy Cooper, the fabricated and falsified order was revealed to Mr. Watson. See 2.C. of this petition. As discussed, the order was designed to corroborate the prosecutor's false claim at the state habeas hearing and to avoid Mr. Watson litigation. The Chief Administrator of the PRSPC admission/letter that was enclosed with the order, revealed that the PRSPC never did revoke Mr. Watson's PRS. It was all a guise and a coverup to refute Mr. Watson's state habeas due process claims and avoid exposure of how the state had falsely imprisoned him. See 3. and 4. of this petition. To apply for a writ of habeas corpus under Sec. 2254, the petitioner must be "in custody"- 28 U.S.C. 2241 (c)(3), a term that courts have liberally construed to include not only incarceration, but also other significant restraints on a petitioner's liberty. See *Jones v Cunningham*, 371 U.S. 236, 242 (1963) (custody requirement satisfied by release on parole); *Maleng v Cook*, 490 U.S. 488, 493 (1989) (custody requirement satisfied by state's filing of detainer order). By issuing the fabricated release order on December 11, 2017 (PRSPC order - Appendix B) and terminating Mr. Watson's PRS prematurely and wrongfully, Mr. Watson's loss of liberty, by the time of the 2018 final judgment, would be effectively unreviewable concerning the 2005 Judgment and PRS.

However, Mr. Watson's commitment to a state prison has affected Mr. Watson's rights in the 2005 Judgment as discussed.

In addition, Mr. Watson's liberty interest in being free from imprisonment and punishment is independent from

2. No. 1:18 cv 451 Ex. B.

3. Id. docket entry 13-3.

the merits in his criminal case and could not be vindicated on appeal from the final judgment and Mr. Watson had no effective means in having this injustice corrected. Mr. Watson has suffered an increased sentence from an unauthorized alteration of the original 2005 Judgment via counterfeit document, been illegally imprisoned 3 times regarding that judgment (See 1., 2., 3. of this petition), and suffered adverse collateral consequences from the utilization of the 2005 Judgment, which Mr. Watson has shown to be invalid, by an enhancement of his sentence in the 2018 judgment per habitual felon status. See 2018 Judgment forms - Appendix A. For these reasons, Mr. Watson is seeking this court to exercise its discretion and authority to review these issues. The fraud by the State of North Carolina destroyed Mr. Watson's capabilities to even know what was actually happening, legally, prevented Mr. Watson from any fair opportunity to develop his claims in the trial court, and has improperly influenced the triers of facts ability to adjudicate Mr. Watson's claims without prejudice to him. Mr. Watson believes this too is cause to invoke the supervisory power to review these matters. Despite Mr. Watson's due diligence in state proceedings, the fraud prevented the development of the facts and so Mr. Watson does not need to fulfill the requirements of 2254 (e)(2) because he is not considered to have failed to develop the facts. *Williams v Taylor*, 529 U.S. 420, 437 (2000) (diligence requires at a minimum seeking an evidentiary hearing in state court in the manner prescribed by state law). Mr. Watson did that through a state habeas hearing which the state sabotaged. See 3. A., B. of this petition. The state has colluded with joint participation to deceive the courts and obstruct justice, committing multiple counts and instances of fraud. Such a disturbing degree of renegade behavior is shocking to the conscious and cannot and must not be allowed to stroll

unchecked through a judicial system whose pillars are established by amendments, statutes, and laws based on fundamental fairness, integrity, due process, and equal protection under those laws. These laws represent principles; principles that are meant to be adhered to. And when these principles are violated, justice must take its course. As a nation and society we all have a special interest in being treated fairly during court and/or court related processes.

And not just for ourselves but for our children, our loved ones, our neighbors, the people we work with, etc. This fair and equal treatment prevents social unrest and lends a confidence in the justice system. An unauthorized and unjustified deprivation of an individual's freedom, whether by mistake or arbitrary, subjects a defendant to ensuing deprivations such as the right to meet and confer with counsel and sometimes, as in Mr. Watson's cases, exposes that individual to undo realities that accompany prison life such as involuntary servitude. When the continuous infringement of an individual's substantive rights are present, including counterfeit judgments, falsified documents, simulated court processes, false imprisonments, and fraud, can a proceeding leading to trial or the deprivation of one's freedom be considered fair?

These matters cannot be pushed under a rug and covered. This court can shine the needed light to dissipate the fog, so these errors can be identified, shunned, and the meaning of justice, in reference to these issues, known and established throughout the nation. When an individual is prejudiced by arbitrary government action, the people have an interest in being heard and that the right to redress will be respected and comport with

due process, not be thwarted by obstruction. A defendant in a criminal proceeding has an interest in notice of an imprisonment and having due process properly satisfied before being committed to a state prison facility. It is in the interest of the people to be treated as more than economic chattel and free labor on demand. They (we) have an interest in being treated as real human beings with real human rights and entitlements as a citizen of society. The people have a special interest in the state living up to the obligations of a contract, especially when implications of liberty exist. We all want to be equally protected by the governing laws. It is our right. Mr. Watson has been exercising his constitutionally protected rights from the beginning as a pretrial and prerevocation detainee. See Appendix F - Travis Lashawn Watson v Mark Carver No. 1:07-cv-1067 - U.S. District Court - M.D.N.C. The degree of opposition, malice, and malfeasance that he has faced in cutting through the layers of falsehood, has opened his eyes and mind to the realities of mass incarceration and the disregard of the rights of those entangled in "the system". Mr. Watson decided to take this path to this court, not because he wanted to, but because somebody had to. The issues involving Mr. Watson being committed to a state prison as a pretrial and prerevocation detainee are of first impression based on the facts and circumstances of this case. These issues involve legal principles and questions of federal law that should be settled by this court because as shown in this petition thus far, the lower courts need guidance on these issues that are constitutionally significant to the jurisprudence of the Fourth Circuit courts and are affecting

the constitutional rights of Mr. Watson and the rights of other pretrial and prerevocation detainees. These issues in this case, presented thus far, have a material bearing on this case and also future cases, depending on how the related questions are answered. The questions, when answered, will be good precedent for future cases and a benefit to society in general, in keeping in line with the Due Process Clause of the 14<sup>th</sup> Amendment and ensuring that no "suspect class" will be overlooked or disregarded in being covered under the U.S. Constitutional guarantees. This case is bigger than the parties involved. 28 U.S.C. 2241(c)(3), 2254(a).

6. Mr. Watson's Right To Counsel violated and has pervaded the entire proceeding. The pretrial false imprisoning of Mr. Watson, discussed in 3. and 4. of this petition has deprived Mr. Watson of his right of access to his attorney. The U.S. District Court denied relief on the claim for failure to show that the claim had merit. See Ground 2 - U.S. District Court order - February 6, 2020 - Appendix B. However, this is error. On May 22, 2017, as a pretrial and prerevocation detainee, Mr. Watson was transferred 190 miles away from counsel for no legitimate purpose and without legal cause. The 6<sup>th</sup> Amendment protects the right to meet with counsel and the Lewis v Casey actual injury requirement is inapplicable. The U.S. District Court's denial conflicts with other U.S. federal Courts. The U.S. COA has sustained the denial and so their decision conflicts with other U.S. COA and also this court's precedents. See Procunier v Martinez, 416 U.S. 396, 419 (1974) (citing Ex parte Hull 1312 U.S. 546 (1941) (jail and/or prison practices that unjustifiably obstruct the availability of professional representation to prisoners are invalid); Siggers - El v Barlow, 412 F.3d 693, 701-02 (6<sup>th</sup> Cir.



2005) (claim stated by prisoner alleging retaliatory transfer to another prison because transfer affected prisoner's ability both to visit and pay his attorney). Pretrial detainees may also possess rights to counsel beyond those of inmates. See *Covino v. Vt. Dep't. of Corr.*, 933 F.2d 128, 130 (2d cir, 1991) (per curiam) (although due process claim not implicated when pretrial detainee transferred from one facility to another, transfer may unconstitutionally impair detainees' 6th Amendment right to counsel).

At the November 16, 2017 state habeas hearing, Mr. Watson was denied counsel and allowed to proceed pro se. The State of N.C. statutes afford petitioners counsel at a hearing and so Mr. Watson had a statutory right to counsel. See N.C. Gen. Stat. 7A-451(a)(2) Counsel.

"An indigent is entitled to counsel at a habeas corpus hearing."

Mr. Watson was allowed by the court to proceed pro se without a waiver of counsel which conflicts with this court's precedent. See *Faretta v. Cal.*, 422 U.S. at 835 (1975) (to proceed pro se, a defendant must knowingly and intelligently waive the right to counsel). The district court's order - Appendix B, states:

"Contrary to Petitioner's arguments, trial counsel's scheduling of and attendance at the hearing did not obligate counsel to present Petitioner's pro se arguments to the trial court, particularly given that the N.C. Rules of Professional Conduct limited the scope of arguments that Petitioner's trial counsel could have made to the trial court. See N.C.R. Prof. Cond. 3.1 (A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous...) (See Ground 3 of Order).

The U.S. COA affirmed the denial of the Ground Three claim. This decision conflicts with other appeals courts. As discussed, N.C. Gen. Statute 7A-451(a)(2) afforded Mr. Watson counsel at the state habeas hearing. See *U.S. v Vasquez*, 17 F.3d 81, 83 (5th cir, 1993) (harmless error analysis inapplicable because court denied defendant's statutory right to appointed counsel at evidentiary hearing); *Green v U.S.*, 262 F.3d 715, 718 (8th cir, 2001) (same); *Shepherd v U.S.*, 253 F.3d 585, 587-88 (11th cir, 2001) (same). Although Mr. Watson filed the habeas motion pro se, he did not waive his right to counsel and counsel's obligations as the court seems to be suggesting. See *U.S. v Crawford*, 487 F.3d 1101, 1106-07 (8th cir, 2007) (valid waiver not implied when defendant made several filings on his own behalf but gave no indication of making knowing and intelligent waiver); *Tutt v Fair*, 822 F.2d 166, 177 (1st cir 1987) (defendant must make express and unequivocal waiver before court can allow to proceed pro se); *U.S. v Long*, 597 F.3d 720, 725-26 (5th cir, 2010) (defendant must make clear and unequivocal request to proceed pro se); *U.S. v Carter*, 481 F.3d 601, 606 (8th cir, 2007) (defendant must make clear and unequivocal request for self-representation before court considers whether he may proceed pro se); *U.S. v Virgil*, 444 F.3d 447, 456 (5th cir, 2006) (harmless error analysis inapplicable when defendant allowed to proceed pro se through sentencing phase of trial absent Fareta colloquy because "error is harmful per se").

At the state habeas hearing, counsel could not address the claims in the habeas application although he was cognizant of the claims. See habeas transcript p 6 line 10-23 - Appendix A. Page 15 line 22-25 tells why:

MR. WOOD: "One more brief thing. Some of these files reflect that his previous attorney, Mr. Hatfield was still his lawyer even though Mr. Kobrin is supposed to be on all of his cases and I think Mr. Kobrin agrees with that."

On March 27, 2017, the trial court appointed John Hatfield to represent Mr. Watson. See Motion To Withdraw - Appendix F.

As the transcript record reflects, the court had failed to appoint attorney Kobrin to Mr. Watson's cases, after the withdrawal, Mr. Watson was not afforded counsel for his cases until the end of the habeas hearing - habeas transcript p 16 - line 1-6. Mr. Watson had been deprived of the 6<sup>th</sup> Amendment right to counsel from the time Mr. Halfield withdrew until November 16, 2017. And this explains why Mr. Kobrin would not file any motions on Mr. Watson's behalf to address the due process loss of liberty on May 22, 2017 and why attorney Kobrin told the court he was cognizant of the claims but,

MR. KOBRIN: "I don't believe that I can present them in court." (habeas transcript p 6-22, 23)

With the prosecutor's and attorney Kobrin's knowledge, the court had failed to appoint Mr. Watson counsel for four months. The sixth Amendment provides that:

"In all criminal prosecutions, the accused shall enjoy the right... to have the Assistance of counsel for his defense."

(U.S. Constitution - Amendment VI).

This knowing and willing deprivation has prevented a full and fair opportunity to be heard and constitutes collateral fraud. In *Estelle v McGuire*, 502 U.S. 62, 67-68, 112 S.Ct. 475, 116 L.Ed.2d 385 (1991) (where a state law violation is also a violation of federal law a petitioner may obtain federal habeas relief). These violations require reversal, *U.S. v Collins*, 430 F.3d 1260, 1268 (10<sup>th</sup> cir. 2005) (constructive denial of right to counsel at competency hearing not subject to harmless error analysis because counsel could have introduced evidence to alter outcome). *Ross v U.S.*, 289 F.3d 677, 681-82 (11<sup>th</sup> cir. 2002) (extreme deprivations of constitutional rights, such as denial of counsel, denial of self-representation at trial, and denial of public trial are structural errors not subject to harmless error review); *Arizona v Fulminante*, 499 U.S. at 310 (1991) (structural errors as opposed to trial errors involve defects in the fundamental

framework by which criminal trials assess guilt), *U.S. v Cronin*, 466 U.S. 648, 659 n.25 (1984) (The court has uniformly found constitutional error without any showing of prejudice when counsel was either totally absent or prevented from assisting the accused during a critical stage of the proceeding); *Satterwhite v Texas*, 486 U.S. 245, 256 (1988) (If the 6th Amendment violation "pervades the entire proceeding" then harmless error analysis is inapplicable and the violation is enough to overturn the conviction regardless of the severity of the results). Mr. Watson's November 16, 2017 state habeas hearing addresses the deprivations he was experiencing in relation to the 2005 and 2018 Judgments, however, all of the claims in the application were not addressed because the original application had been removed and concealed. In *Strickland v Washington*, 466 U.S. 668, 692 (1984) (actual or constructive denial of counsel presumed to result in prejudice). Mr. Watson contends that the 6th Amendment deprivations in his case(s) meet the standard in obtaining reversal. It has been the arbitrary actions of the state that has defrauded Mr. Watson of this fundamental right. The violations have disregarded fairness, due process, and the governing legal standards for a proceeding, calling for the supervisory power of this court. This is a call to the Vanguard of our Constitution in re-establishing the bar and ensuring a fair administration of justice to the accused and to those seeking redress for an injury. This is a call to bring order to a criminal justice system that is thriving off the backs of those who are being subjected to flagrant violations of the rights protected under the Constitution. The people have an interest in justice when state elected officials engage willingly in arbitrary and reckless acts that disregard state and federal Constitutional law and the rights thereof. The U.S. COA has closed their eyes to the state's fraud, malfeasance, deception, and conspiracy, in a manifest disregard of the law, manifest injustice, and manifest weight of the evidence. The U.S. District Ct. has asserted its own argument in Respondent's favor (See bottom of page 34 quotation).

Mr. Watson's loss of liberty during a criminal process and PRS process did not limit any scope of argument. Here, this is the 2nd instance

that the U.S. District Court asserted an argument in favor of the Respondents that is unsupported by the record and not asserted by the Respondents. The first time "bordered" bias. This 2nd offense has nudged the meter of the line into unfair territory at Mr. Watson's expense. Mr. Watson had a right to an impartial judge. That right violated is a structural error. See *Arizona v Fulminante*, 499 U.S. at 309-10 (1991). See also *Chapman*, 386 U.S. at 23 and n.8 (Denial of right to impartial judge not subject to harmless error review).

The U.S. COA denied Mr. Watson review of the Ground three right to counsel claim for failure to object to the magistrate judge's recommendation. \*See July 8, 2021 order at Motion To Stay by Mr. Watson - No. 20-6239 (1:19 CV 249) - Travis L. Watson v Dennis Daniels - U.S. Supreme Court. <sup>13</sup> Mr. Watson, in his Petition for Rehearing, showed the Court from the record, that he did in fact object and argue every point of the magistrate's recommendation to Ground three right to counsel claim. The court denied the petition without acknowledgment. And constitutes an abuse of discretion. This case is bigger than the facts or parties involved.

7. Mr. Watson did not receive a fair review that comports with due process, in the U.S. COA. As discussed in statement of the case, On August 1, 2021, Mr. Watson submitted a Motion To Amend Pleading for Requested Relief addressing the fraud in this case. On August 8, 2021, Mr. Watson informed the court that documents to support his claims of fraud had been requested from the U.S. District Court and would be promptly sent once received. A copy of the document request was attached to the notice. <sup>4</sup> Interrogatories and Request for Production of Documents were filed on August 12, 2021, August 14, 2021, and August 18, 2021 under Fed. R. Civ. P. Rule 33 and 34, and were

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\* July 8, 2021 Opinion and Order at Ex. 7. - See Appendix E Opinion, Order. (C).  
4. See Rules - Appendix E, and Appendix F. for affirmation of filings - Docket Sheet  
13. (Magistrate's Recommendation) objections to - Appendix F, pp 10-13

- clear and candid to the court that this discovery was being requested in light of the fraud that had surfaced in this case and that the discovery would support and corroborate Mr. Watson's Petition for Rehearing, Rehearing Enbanc, and Motion To Amend Pleading for Requested Relief. On August 26, 2021, Mr. Watson Spoke to Case Manager A. Brownlee in his case (U.S.CO.A) at 9:15a.m. and sent notice by letter to the court that intentional intervening actions of delay (by officials at the prison) were stalling the delivery of the documents. On September 6, 2021, Mr. Watson mailed the documents attached to the Motion To Amend Pleading for Requested Relief (amended) and an Affidavit in a separate envelope, concerning its arrival. The package (Motion and documents - 80 pages total) was delayed from delivery by the prison and returned to Mr. Watson until he paid \$8.25 for postage, although Mr. Watson is indigent and mailroom required to pay postage by law. Mr. Watson acquired the 14 stamps and sent the package out the morning of September 8, 2021. September 10, 2021, he recieved an order denying the petitions and the motion.
- <sup>14</sup> The court decided these before receiving the supporting documents and without the Respondents disclosing any of the requested discovery. They hasted. And this has prejudiced Mr. Watson once again in being heard. The September 8, 2021 order denying the petitions and the motion did not address the interrogatories or request for documents.
- <sup>14</sup> See September 8, 2021 order at Travis L. Watson v Dennis Daniels - No. 20-6239 (1:19 cv 249) - Motion To Stay - U.S. Supreme Court - Ex. 7.
- " This case is bigger than the facts or the parties involved.
7. The State of N.C. has violated several of their own General statutes and Committed Criminal and Felonious acts under those statutes to aide them in imprisoning Mr. Watson

<sup>14</sup> U.S. COA orders, judgments at Appendix C.

<sup>15</sup> See Docket Sheet of U.S. COA to support this Section - Appendix F.

unlawfully and in perpetrating fraud to cover up the false imprisoning and defrauding of due process to Mr. Watson, The State of N.C. violated:

(i) N.C.G.S. 15A-1368 - 1368.2(c)

"If a person is convicted of a felony offense that requires registration under Article 27A of Ch. 14... post-release supervision is for a period of 5 years. They will be released 5 years prior to their maximum sentence term."

(See Section 2. of this petition).

(ii) N.C.G.S. 14-221.2 Article 30 - Obstruction of Justice

"Any person who without lawful authority who intentionally enters a judgment upon or materially alters or changes any criminal or civil process, criminal or civil pleading, or other official case record is guilty of a class H felony."

- state's failure to release Mr. Watson from prison to PRS (Sec. 2 of this petition). PRS protocol - Appendix F.
- state imprisoned Mr. Watson for over 10 years under a counterfeit judgment (Sec. 1 of this petition). Counterfeit Judgment - Appendix D
- state interrupted Mr. Watson's criminal process and PRS process with imprisonment under a PRS violation guise, supported by fabricated and falsified documents (Sec. 3 of this petition). See \*.
- state prosecutor commits fraud on the trial court to sustain illegal imprisonment of Mr. Watson (Sec. 3. A. of this petition).
- state parole commission fabricated release order and wrongfully terminate Mr. Watson's PRS.
- state changed and deviated from habeas(civil) process, violating the procedures of N.C.G.S. 17-14. See Sec. 3. C. iv. of this petition. This case is bigger than the facts or the parties involved.

\* Fabricated Habeas order - Appendix A.  
Falsified Release order - Appendix B.

(iii) N.C.G.S. 15A-1354 Concurrent Sentences

"If not specified or required by statute to run consecutively, sentences shall run concurrently."

(See Sec. 1. of this petition).

(iv) N.C.G.S. 13.2 (a) Notice of Release From DAC.

• After Mr. Watson began litigating, beginning at the habeas hearing (state), the state issued release order "behind the scenes" and did not even notify Mr. Watson that his custody within the DPS, DAC was to cease. Mr. Watson was transferred from Caswell Corr. Center to the Guilford County Jail on a writ on October 4, 2017. It was then that he filed the habeas Application. Even though the state denied the writ, they gave an order for his release from custody (December 11, 2017 PRSPC order - Appendix B) three weeks later, failing to give him (Mr. Watson) notice of the release. Prior to the release order, there is no other order or decree to support the claims of the release order. Failure to notify Mr. Watson of release and the claims asserted in the release order, kept Mr. Watson unaware that the state had imprisoned him under the guise of a PRS violation/revocation, officially, so that these false claims could not be expelled.

(v) N.C.G.S. 15A-1368.6 (b)(b) Arrest, Hearing, Bail  
On Post-Release Supervision.

(See Sec. 4 of this petition).

(vi) N.C.G.S. 15A-1368.3 (c) Effect of A Violation.

• This is the statute that the state utilized in the PRSPC release order attempting to justify Mr. Watson's loss of liberty.

(See 3. C. of this petition).

(vii) N.C.G.S. 15-6 Imprisonment To Be In County Jail.

"No person shall be imprisoned except in the common jail of the county, unless otherwise



provided by law."

• As shown in Section 3 and 4, of this petition and also as the record reflects, Mr. Watson's imprisonment was not authorized by law and by no provisions of law. This case involves protections that every citizen has an interest in preserving.  
(viii) N.C.G.S. 148.59 Duties of Clerks of Superior Courts  
As To Commitments; Statements with the [DPS, DAC].

"The several clerks of the superior courts shall attach to the commitment each prisoner sentenced in such courts a statement furnishing such information as the [PRS and parole commission] shall by regulation prescribe, which information shall contain, among other things, the following:

... The prison authorities receiving the prisoner for the beginning of service of sentence shall detach from the commitment the statement furnishing such information and forward it to the [DAC] of the [DPS]."

• This statute requires the state to issue a statement to prison authorities when an individual is committed for service of a PRS sentence. No statement was issued during Mr. Watson's May 22, 2017 to December 11, 2017 custody and imprisonment within the DPS because it could not be justified and was unauthorized.

(ix) N.C.G.S. 14-118.1 Simulation of Court Process

• The state falsified an entire PRS revocation proceeding.  
(See Sec. 4. of this petition).

(x) N.C.G.S. 7A-109 Record-Keeping Procedures.

• The Guilford County Superior Court Clerk did not preserve a copy of Mr. Watson's filed state habeas Application. That is why the habeas motion is not a part of the record. It was concealed.  
(See Sec. 3.C. iii of this petition).

(XI) N.C.G.S. 15A-1301 Commitment To Imprisonment When Not Otherwise Specified.

"When a judicial officer orders that a defendant be imprisoned he must issue an appropriate written commitment order when the commitment is to a sentence of imprisonment, the commitment must include the identification and class of the offense for which the defendant was convicted and if the sentences are consecutive, the maximum sentence allowed by law upon conviction of each offense for the punishment range used to impose the sentence for the class of offense and prior record level...

• As the record reflects, no commitment was issued for Mr. Watson's May 22, 2017 to December 11, 2017 imprisonment in the DPS, DAC. The state's PRSPC issued the release order asserting a maximum term was imposed. This is a false claim and the omission and failure to issue a commitment or statement of or regarding a maximum term being imposed, amplifies its falsity. (See Sec. 3. and 4. of this petition).

(xii) N.C.G.S. 7A-451(a)(2) Indigent Petitioners Afforded Counsel at state habeas hearings.

• Despite statutory right to counsel, the state failed to appoint counsel to Mr. Watson at November 16, 2017 hearing. (See Sec. 6. of this petition).

8. "Attorney of record violation. LR of Civ. P. LR 83.1(e)(1)";  
At the commencement of these Federal habeas proceedings in the U.S. District Court - M.D.N.C. Attorney Clarence J. Delforge III made the initial appearance on behalf of the Respondents. See Docket sheet / Attorney appearance - Appendix F. Initial counsel entered

a counterfeit judgment and commitment, utilized to falsely imprison Mr. Watson for over a decade - Appendix D - instead of requesting the original from the trial court clerk. Counsel made and asserted several fraudulent claims in his Motion for summary Judgment (See Sec. 5. A, B, C of this petition) and was then substituted by Attorney Phillip Anthony Rubin 18 to continue the case, without any order or notice to Mr. Watson, in violation of local rule 83.1 (e)(1). This does not comport with the court's own rules and possibly due process. Substitution of Counsel at Travis L. Watson v Dennis Daniels - No. 20-6239 (1:19 cv 249) - Motion To Stay - Ex 9 - U.S. Supreme Court. This case involves fairness that was extremely disregarded.

#### LR 83.1 Attorneys

##### (e) Withdrawal of Appearance

(1) "No attorney who has entered an appearance in any civil or criminal action shall be permitted to withdraw an appearance, or have it stricken from the record, except on order of the Court or when the attorney has provided notice of substitution of counsel by an attorney who is a member of the withdrawing attorney's law firm".

At the least, the issues presented in this petition warranted the lower federal courts to grant an evidentiary hearing. Mr. Watson did not have the opportunity to develop his fraud claims in state court. See *Winston v Kelly*, 592 F.3d 535, 552-53 (4th cir. 2010) (Petitioner entitled to evidentiary hearing because did not have opportunity to develop claim in state court, despite due diligence). And so Mr. Watson did not fail to fulfill the requirement of Sec. 2254 (e)(2). See *Williams v Taylor*, 529 U.S. 420, 437 (2000) (diligence requires, "at a minimum, seeking an evidentiary hearing in state court in a manner prescribed by state law"). A miscarriage of justice has been covered, overlooked by U.S. COA., and sanctioned thereby, calling for this Court's supervisory power.

18. Substituted Counsel - Appendix F.

**CONCLUSION**

Mr. Watson requests the court to set aside the 2005 and 2018 Judgment, give him unconditional and immediate release, and relief from all restrictions, conditions, and requirements applicable to those judgments.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Travis L. Watson

Date: October 11, 2021

# Certificate of Compliance

No. \_\_\_\_\_

Travis L. Watson

v

Dennis Daniels, et al.,

As required by Supreme Court Rule 33.1(h), I certify that the petition for a writ of certiorari contains 45 numbered pages. Provisions and Statutes have been set out verbatim within the text of pages 10, 13-18, 20, 21, 25, and 40-44 to provide clarity and flow. Excluding these and other parts of the petition that are exempted by Supreme Court Rule 33.1(d), the petition meets the requirement. Appropriate case citation is also set out within the body of petition. I declare under penalty of perjury that the foregoing is true and correct.

Executed on: October 11, 2021.

Travis L. Watson  
527 Commerce Dr.  
Elizabeth City, N.C.  
27906