

ORIGINAL

NO. 23-6508

Supreme Court, U.S.
FILED

NOV 22 2023

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

JONATHAN EUGENE BRUNSON, PETITIONER

VS.

NORTH CAROLINA, RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI TO

SUPERIOR COURT

PETITION FOR WRIT OF CERTIORARI

JONATHAN E. BRUNSON 0493187

BERTIE CORRECTIONAL INSTITUTION

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QUESTIONS PRESENTED

NORTH CAROLINA'S SUPERIOR COURT, COURT OF APPEALS, AND SUPREME COURTS COLLECTIVE FAILURE TO ADDRESS THE TUMELY V. OHIO, 273 U.S. 510 (1927) (BIASED TRIAL JUDGE) ISSUE ESTABLISHES THAT EVERY PERSON CHARGED WITH A CRIME DOES NOT HAVE AN ABSOLUTE RIGHT TO AN IMPARTIAL TRIAL JUDGE IN THE STATE OF NORTH CAROLINA, NOTWITHSTANDING, THE SUBSTANTIVE AND PROCEDURAL DUE PROCESS REQUIREMENTS OF THE FOURTEENTH AMENDMENT MANDATE THAT EVERY PERSON CHARGED WITH A CRIME HAS AN ABSOLUTE RIGHT TO A FAIR TRIAL BY AN IMPARTIAL JUDGE AND UNPREJUDICED JURY, WHICH BEGS THE QUESTIONS OF :

I. WHETHER EVERY PERSON CHARGED WITH A CRIME IS ENTITLED TO HAVE THE TUMELY BIASED TRIAL JUDGE ISSUE ADDRESSED AND DISPOSED OF IN THE STATE TRIAL COURT? AND

II. WHETHER THE STATE TRIAL COURTS FAILURE TO ADDRESS AND DISPOSE OF THE TUMELY BIASED TRIAL JUDGE ISSUE CONSTITUTED AN ERROR OF LAW, AND THUS AN ABUSE OF DISCRETION ?

LIST OF PARTIES

1. ALL PARTIES APPEAR IN THE CAPTION OF THE CASE ON THE COVER PAGE.
2. A PETITION UNDER 28 U.S.C. § 2254 FOR A WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY IS CURRENTLY PENDING IN THE UNITED STATES DISTRICT COURT, EASTERN DISTRICT IN CASE NO. 5:23-HC-2152-D.

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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 STATE COURTS :

1. THERE IS NO OPINION OF THE STATE SUPREME COURT SINCE DENYING REVIEW,
2. THERE IS NO OPINION OF THE STATE COURT OF APPEALS SINCE DENYING REVIEW,
3. THE OPINION OF THE STATE TRIAL COURT APPEARS AT APPENDIX A TO THE
PETITION,

JURISDICTION

FOR STATE COURT :

THE DATE ON WHICH THE STATE SUPREME COURT DENIED REVIEW WAS ON THE 30th OF AUGUST 2023. A COPY OF THAT DECISION APPEARS AT APPENDIX B.

THE JURISDICTION OF THIS COURT IS INVOKED UNDER 28 U.S.C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. CONSTITUTIONAL AMENDMENT ~~XIV~~ WHICH STATES: "NOR SHALL ANY STATE DEPRIVE ANY PERSON OF LIFE, LIBERTY, OR PROPERTY WITHOUT DUE PROCESS OF LAW."

STATEMENT OF THE CASE

1. ON 20 JULY 2021, PETITIONER MAILED HIS MOTION FOR APPROPRIATE RELIEF (MAR) TO THE STATE TRIAL COURT PRESENTING A GROUND OF CONSTITUTIONAL STRUCTURAL ERROR BY A BIASED TRIAL JUDGE. ON 19 DECEMBER 2022, THE TRIAL COURT DENIED THE MAR WITHOUT ADDRESSING AND DISPOSING OF THE BIASED TRIAL JUDGE ISSUE BY FAILURE TO APPLY THE TUMET V. OHIO, 273 U.S. 510 (1927) STANDARD OF REVIEW. IN DOING SO, THE TRIAL COURT (1) FAILED TO MAKE ANY FINDINGS OF FACT ON THE EVIDENCE (JUNE 16, Tpp. 8-10) SUPPORTING THE MAR SHOWING A BIASED TRIAL JUDGE, AND (2) INCORRECTLY CONCLUDED TUMET BIASED TRIAL JUDGE ISSUE HARMLESS UNDER N.C. GEN. STAT, SEC. 15A-1419(b)(1) AND (d) IN DIRECT CONFLICT WITH CHAPMAN V. CAL, 386 AT 23 & N. 8 (DENIAL OF RIGHT TO AN IMPARTIAL JUDGE NOT SUBJECT TO HARMLESS ERROR REVIEW).

2. ON 3 JANUARY 2023, PETITIONER FILED A WRIT OF CERTIORARI IN THE STATE COURT OF APPEALS ASSERTING THE TRIAL COURTS FAILURE TO ADDRESS THE TUMET BIASED TRIAL JUDGE ISSUE AS DESCRIBED IN PARAGRAPH ONE ABOVE. ON 14 FEBRUARY 2023, THE STATE COURT OF APPEALS DENIED REVIEW. (SEE PP. 6-8, 10-12).

3. ON 7 MARCH 2023, PETITIONER FILED A PETITION FOR DISCRETIONARY REVIEW IN THE STATE SUPREME COURT (1) ASSERTING THE TRIAL COURT ABUSED ITS DISCRETION BY FAILURE TO APPLY TUMET STANDARD OF REVIEW TO BIASED TRIAL JUDGE ISSUE, AND (2) QUESTIONING WHETHER A BIASED TRIAL JUDGE IDENTIFIED AS STRUCTURAL