

22-7281

No. _____

FILED
MAR 07 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Steven Ray Rouse PETITIONER
(Your Name)

vs.

STATE COURT OF APPEALS RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

COURT OF APPEALS, SUPREME DOCKET NO 264P22
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

STEVEN RAY ROUSE
(Your Name)

PO BOX 1058
(Address)

BURGAW NC, 28425
(City, State, Zip Code)

N/A
(Phone Number)

6

QUESTION(S) PRESENTED

1. THE N.C.G.S 15A-284.50 EYEWITNESS IDENTIFICATION REFORM ACT, WHY IS THERE NOT A PICTURE OF THE DEFENDANT? AT THE SCENE, DARK IN THE BACK OF THE PATROL CAR, WITNESS SAYS THE STATE TROOPER DID NOT EVEN HAVE A FLASHLIGHT ON? THE PICTURE USED WAS NOT A PICTURE AT SCENE.
2. THE N.C.G.S 15A-284.52 (13) EYEWITNESS IDENTIFICATION REFORM ACT? WHY IS STE RAY ROUSE 06-28-69 ON THE BOTTOM OF THE WITNESS STATEMENT? I HAD NEVER SAW THIS MAN BEFORE, AND I LIVED A 1/8 MILE THROUGH THE WOODS, WHERE I HUNT AND FISH.
3. THE STATES WITNESS INFAC TOLD THE COURT, HE DID NOT SEE STEVEN R. ROUSE DRIVING. WHY DID LAWYER (RICK PARROTTE) NOT PERSUE THIS?
4. THE STATES WITNESS KIETH BOWLING INFAC TOLD THE COURT, HE DID NOT SEE STEVEN RAY ROUSE DRIVING. WHY DID LAWYER (RICK PARROTTE) NOT PERSUE THIS?
5. STATES WITNESS GARY GREEN TOLD THE COURT HE DID NOT SEE STEVEN RAY ROUSE DRIVING. WHY DID LAWYER (RICK PARROTTE) NOT PERSUE THIS?

QUESTIONS) PRESENTED

6. HOW COULD LAWYER (RICK PARROTTE) SEND STEVEN RAY ROUSE A DISCOVERY OF 38 PAGES AND 17 WERE DUPLICATES?
7. HOW COULD THIS BE THE PETITIONER DISCOVERY FOR TRIAL?
8. HOW COULD THE GEN § 15A-975 (A)(B)(C)(D) OF DISCOVERY, BE COMPLETELY AVOIDED?
9. HOW COULD THE LAWS COVERING THE USE OF DISCOVERY BE TOTALLY IGNORED?
10. HOW COULD THE FLIGHT INSTRUCTION BE GIVEN, WHEN THERE WAS NO FLIGHT?
COULD THIS CAUSE IRREPARABLE MISIDENTIFICATION?
11. DID INFACIT THIS (SHOW UP) THAT LAWYER (RICK PARROTTE) TOOK TO A JUDGE TRIAL CAUSE IRREPARABLE DAMAGE? IN FOLLOWING PAGES WERE SENT TO SHOW INEFFECTIVE ASSISTANCE OF COUNSEL.
12. WHY DID JUDGE HIGHSMITH DENY THE REQUEST FOR THE USE OF FORCE FORM? I WAS NEVER PRODUCED.
13. WHY WAS THE 4th AND 14th ADMENDMENTS TOTALLY IGNORED? (EXCESSIVE FORCE)
14. WHY WAS NO WARNING ANNOUNCED WHEN K9 DOG WAS USED? WHY WAS I BITTEN 8 TIMES?
15. WHY WAS A K9 DOG THERE FOR A MISDEMEANMENT?
16. WAS INFACIT THE TRUCK USED IN ILLEGAL ACTIVITY?

QUESTIONS PRESENTED

17. WHY DID LAWYER (RICK PARROTTE) AGREE TO THE CUTTING OF THE BODY CAM?
 18. WHY WAS (STEVEN R. ROUSE) ONLY GET TO SEE 23 MINUTES OF A 40 MINUTE FILE?
 19. WHY WAS ANN § 15 A-401 (D) NOT USED OF PUT INTO EFFECT? WHY WERE DEPUTIES SGT KEITH BOWLING, (WHO NO LONGER WORKS FOR BRUNSWICK CO) AND DEPUTY GARY GREEN ALLOWED TO USE EXCESSIVE FORCE?
 20. WHY WAS THE DEMAND FOR SPEEDY TRIAL NOT RECONIZED? IT WAS SUBMITTED THE 13th DAY OF APRIL 2020. I WENT TO TRIAL ON THE 8th OF MARCH 2021.
- WHY WAS THE UNITED STATES CONSTITUTION ARTICLE 1, SECTION 18 OF THE NORTH CAROLINA CONSTITUTION NOT RECONIZED?

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TABLE OF AUTHORITIES CITED

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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 _____ 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 _____ 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 A to the petition and is

- ☒ reported at NO 20 CR 50996; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the CERTIFY ON AUG 8, 2022 court appears at Appendix B to the petition and is

- ☒ reported at DISCRETIONARY REVIEW; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was COA 264P22.
A copy of that decision appears at Appendix A.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

STATEMENT OF JURISDICTION

A.1. ROUSE V BRUNSWICK CO; 20 CR-50996

IN THE GENERAL COURT DISTRICT OF

BRUNSWICK CO. JUDGE DISBROW

JUDGMENT DENIED "SUPPRESS MOTION"

"SHOW UP MOTION" ROSS PAROTTE, PRESTON HILTON

SHIRLEY B. SMIRKIE, DENIED

B.2. ROUSE V BRUNSWICK CO 20 CR-50996

IN THE EASTERN DISTRICT OF NORTH CAROLINA

JUDGMENT ENTERED, DEC 13, 2021.

JUDGE DISBROW, ROSS PAROTTE, SHIRLEY B.

SMIRKIE DENIED

C.3. ROUSE V BRUNSWICK CO. SUPERIOR COURT

OF BRUNSWICK CO. CASE # 20 CR-50996

(TRIAL) GUILTY CASE # 20 CR-706.

MARCH 8th, 9th, 10th

THE HONORABLE FRANK JONES

SHIRLEY B. SMIRKIE, CHRIS GENTRY

ASSISTANT'S DISTRICT ATTORNEY.

310, GOVERNMENT CENTER DRIVE

BOLIVIA NC 28422

RICHARD PAROTTE, APPOINTED COUNSEL, BRUNSWICK

WOLLEY, POPE, NOW AT THE WORTMAN LAW FIRM

624 VILLAGE RD SW, SUITE 1

SHALWATE, NC 28420

STATEMENT OF JURISDICTION

D. 4, ROUSE V. NORTH CAROLINA APPEALS COURT

NO # 20 CRS-50996 APPEAL, DENIED

20 CRS-706

NO # 264 P22 JUDGEMENT ENTERED DEC 13, 2022

NO # COA 21-580

E. 5. ROUSE V. NORTH CAROLINA,

NO # COA-21-580

CERTIFY FOR DISCRETIONARY REVIEW

JUDGEMENT ENTERED JULY 19, 2022

CERTIFIED ON AUGUST 8, 2020

DISCRETIONARY REVIEW, DENIED

Rouse v Brunswick County *STATEMENT OF THE CASE*

1. Public employment (absolute immunity) police officers engaged in performing their duties are public officials for the purpose of public official immunity and enjoy absolute immunity from personal liability for discretionary acts done without corruption or malice.

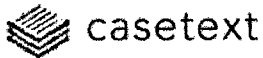
In the line of duties of Deputy Keith Bowling and Deputy Gary Green, both deputies of Brunswick County Sheriff's Department, were indeed in the process of releasing the K9 dog Roky. After the dog was released, Deputy Bowling told Deputy Green "not to run". It was dark, on a dirt road, and the deputies were stealthily moving through the woods without announcing themselves. This is recorded on the body camera of Deputy Bowling. The question remains as to why there is no body camera recording for Deputy Green?

2. A police officer is generally immune from suit unless the challenged action was (1) outside the scope of official authority, (2) done with malice or (3) corrupt.

The K9 Roky should never have been used as a deadly weapon (force) for a misdemeanor. The truck nor its occupants were used in criminal intent or action.

The K9 in question was used for approximately eight (8) years in training Iraqi police.

What the animal's training or use was never brought up in trial.



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cases which arise from the Industrial Commission, a copy of the petition shall be served on the Chair of the Industrial Commission. The petition shall contain a statement of the facts necessary to an understanding of the issues presented by the application; a statement of the reasons why the writ should issue; and certified copies of the judgment, order, or opinion or parts of the record which may be essential to an understanding of the matters set forth in the petition. The petition shall be verified by counsel or the petitioner. Upon receipt of the prescribed docket fee, the clerk will docket the petition.

(d) Response; Determination by Court. Within ten days after service of the petition any party may file a response thereto with supporting affidavits or certified portions of the record not filed with the petition. Filing shall be accompanied by proof of service upon all other parties. The court for good cause shown may shorten the time for filing a response. Determination will be made on the basis of the petition, the response, and any supporting items. No briefs or oral argument will be received or allowed unless ordered by the court upon its own initiative.

(e) Petition for Writ in Post-conviction Matters to Which Appellate Court Addressed. Petitions for writ of certiorari to review orders of the trial court denying motions for appropriate relief upon grounds listed in N.C.G.S. § 15A-1415(b) by persons who have been convicted of murder in the first degree and sentenced to death shall be filed in the Supreme Court. In all other cases such petitions shall be filed in and determined by the Court of Appeals, and the Supreme Court will not entertain petitions for certiorari or petitions for further discretionary review in these cases. In the event the petitioner unreasonably delays in filing the petition or otherwise fails to comply with a rule of procedure, the petition shall be dismissed by the court. If the petition is without merit, it shall be denied by the court.

(f) Petition for Writ in Post-conviction Matters-Death Penalty Cases. A petition for writ of certiorari to review orders of the trial court on motions for appropriate relief in death penalty cases shall be filed in the Supreme Court within sixty days after delivery of the transcript of the hearing on the motion for appropriate relief to the petitioning party. The responding party shall file its response within thirty days of service of the petition.

N.C. R. App. P. 21

287 N.C. 671; 304 N.C. 739; 312 N.C. 803; 322 N.C. 844; 368 N.C. 1067; 324 N.C. 613; 345 N.C. 765; 354 N.C. 609; 356 N.C. 701; 363 N.C. 901; 367 N.C. 954; 369 N.C. 763.

Rouse v Brunswick County

Facts of Scene

1. Public employment (absolute immunity) police officers engaged in performing their duties are public officials for the purpose of public official immunity and enjoy absolute immunity from personal liability for discretionary acts done without corruption or malice.

In the line of duties of Deputy Keith Bowling and Deputy Gary Green, both deputies of the Brunswick County Sheriff's Department, were in the process of releasing the K9 dog Roky. In the dark and down a dirt road, the deputies were stealthily moving through the woods without announcing themselves. This is recorded on the body camera of Deputy Bowling. There is no body camera recording for Deputy Green. Why?

2. A police officer is generally immune from suit unless the challenged action was (1) outside the scope of official authority, (2) done with malice or (3) corrupt.
 - a. The K9 should never have been used as deadly force for a misdemeanor.
The truck nor its occupants were used in criminal intent or action.
 - b. The K9 was used for Iraqi police training.

3. Actually stalked: no warning of K9 use. They were being as quiet as they could be. Plaintiff (Mr. Rouse) could not hear the deputies or the K9 as he walked toward the police and the one-car accident. There was no warning or any type of notice.

Rouse v Brunswick County

Anyone who could have been in the direct area of said dog could have been bitten or possibly killed unknowingly.

4. Public employment in general, official immunity in context: (1) Done wantonly, (2) contrary to the actor's duty and (3) intended to be injurious to another.
5. (In Context) of determining malice for purposes of public immunity an act is "wanton" when it is done of a wicked purpose or when it is done needlessly, manifesting a reckless indifference to the rights of others.
6. The three listed factors generally inform the analysts of whether a law enforcement officer had probable cause to use deadly force against a suspect.

List of Factors and Resolution:

The severity of the crime.

It was a one-car accident. Mr. Rouse was not driving. The state's witness (Mr. Hewitt) spoke with Mr. Rouse and in transcript said "he did not smell alcohol". No alcohol in truck. Truck was not used in any illegal act.

Whether the suspect posed an immediate threat to the safety of the officers or others.

Was an immediate threat? Mr. Rouse spoke and asked Mr. Hewitt (witness) if he could please pull the truck out of the ditch since it was dangerously hanging out into the road.

Mr. Rouse was trying to get in touch with wife in order to ask Doug Price to come pull the truck off the side of the road. Danny Seine (driver) called wife/girlfriend to pick him

Rouse v Brunswick County

up and left the scene.

Whether the suspect was actively resisting arrest or attempting to evade arrest.

Was suspect actively resisting? Mr. Rouse should have never been the suspect. When the dog attacked Mr. Rouse, he was walking back to the scene to meet his wife and wrecker, who pulled up shortly after the K9 dog attacked Mr. Rouse.

K9 Lawsuits

- (1) Liability of supervisory officials and governmental entities for having failed to adequately train, supervise, or control individual peace officers who violate plaintiff's civil rights under 42, U.S.C.A. §s 1983.
- (2) Deputy Bowling instructed Deputy Green "don't run". Deputy Bowling knew how dangerous this K9 dog of his was. Deputy Bowling said he had used the dog overseas in the training of Iraqi police.
- (3) Judge Highsmith denied plaintiff's lawyer, Richard Parrotte, the use of force forms, and no use of force forms was ever presented to lawyer, DA or judge to the extent of my knowledge (not in discovery), Page 262, 03/10/21, you submitted a use of force form. Where?
- (4) Under North Carolina law, mere reckless indifference is insufficient to show a constructive intent to insure under malice, under malice exception to public official

immunity and instead a plaintiff (Steven Ray Rouse) must also show that the officials actions were so reckless or so manifestly indifferent to the consequences, where the safety of life or limb is involved as to justify a finding of willfulness and wantonness equivalent in spirit to an actual intent.

Plaintiff (Steven Ray Rouse) was not in the act of leaving the scene. He asked the State's witness to pull him out. The truck was still running. Witness saw plaintiff reach inside the truck and take keys out of the ignition in turn shutting the truck off. Witness for the State never saw Mr. Rouse driving the truck. He could only be a witness for the plaintiff (Steven Ray Rouse) to reach in and turn off a green Dodge Ram placing the keys in his pocket. Plaintiff walked off toward his home and his 1971 Chevelle that was up the road broke down.

Mr. Richard Parrotte showed such negligence that during Show Up he did not even address these facts of the case. The flight instruction should have been plead. There was no flight or resisting arrest.

REASONS FOR GRANTING THE PETITION,

IF I COULD JUST PLEASE GET SOMEONE TO LOOK AT THE FACTS OF THIS CASE. IN A WHOLE THE CONCLUSION WOULD BE SO VERY DIFFERENT. I HAVE TRIED FROM THE VERY BEGINNING TO EXPLAIN HOW THE FACTS OF THE CASE HAVE BEEN SWEEPED UNDER THE RUG.

I WAS NOT DRIVING AND NO ONE HAS EVER SAW ME DRIVING THE GREEN DODGE TRUCK, THAT WAS DRIVEN THAT MORNING, TO GET PARTS SO I COULD SELL THE CHEVELLE, THAT WAS BROKE DOWN AN $\frac{1}{8}$ MILE UP THE ROAD. I LIVE ON. AND AFTER CALLING MY WIFE FROM OUR HOME, AND WALKING BACK TO THE TRUCK, WAS WHEN I WAS ATTACKED BY A KG DOG, THAT WAS NEVER ANNOUNCED, AND AS I WAS BEING DRUG OUT OF THE WOODS FOR NO REASON, THERE WAS MY WIFE AND THE WRECKER DRIVER, WHAT A DIFFERENCE 10 MINUTES WOULD HAVE MADE. I ACTUALLY DECIDED TO DO THE RIGHT THING, I COULD HAVE LEFT, BUT I DIDNT, AND LOOK AT THE

CONSEQUENCES OF MY ACTIONS. NOW
I AM SITTING IN PRISON FOR 130-170
MONTHS, FOR SOMETHING I DID NOT
DO, COULD YOU PLEASE LOOK INTO THE
FACTS OF THIS CASE? INSTEAD OF
LOOKING AWAY, AND FIND THE TRUTH.

SINCE I HAVE BEEN IN PRISON
I HAVE GRADUATED FROM D.A.R.T.
I AM GETTING MY ASSOCIATES IN
PASTORAL MINISTRY, FROM THE INTERNATIONAL
COLLEGE AND SEMINARY, THE QUESTIONS
I BROUGHT UP ARE THE SAME I HAVE BEEN
ASKING FROM THE VERY BEGINNING. AND
IF SOMEONE COULD FIX THIS IT WOULD
BE THE SUPREME COURT OF THE UNITED
STATES,

SINCERLY,

Stumpley Rouse.