

NO.

IN THE SUPREME COURT OF THE UNITED STATES

LEONARDO ROQUE - NO. 23-5313
PETITIONER

V.

EDDIE M. BUFFALO JR., SECRETARY, N.C. DEPT.
OF PUBLIC SAFETY RESPONDENT

ON PETITION FOR WRIT OF CERTIORARI TO
THE FOURTH CIRCUIT COURT OF APPEALS

PETITION FOR REHEARING

JOHNSTON CORRECTIONAL INST.

2465 U.S. 70 WEST

SMITHFIELD, NORTH CAROLINA

27577

PETITIONER PRO SE

RECEIVED

DEC - 5 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

TABLE OF CONTENTS

	<u>PAGE</u>
<u>TABLE OF CONTENTS</u>	2
<u>TABLE OF AUTHORITIES</u>	3
<u>PETITION FOR REHEARING</u>	4-10
<u>STATEMENT OF FACTS</u>	4-10
<u>REASONS MERITING REHEARING</u>	11-12
<u>SUGGESTIONS IN SUPPORT OF REHEARING</u>	4-10
<u>CONCLUSION</u>	13
<u>CERTIFICATE OF GOOD FAITH</u>	14

APPENDIX

ORDER DENYING CERTIORARI "EXHIBIT A"

OPINION OF THE FOURTH CIRCUIT COURT OF APPEALS "EXHIBIT B"

TABLE OF AUTHORITIES

	<u>PAGE</u>
STRICKLAND V. WASHINGTON, 466 U.S. 668 (1984).	ii
BRADY V. MARYLAND, 373 U.S. 83 (1963).	ii
HOLLAND V. FLORIDA, 560 U.S. 631, 645-46 (2010).	ii

PETITION FOR REHEARING AND SUGGESTIONS IN SUPPORT

COME NOW PETITIONER, LEONARDO ROQUE, PRASE, AND PRAYS THIS COURT TO GRANT REHEARING PURSUANT TO RULE 114, AND THEREAFTER, GRANT PETITIONER A WRIT OF CERTIORARI TO REVIEW THE OPINION OF THE FOURTH CIRCUIT COURT OF APPEALS.

IN SUPPORT OF PETITION, MR. ROQUE STATES THE FOLLOWING:

STATEMENT OF FACTS

ON FEBRUARY 23, 20~~14~~¹⁴, PETITIONER ACCEPTED A PLEA AGREEMENT FOR THE CHARGE OF FIRST DEGREE B&E ON ADVICE OF TRIAL COUNSEL. PETITIONER WAS COERCED AND TRICKED INTO ACCEPTING THE PLEA AGREEMENT WITHOUT FULLY UNDERSTANDING THE NATURE OF THE CHARGES AND THE CONSEQUENCES OF THE PLEA. TRIAL COUNSEL ALSO IMPROPERLY PRESSURED PETITIONER INTO INDUCING HIS GUILTY PLEA AND COACHING THE PETITIONER ON HOW TO ANSWER THE TRIAL JUDGE'S QUESTIONS SO SHE WOULD ACCEPT THE PLEA DEAL. PETITIONER DID NOT WANT TO ACCEPT THE PLEA DEAL AND LIED TO THE TRIAL JUDGE WHEN PETITIONER SAID THAT HIS TRIAL HAD EXPLAINED EVERYTHING TO HIM ABOUT THE CHARGES, THAT HE UNDERSTOOD AND HAD NO QUESTIONS ABOUT THE PLEA DEAL. PETITIONER WAS SENTENCED TO 144 MONTHS TO 233 MONTHS. COUNSEL FOR PETITIONER DID NOT APPEAL THE CONVICTION, NOR EXPLAIN TO PETITIONER HOW TO APPEAL OR THAT PETITIONER HAD ONLY ONE YEAR TO APPEAL HIS CONVICTION IN TO FEDERAL COURT.

PETITIONER, AFTER SPENDING TIME RESEARCHING HIS RIGHTS IN THE LAW WHERE HE WAS HOUSED, DISCOVERED THAT HIS

TRIAL COUNSEL HAD MISREPRESENTED PETITIONER'S LEGAL RIGHTS, AND THEN REQUESTED ALL HIS LEGAL DOCUMENTS FROM THE COURT SYSTEM. UPON REALIZING THE EXTENT OF TRIAL COUNSEL'S MISCONDUCT, PETITIONER FILED SEVERAL MOTIONS AND PETITIONS INTO THE STATE AND FEDERAL COURTS. THE STATE MOTIONS WERE DENIED WITHOUT THE MERITS OF THE ISSUES BEING REVIEWED AND BECAUSE OF THE PLEA AGREEMENT CONTRACT THAT PETITIONER AGREED TO AND ALL FEDERAL PETITIONS WERE DENIED BECAUSE PETITIONER'S TRIAL COUNSEL DID NOT EXHAUST ALL STATE REMEDIES (BY APPEALING TO THE NORTH CAROLINA COURT OF APPEALS AND THEN TO THE NORTH CAROLINA SUPREME COURT.) THE PLEA CONVICTION AND SENTENCE AND BECAUSE PETITIONER DID NOT FILE HIS FEDERAL PETITIONS WITHIN ONE YEAR OF HIS STATE CONVICTION.

PRIOR TO ACCEPTING THE PLEA AGREEMENT, TRIAL COUNSEL MADE MULTIPLE MISLEADINGS AND FALSE STATEMENTS TO PETITIONER, STATING THAT (1) NO RAPE KIT WAS DONE OR MEDICAL PROCEDURE WAS PERFORMED ON THE VICTIM BECAUSE IT WAS NOT NEEDED AND (2) THAT THE STATE HAD EVIDENCE UNFAVORABLE TO THE PETITIONER CONCERNING THE RAPE CHARGE, INCLUDING VIDEO OR PHOTOGRAPHIC EVIDENCE OF THE ALLEGED CRIME OF RAPE.

NEITHER STATEMENT (1) OR (2) WERE TRUTHFUL. IN TRUTH, NO PHOTOGRAPHIC OR VIDEO EVIDENCE HAD BEEN FOUND BY THE STATE AND A RAPE KIT HAD ACTUALLY BEEN DONE BY THE DEPARTMENT OF SOCIAL SERVICES ON THE VICTIM IN MECKLENBURG COUNTY AND THE RESULTS KEPT FROM PETITIONER, NOR DID TRIAL COUNSEL INFORM THE COURT OF THE MEDICAL HEALTH SCREENING TEST.

IN ORDER TO KEEP THESE FALSE STATEMENTS FROM COMING TO THE COURT'S ATTENTION, TRIAL COUNSEL LIED TO PETITIONER REGARDING HIS POSSIBLE OPPORTUNITIES TO APPEAL, TELLING PETITIONER THAT HE HAD NO POSSIBLE AVENUE OF APPEAL BECAUSE OF THE GUILTY PLEA NOR COULD PETITIONER RAISE THE ISSUE OF INEFFECTIVE ASSISTANCE OF COUNSEL. TRIAL COUNSEL TOLD PETITIONER THAT ALL HIS APPEAL RIGHTS WERE WAIVED DUE TO THE PLEA OF GUILTY.

TRIAL COUNSEL DID NOT INVESTIGATE WITNESSES OR PREPARE A DEFENSE FOR FIRST DEGREE RAPE.

TRIAL COUNSEL DID NOT DISCUSS A TRIAL DEFENSE STRATEGY AT ALL WITH PETITIONER AND KEPT TELLING PETITIONER THAT DUE TO THE YOUNG AGE OF THE VICTIM FEMALE, IF PETITIONER WENT TO TRIAL, HE WOULD BE CONVICTED OF FIRST DEGREE RAPE AND RECEIVE LIFE WITHOUT PAROLE. TRIAL COUNSEL VISIT PETITIONER ABOUT 3 OR 4 TIMES AND OFFERED HIM THREE PLEA OFFERS, BUT PETITIONER TOLD COUNSEL THAT HE WANTED TO GO TO TRIAL. PETITIONER ALSO INFORMED COUNSEL TO INTERVIEW HIS WIFE ABOUT WHAT SHE LEARNED AND HEARD FROM THE VICTIM ABOUT THE ALLEGED RAPE. PETITIONER ALSO WANTED COUNSEL TO INTERVIEW WITNESS SANDRA WILLIAMS AND FRANCISCO MUNIZ WHO WERE SUPPOSED TO HAVE SAW SOMETHING ON PETITIONER'S CELL PHONE RELATED TO THE ALLEGED RAPE. TRIAL COUNSEL TOLD PETITIONER HE WOULD LOOK INTO THIS MATTER, BUT DID NOT INTERVIEW ANYONE. PETITIONER'S WIFE STATEMENT EVIDENCE WOULD HAVE SHOWN HOW THE RAPE ALLEGATION DEVELOPED FROM WHAT WAS BEING TOLD HER BY THE VICTIM

WHOSE STORY APPEARED TO CHANGE AT DIFFERENT TIMES. WILLIAMS AND MUNIG STATEMENTS WOULD HAVE BEEN SHOWN TO BE FALSE BECAUSE THE EVIDENCE OF THE STATE SHOWED THAT THERE WAS NOTHING ON PETITIONER'S CELL PHONE THOSE WITNESSES SAW THAT WAS RELATED TO THE ALLEGED RAPE.

TRIAL COUNSEL ALLOWED PETITIONER TO BE CONVICTED OF A CHARGE NOT AGREED UPON IN THE PLEA AGREEMENT

PETITIONER'S PLEA AGREEMENT ALLOWED HIM TO BE CONVICTED OF FIRST DEGREE RAPE - A LESSER CHARGE UNDER 14-27.2 (a) (1) IN CASE NUMBER 14 CRS222049. PETITIONER'S JUDGMENT AND COMMITMENT FORM HAS PETITIONER BEING FOUND GUILTY OF N.C.G.S. 14-27.2 (A) WHICH IS (RAPE OF A CHILD) AND NOT FIRST DEGREE AS STATED ON THE FORM. PETITIONER PLEA AGREEMENT AND JUDGMENT AND COMMITMENT FORM AS WELL AS THE SENTENCE RECEIVED DO NOT AGREE. PETITIONER WAS SENTENCED UNDER A DIFFERENT GENERAL STATUTE THAN HAS PLEA AGREEMENT STATED; TRIAL COUNSEL HAD INFORMED PETITIONER THAT HE WOULD RECEIVE LIFE WITHOUT PAROLE IF HE WENT TO TRIAL TO INSTILL FEAR IN PETITIONER TO OVERCOME PETITIONER'S WILL AND TO INDUCE HIS PLEA OF GUILTY. HOWEVER, PETITIONER COULD NOT RECEIVE A LIFE SENTENCE FOR FIRST DEGREE RAPE UNDER N.C.G.S. 14-27.2 (a) (1) PER HIS PLEA AGREEMENT AND PER N.C.G.S. 15A-1340.16 B (2), BECAUSE PETITIONER DID NOT HAVE A CONVICTION FOR A SECOND B1 CHARGE.

TRIAL COUNSEL FAILED DISCLOSE RELEVANT EVIDENCE TO THE COURT AND TO PETITIONER THAT MEDICAL SCREENING TEST WAS DONE ON THE VICTIM AND THE RESULTS WERE FAVORABLE TO PETITIONER.

TRIAL COUNSEL TOLD PETITIONER THAT NO MEDICAL EXAMINATION WOULD BE DONE ON THE VICTIM BECAUSE THERE WAS NO NEED FOR ONE TO BE DONE

BECAUSE THE JURY WOULD BELIEVE EVERYTHING THE YOUNG FEMALE VICTIM WOULD SAY AND PETITIONER WOULD RECEIVE A LIFE SENTENCE. HOWEVER THERE WAS A MEDICAL SCREENING TEST DONE BY THE SOCIAL SERVICES DEPARTMENT IN MECKLENBURG COUNTY AND THE HEALTH SCREENING SHEET STATED THAT THE DOCTOR SCREENED THE ANAL, TEETH AND VAGINA OF THE ACCUSED AND EVERYTHING CAME UP CLEAN. NO RIPS, NO BRUISING AND NO TARES. THIS EVIDENCE WAS WITHHELD FROM PETITIONER AND HAD HE SEEN THIS MEDICAL EVIDENCE IN THE BEGINNING, HE WOULD HAVE PLEADED NOT GUILTY AND CHOSEN TO GO TO TRIAL.

TRIAL COUNSEL PROVIDED INEFFECTIVE ASSISTANCE OF COUNSEL DUE TO COUNSEL ADVISING PETITIONER TO PLEAD GUILTY TO AN INCORRECT PLEA AGREEMENT

PETITIONER BROUGHT HIS CLAIM FOR INEFFECTIVE ASSISTANCE OF COUNSEL BECAUSE COUNSEL DID NOT INTERVIEW HIS WITNESS, MADE MULTIPLE MISLEADING AND FALSE STATEMENTS TO PETITIONER REGARDING PETITIONER'S CASE, ALLEGING THAT THE STATE HAD EVIDENCE UNFAVORABLE TO THE PETITIONER, INCLUDING BOTH VIDEO AND/OR PHOTOGRAPHIC EVIDENCE OF PETITIONER'S CRIME, THAT NO MEDICAL RAPE KIT OR PROCEDURE WAS DONE ON THE VICTIM WHEN THERE WAS A MEDICAL PROCEDURE DONE ON THE VICTIM WHICH PRODUCED EVIDENCE FAVORABLE TO PETITIONER AND WHICH POINTED TO PETITIONER'S INNOCENCE WHICH COUNSEL FAILED TO INFORM THE COURT OF, THAT COUNSEL INDUCED PETITIONER TO PLEAD GUILTY TO A CHARGE AND SENTENCE NOT IN HIS PLEA AGREEMENT, THAT COUNSEL LIED TO PETITIONER REGARDING HIS APPEAL PROCESS, TELLING PETITIONER THAT BECAUSE OF THE GUILTY PLEA CONVICTION, PETITIONER HAD WAIVED HIS RIGHT TO APPEAL, WHICH LED TO PETITIONER MISSING HIS HIS TIME PERIOD TO FILE A TIMELY HABEAS CORPUS FEDERAL APPEAL

PETITIONER'S COUNSEL, RATHER THAN WORKING TO ACHIEVE THE GOALS OF PETITIONER AS IS REQUIRED, GAVE UP ALL PRETENSE OF PRESERVING THE ADVERSARIAL SYSTEM REQUIRED OUR SYSTEM OF JUSTICE AND COERCED PETITIONER INTO ACCEPTING A PLEA DEAL

COUNSEL'S ADVICE THAT PETITIONER HAD GIVEN UP ALL APPEAL RIGHTS WHILE NOT EXPLAINING THAT PETITIONER ONLY HAD A ONE-YEAR LIMITATION PERIOD TO FILE A FEDERAL HABEAS PETITION, PREVENTED PETITIONER FROM TIMELY FILING A FEDERAL HABEAS PETITION IN THE DISTRICT COURT.

PETITIONER WAS PREVENTED FROM KNOWING OF HIS RIGHT TO APPEAL FROM HIS PLEA CONVICTION DUE TO ADVICE FROM HIS COUNSEL AND SO WAS UNABLE TO TAKE ACTION TO PRESERVE THIS RIGHT. AFTER PLEADING GUILTY AND BEING SENTENCED TO PRISON, PETITIONER WROTE TO THE NORTH CAROLINA PRISONER LEGAL SERVICE SEEKING HELP WITH APPEALING HIS PLEA CONVICTION, AND WAS TOLD BY THAT AGENCY THAT THERE WAS NO FUNDS TO REPRESENT PETITIONER. IT TOOK PETITIONER OVER A YEAR TO GET FAMILY MEMBERS TO HELP HIM HIRE AN ATTORNEY TO WORK ON HIS HABEAS PETITION THAT WAS ALREADY FILED ~~PRO SE~~ WHILE THE ONE-YEAR LIMITATION PERIOD WAS RUNNING OUT PRIOR TO 8 MARCH 2016, PETITIONER, BEING IN PRISON LACKING FUND TO HIRE AN ATTORNEY, BEING TOLD BY THE NORTH CAROLINA PRISONER LEGAL SERVICE THAT THEY COULD NO HELP PETITIONER WITH HIS APPEAL AND LACKING ACCESS TO ANY OTHER OUTSIDE MEANS OF HELP, PETITIONER WAS AT A STANDSTILL. RESPONDENT STATES THAT PETITIONER DID NOT ESTABLISHED THAT HE DILIGENTLY PURSUED HIS RIGHTS PRIOR TO 8 MARCH 2016 WHEN THE LIMITATION PERIOD EXPIRED. WHAT DID EXPECT PETITIONER TO DO? PETITIONER SOUGHT HELP FROM THE PRISON AGENCY HE WAS SUPPOSED TO SEEK HELP FROM BUT WAS TURN DOWN. PETITIONER THEN

APPLIED HIMSELF TO LEARNING THE LAW ON HIS OWN THROUGH THE BLACKLAW
PARALEGAL ~~LAW~~ COURSE. IT WAS IN THE COURSE OF STUDY PETITIONER WAS
STUDYING THAT HE REALIZED THAT COUNSEL HAD MISLEAD HIM REGARDING
HIS RIGHT TO APPEAL AND THAT COUNSEL'S ACTION CAUSED PETITIONER TO
MISS HIS DEADLINE FOR HIS FEDERAL APPEAL. AT THAT POINT, PETITIONER
BEGAN TO IMMEDIATELY TAKE ACTION TO PROTECT THOSE RIGHTS AND AVENUES
OF RELIEF HE HAD LEFT. PETITIONER REQUESTED COPIES OF ALL HIS COURT
DOCUMENTS AND DISCOVERY FILE, AND BEGAN FILING PRO SE MOTIONS
AND PETITIONS AND HIS PETITION FOR WRIT OF HABEAS CORPUS.

RESPONDENT ALSO CLAIMS DUE TO COUNSEL CAUSING PETITIONER TO MISS HIS
DEADLINE FOR APPEAL, IS NOT EVIDENCE THAT PETITIONER WAS DILIGENTLY
PURSUING HIS POST-CONVICTION RIGHTS BEFORE THE LIMITATION PERIOD EXPIRED
AND THAT PETITIONER FAILS TO PRESENT THE COURT WITH ANY EVIDENCE OF A PURSUIT
OF HIS RIGHTS BETWEEN 9 MARCH 2015 WHEN THE CONVICTION BECAME FINAL AND
8 MARCH 2016 ⁽¹⁾ AS STATED EARLIER. NOTHING MUCH COULD HAVE BEEN DONE
EXCEPT FOR WHAT THE PETITIONER DID DO. PETITIONER CONTENDS THAT IT IS
EVIDENCE OF AN "EXTRAORDINARY CIRCUMSTANCE" WHEN COUNSEL DEPRIVE ONE
OF A CONSTITUTIONAL RIGHT AND BY NOT FUNCTIONING AS COUNSEL SHOULD
UNDER THE SIXTH AMENDMENT.

FOOT NOTE

(1) PETITIONER HAS EVIDENCE THAT HE WAS IN PURSUIT OF HIS RIGHTS IN THE FORM OF A
LETTER TO THE NORTH CAROLINA PRISONER LEGAL SERVICE ASK FOR HELP WITH MY APPEAL AND CASE,
BUT WAS DENIED. PETITIONER NEED TIME TO GET A COPY OF THAT LETTER AND THE RESPONSE TO IT.
THERE IS NOT MUCH A PRO SE INMATE IN PRISON CAN DO IN 2015 TO PURSUE
HIS CASE SO I DON'T KNOW WHAT RESPONDENT EXPECTED PETITIONER TO DO.

REASONS MERITING REHEARING

THE FOURTH CIRCUIT'S DECISION IS CLEARLY IN CONFLICT STRICKLAND V. WASHINGTON, 466 U.S. 668 (1984); BRADY V. MARYLAND, 373 U.S. 83 (1963); HOLLAND V. FLORIDA 560 U.S. 631, 645-46 2010; AND 2244 (D) (1) (D). FIRST, RESPONDENT STATES THAT, "WHILE PETITIONER STATES THAT THE LIMITATION PERIOD BEGINS TO RUN FROM THE LATER OF EITHER THE DATE OF FINAL JUDGMENT OR THE DATE ON WHICH THE FACTS PREDICATING HIS CLAIM COULD HAVE BEEN DISCOVERED THROUGH DUE DILIGENCE," HE MAKES NO ARGUMENT ALLEGING THAT HE COULD NO HAVE, WITH DUE DILIGENCE DISCOVERED THE FACTUAL PREDICATE OF HIS CLAIMS UNTIL A DATE LATER THAN WHEN THE JUDGMENT BECAME FINAL. (SEE RESPONDENT SUPPORTING BRIEF PAGE 7 PARAGRAPH 1)

PETITIONER CLAIM THAT HE WAS PREVENTED FROM FILING IN THE PROPER TIME DUE TO THE EGREGIOUS INEFFECTIVENESS AND MISCONDUCT OF HIS COUNSEL. PETITIONER IS A LAYMEN AT LAW AND THIS COURT DON'T TREAT NON-LAWYERS AS LAWYERS. PETITIONER'S CLAIMS WERE NOT DISCOVERED UNTIL AFTER THE TIME FOR FILING A HABEAS PETITION HAD RUN OUT, IF PETITIONER WAS NOT CLEAR IN ARGUEING THIS IT IS BECAUSE HE IS NOT A LAWYER AND DID NOT KNOW HOW. AFTER EACH FACTUAL CLAIM WAS DISCOVERED, THE PETITIONER DID LITIGATE THEM, ALTHOUGH THE ORIGINAL DIRECT APPEAL HAD BEEN LOST, IN NORTH CAROLINA, WHEN A PLEA CONVICTION HAS BEEN ACCEPTED, NORMALLY THERE IS NO DIRECT APPEAL, EXCEPT IN LIMITED CIRCUMSTANCES OF WHICH PETITIONER COULD HAVE RAISED ON APPEAL CONCERNING HIS INCORRECT SENTENCE AND PLEA AGREEMENT AND THE CLAIM

OF INEFFECTIVE ASSISTANCE OF COUNSEL AND DUE PROCESS. SINCE THE APPEAL WAS LOST, PETITIONER WENT BACK TO STATE COURT IN MOTIONS FOR APPROPRIATE RELIEF AND PETITIONS FOR WRIT OF CERTIORARI TO EXHAUST ALL CLAIMS, THEN AMENDED HIS HABEAS PETITION WITH THE EXHAUSTED CLAIMS. THE CLAIMS COULD NOT OF BEEN DISCOVERED UNTIL AFTER THE TIME LIMIT HAD EXPIRED OF ONE YEAR FROM CONVICTION DATE.

THE ~~THE~~ FOURTH CIRCUIT DECISION IN ACCEPTING THE LOWER COURT DECISION DENYING PETITIONER EQUITABLE TOLLING AND GRANTING RESPONDENT MOTION TO DISMISS AS WELL AS DENYING PETITIONER'S PETITION FOR WRIT OF HABEAS CORPUS AND THE AMENDED PETITION FOR WRIT OF HABEAS CORPUS AS UNTIMELY AS WELL AS DECLINING TO ISSUE PETITIONER A CERTIFICATE OF APPEALABILITY IS IN CONFLICT WITH THE CASES CITED ABOVE.

THIS COURT MUST GRANT RE HEARING AND ISSUE A WRIT OF CERTIORARI BECAUSE THE FAILURE TO DO SO WOULD ALLOW THE FOURTH CIRCUIT TO CONTINUE TO APPLY THE WRONG STANDARD IN DECIDING THE INEFFECTIVE ASSISTANCE AND OTHER CLAIMS AND DENY JUSTICE TO THOSE IT IS ENTITLED TO.

THIS COURT HAS AN ETHICAL DUTY BY THE UNITED STATE CONSTITUTION TO ESTABLISH THE LAW OF THE LAND AND TO ASSURE THE CITIZERS OF THE UNITED STATES OF AMERICA THAT THE LOWER COURT APPLY THAT LAW. WHEN THEY DO NOT, IT IS THIS COURT'S OBLIGATION TO HOLD THAT COURT ACCOUNTABLE AND SEE TO IT THAT JUSTICE IS ADMINISTERED FAIRLY. THIS COURT MUST HEAR THIS CASE AND HOLD THE FOURTH CIRCUIT ACCOUNTABLE FOR FAILING TO PROPERLY APPLY THE LAW OF THIS COURT AND RELIEF WHERE RELIEF IS DO.

CONCLUSION

FOR THE REASONS STATED, THIS COURT MUST GRANT REHEARING OF THE FOURTH CIRCUIT JUDGMENT IN THIS CASE AND ISSUE A WRIT OF CERTIORARI TO HOLD THE FOURTH CIRCUIT ACCOUNTABLE FOR FAILING TO PROPERLY APPLY THE LAW OF THIS COURT AND GRANT MR. RODUE RELIEF: SHOULD RODUE'S CRY FOR JUSTICE NOT BE HEARD AND DENIED RELIEF: MAY THIS COURT ALSO CRY AND NOT BE HEARD," FOR WHATEVER SHUT THEIR EARS TO THE CRY OF THE POOR WILL ALSO CRY THEMSELVES AND NOT BE HEARD." PROVERBS 21:13 ✓

I DECLARE UNDER PENALTY OF PERJURY THAT
THE FOREGOING IS TRUE AND CORRECT.

RESPECTFULLY SUBMITTED,

Leonardo Rodue Jr.

WINSTON CORRECTIONAL INSTITUTION

2465 U.S. 70 WEST

SMITH FIELD, NORTH CAROLINA

27577

CERTIFICATE OF SERVICE

THE UNDERSIGNED HEREBY CERTIFIES THAT A COPY OF THE FOREGOING WAS MAILED, POSTAGE PREPAID, THIS 24 DAY OF October, 2023 TO:

NICHOLAS R. SANDERS ASSISTANT ATTORNEY GENERAL

STATE BAR NO. 53394, ATTORNEY FOR RESPONDENT

NORTH CAROLINA DEPARTMENT OF JUSTICE

POST OFFICE BOX 629

RALEIGH, NORTH CAROLINA 27602

Leonardo Rodue Jr.
PETITIONER