

24-5607

NO. 280P23-3

**SUPREME COURT OF THE UNITED STATES**

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OFFICE OF THE CLERK  
SUPREME COURT U.S.

**ORIGINAL**

**BRANDON WILLIAMS,**

**Petitioner,**

v.

**STATE OF NORTH CAROLINA COUNTY OF CABARRUS, et al,**

**Respondent,**

---

**On Petition for a Writ of Certiorari to the Supreme Court of North Carolina**

Brandon Williams,  
In Propria Persona, Sui Juris  
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**Certified Mail Receipt No. 9505 51579003 42426169 32**

*Notice to agent is notice to principal. Notice to principal is notice to agent*

### **i. QUESTIONS PRESENTED**

- 1. Did the Supreme Court of North Carolina err in not addressing the issues surrounding Petitioner's false arrest under pretenses of failure to appear and due process violations that were committed against Petitioner pursuant to their State statute in Article I §§ 18-19 of the North Carolina Constitution and Amendment 14 of the U.S. Constitution?**
- 2. Did the trial court violate The Speedy Trial Act of 1974 by repeatedly continuing this said case by having Petitioner appear over and over again since its initial inception dated 06/02/2017?**
- 3. Was/Is there an oath or affirmation signed by a victim that supports probable cause to issue a [valid] warrant as required and pursuant to Amendment 4 of the U.S. Constitution?**  
**And**
- 4. Therefore, by these actions, did the district attorney fail to prove jurisdiction over the person and the trial court lack subject matter jurisdiction?**
- 5. Did the trial court err and is in violation of Amendment 8 of the U.S. Constitution when "excessive bail" was issued?**
- 6. Were Petitioner's unalienable rights and liberties curtailed and violated**

by the trial court pursuant to Article, I § 9 of the U.S. Constitution and the Universal Declaration of Human Rights, Articles 1 – 30?

7. By upholding the trial court's decision concerning the dismissal of Petitioner's judicial review and denying the Writ of Certiorari and pertinent overall issues of his claim, is that not considered fraud?  
See Bullock v. United States, 763 f.2d 1115; Mills v. Duryee, 1t1 U.S. (481(1813)).
8. Are lower (State) courts also bound and governed by Federal (higher) Court rulings? See Ableman v. Booth 62 U.S. 506 (1859).
9. Did the lower courts deprive Petitioner of Rights under color of law pursuant to Title 18, U.S.C., § 242?
10. Was/Is Petitioner being constrained against his Liberties secured by the U.S. Constitution while being held hostage pursuant to 18 U.S.C., § 1203?
11. Does States' rights supersede Federal rights in accordance with the Supremacy Clause pursuant to Article VI - Par. 2 of the U.S. Constitution?
12. Did Respondent and the lower courts violate federally protected rights by acting under color of State law pursuant to 42 U.S.C., § 1983?
13. Do State Judges have authority and jurisdiction to preside over a case(s) when there poses a conflict of interest?
14. Does absolute immunity apply when a judge has acted criminally under color of law and without jurisdiction, as well as actions taken in an administrative capacity to influence cases?

## ii. Table of Contents

Questions Presented .....	i
Table of Contents .....	ii
Index of Appendices .....	iii
Table of Authorities .....	iv
I. Petition for Writ Of Certiorari .....	1
II. Opinions Below .....	1
III. Jurisdiction .....	1
IV. Pertinent Constitutional Provisions and Statutes .....	2
I. Laws and Treaties of the United States .....	2
V. Statement of the Case .....	3
VI. Statement of the Facts .....	5
VII. Jurisdiction and Authority .....	14
VIII. Assignment of Errors .....	15
IX. Argument .....	16
I. Standard of Review .....	16
X. Reasons for Granting the Writ .....	19
A. To correct and avoid erroneous deprivations of rights that are secured and protected by the State and Federal Constitution of the United States.	19
XI. Conclusion and Relief Sought .....	19

**iii. INDEX OF APPENDICES:**

<b>APPENDIX 1</b>	Supreme [State] Court of North Carolina Order denying petition for writ of certiorari regarding multiple constitutional violations from the trial court, See <u>Press-Enterprise Co. v. Superior Ct. 478 U.S. 1 (1986)</u> .....	Ex. A1
<b>APPENDIX 2</b>	North Carolina Court of Appeals Order denying and dismissed Appeal regarding multiple constitutional violations from the trial court, See <u>Thomas v. Clark (2022) RT AL Certiorari to the U.S. Court of Appeals for the Second Cir. No. 20-659</u> ..	Ex. A2
<b>APPENDIX 3</b>	North Carolina Court of Appeals Order denying Motion for Rehearing and/or Reconsideration En Banc". See <u>28 U.S.C. § 2255</u> .....	Ex. A3

#### iv. TABLE OF AUTHORITIES

<b>Bullock v. United States,</b> 763 F.2D 1115; Mills v. Duryee, 1t1 U.S. (481(1813) ....i
<b>Ableman v. Booth</b> 62 U.S. 506 (1859) .....i
<b>Press-Enterprise Co. v. Superior Ct.,</b> 478 U.S. 1 (1986) .....iii
<b>Thomas v. Clark</b> (2022), RT AL Certiorari to the U.S. Court of Appeals for the Second Cir. No. 20-659 .....iii
<b>McKnetty v. St. Louis &amp; San Francisco R. Co.,</b> 292 U.S. 230.233 (1934) .....2
<b>Howlett v. Rose</b> , 496 U.S., at 382-383 .....2
<b>Keith Haywood v. Curtis Drown</b> , 13 N.Y.3d 760 .....2
<b>State v. Trent</b> , 359 N.C. 583 (2005); citing to Capital Outdoor .....15
<b>Adver., Inc. v. City of Raleigh</b> , 337 N.C. 150 (1994) .....15
<b>Glenn-Robinson v. Acker</b> , 140 N.C. App. 606 (N.C. Ct. App. (2000) .....16
<b>Toomer v. Garrett</b> , 155 N.C. App. 462 (N.C. Ct. App. (2002) .....17
<b>Klopfer v. North Carolina</b> 386 U.S. 213 (1967) .....17
<b>State v. Farook</b> (2002) .....17
<b>Melo v. US</b> , 505 F2d1026 .....17
<b>US v Minker</b> , 350 US 179 at 187(1956) .....18
<b>United States v. Throckmorton</b> 98 U.S. 61 (1878) .....18

<b>Owen vs. City of Independence, 100 S Ct. 1398 .....</b>	<b>18</b>
<b>Maine vs. Thiboutot, 100 S. Ct. 2502 .....</b>	<b>18</b>
<b>Hafer vs. Melo, 502 U.S. 21 .....</b>	<b>18</b>
<b>Christy v. Elliott, 216   131, 74 HE 1035, LRA NS 1905-1970 .....</b>	<b>19</b>
<b>Rhode Island v. Massachusetts, 37 U.S. 657, 718, 9 L.Ed. 1233 (1838) .....</b>	<b>20</b>
<b>John J. Joyce v. United States of America, 474 F.2d 215, 219] ...</b>	<b>20</b>
<b>Joyce v. U.S., 474 F.2d 215, 219 (C.A.3 (Pa.), 1973) .....</b>	<b>20</b>
<b>Sherar v. Cullen, 481 F.2d 945 .....</b>	<b>20</b>
<b>Federal Statutes</b>	
<b>18 U.S.C., § 242 .....</b>	<b>i</b>
<b>18 U.S.C., § 1203 .....</b>	<b>i</b>
<b>42 U.S.C., § 1983 .....</b>	<b>2</b>
<b>42 U.S. Code § 1986 .....</b>	<b>17</b>
<b>18 U.S.C., § 3161(a)(b)(c)(1)(2) .....</b>	<b>17</b>
<b>28 U.S.C. § 2255 .....</b>	<b>iii</b>
<b>28 U.S.C. § 1254(1) .....</b>	<b>1</b>
<b>28 U.S.C. § 454 .....</b>	<b>7</b>
<b>Amendment 1 .....</b>	<b>5</b>
<b>Amendment 4 .....</b>	<b>8</b>
<b>Amendment 6 .....</b>	<b>12.</b>

<b>Amendment 8 .....</b>	<b>i,7</b>
<b>Amendment 14 .....</b>	<b>i,5</b>
<b>Article, I § 9 .....</b>	<b>i</b>
<b>Article VI, Clause 2 .....</b>	<b>2</b>
<b>The Speedy Trial Act of 1974 .....</b>	<b>i</b>
<b>Universal Declaration of Human Rights, Articles 1 – 30 .....</b>	<b>i,16</b>
<b>Fed. R. Civ. P 12(b)(1)(2)(3)(4)(5) and (6) .....</b>	<b>12</b>

## **State Statutes**

<b>N.C.G.S. Article I § 1 .....</b>	<b>16</b>
<b>N.C.G.S. Article I §§ 18-19 .....</b>	<b>i</b>
<b>N.C.G.S. Article I § 19 .....</b>	<b>5</b>
<b>N.C.G.S. § 7A-27(b) .....</b>	<b>5</b>
<b>N.C.G.S. Article I § 24 .....</b>	<b>7</b>
<b>27 N.C. Admin. Code 02 Rule 5.5 .....</b>	<b>7</b>
<b>N.C.G.S. Article I § 14 .....</b>	<b>7-8</b>
<b>N.C.G.S. §15A-304 .....</b>	<b>8,16</b>
<b>N.C.G.S. §15A-511 .....</b>	<b>8</b>
<b>N.C.G.S. 7A-47.1 .....</b>	<b>15</b>

## **I. PETITION FOR WRIT OF CERTIORARI**

Petitioner respectfully entreats this Court to issue a writ of certiorari to the Supreme [State] Court of North Carolina to review the court's ORDER dated May 21, 2024.

## **II. OPINIONS BELOW**

The Supreme [State] Court of North Carolina's ORDER dismissed and denied Petitioner's Motion by order of the Court in conference without any findings of facts and conclusions of law, dated May 21, 2024 and is attached as Appendix 1. The North Carolina Court of Appeals [N.C.C.O.A.] order denied Petitioner's appeal and dismissed it without any findings of facts and conclusions of law, dated December 22, 2023 and is attached as Appendix 2. The North Carolina Court of Appeals denied Petitioner's Motion for Rehearing and/or Reconsideration En Banc without any findings of facts and conclusions of law, dated January 23, 2024, and is attached as Appendix 3.

## **III. JURISDICTION**

This petition is proper and timely filed pursuant to Supreme Court Rule 13.1. This Court has jurisdiction under 28 U.S.C. § 1254(1).

## **IV. PERTINENT CONSTITUTIONAL PROVISIONS AND STATUTES**

### **I. Laws and Treaties of The United States:**

*"This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."* - Article VI, Clause 2

#### **2 – The Constitution of the United States**

The central statutory provision in this case is 42 U.S.C. §1983. Justice Stevens delivered the opinion of the court that this statute creates a remedy for violations of federally protected rights committed by persons acting under color of state law. While that rule in most cases is applicable to New York's Supreme courts—the State's trial courts of general jurisdiction. New York's Correction Law §24 deprives those courts of jurisdiction over §1983 lawsuits that seek money damages from correction officers. New York thus prohibits the trial courts that generally exercise jurisdiction over §1983 suits brought against other state officials from hearing virtually all such suits brought against state correction officers. The question presented is whether that exceptional treatment of a limited category of §1983 claims is consistent with the Supremacy Clause of the United States Constitution. We therefore hold that, having made the decision to create courts of general jurisdiction that regularly sit to entertain analogous suits, New York is not at liberty to shut the courthouse door to federal claims that it considers at odds with its local policy. A State's authority to organize its courts, while considerable, remains subject to the strictures of the Constitution. See e.g., McKnetty v. St. Louis & San Francisco R. Co., 292 U.S. 230,233 (1934). See Howlett v. Rose, 496 U.S., at 382-383 and Keith Haywood v. Curtis Drown, 13 N.Y.3d 760.

Also pertinent would be that the Constitution is commonly referred to as the Supremacy Clause. It establishes that the federal constitution, and federal law generally, take precedence over state laws, and even state constitutions pursuant to Article VI – Paragraph 2.

## **V. STATEMENT OF THE CASE**

This case began at the Cabarrus County Courthouse Superior Division and was appealed to the N.C.C.O.A. as an action titled, **In the Matter of Brandon Williams v.**

**STATE OF NORTH CAROLINA COUNTY OF CABARRUS, Case No. 17-CRS-**

**052675-676.** Petitioner, Brandon Williams initiated the case by filing an appeal complaint to N.C.C.O.A. for a decision made by Cabarrus County Courthouse, dated September 8, 2023[attached as Appendix 4]. However, Petitioner was falsely arrested while at home on July 4, 2023 for an alleged failure to appear (FTA) date of May 31, 2023 that never existed or was mentioned in the Pretrial Conference Order [attached as Appendix 5] during my special appearance before Judge Stephanie Reese at Cabarrus County Courthouse on April 4, 2023. Petitioner thereby was taken and held in the Mecklenburg County jail for 14 days, and was extradited to the Cabarrus County jail and was held an additional 54 days, prior to being released on September 8, 2023 with a total of 68 days. Petitioner was then before Judge Eric Morgan at Cabarrus County Courthouse prior to my release and he stated to me during trial that Petitioner was not able to appeal the decision or I would remain in custody until further notice. Petitioner therefore was compelled to be a witness against myself in order to be released from custody. Petitioner later filed a notice of appeal dated September 11, 2023 and amended appeal dated September 14, 2023 to the N.C.C.O.A. On October 18, 2023, Petitioner filed a 'Petition for Discretionary Review at Supreme Court of North Carolina for reasons of my appeal not being accepted in Cabarrus County. However, I sought for

assistance with N.C.C.O.A., but was informed by Mr. Soar, Clerk that there was nothing the Court of Appeals could do and that I needed to take up the matter with the trial court in Cabarrus County which whom were not cooperating. Petitioner followed up and also filed a 'Motion for Appropriate Relief' on October 24, at the Supreme Court of North Carolina.

On October 30, 2023, Petitioner appeared for a hearing in Cabarrus County which Judge Aaron Berlin granted my appeal and issued me the order of Appellate Entries. On November 6, 2023, Petitioner filed a Petition to Withdraw Motion for Appropriate Relief at the Supreme Court of North Carolina to prevent interlocutory since my appeal was accepted and granted during my hearing at Cabarrus County Courthouse and to proceed in accordance with the rules of N.C.C.O.A.

Moreover, Petitioner's appeal was briefed and argued to the N.C.C.O.A. concerning my overall claim against Respondent. Nevertheless, N.C.C.O.A. dismissed my appeal complaint and denied my motion for reconsideration. Petitioner filed a notice of appeal and alternatively petition for writ of certiorari to the Supreme Court of North Carolina dated March 3, 2024. However, it was denied by order of the court dated May 21, 2024.

Judge Reese's order, which Petitioner received during open court on April 4, 2023 stated that Petitioner was to report for trial calendar call on

“7/25/23 for trial on 7/31/23” is inconsistent with the said FTA date of May 31, 2023 I was arrested for which that was never mentioned nor entered on the Pretrial Conference Order that Petitioner received during open court on that day. Further, Judge Morgan’s order dated September 8, 2023, which entered judgment in favor of the trial court, and as a final judgement have violated the North Carolina [N.C.] statute in Article I § 19 of the equal protection clause of the N.C. State Constitution, N.C. Gen. Stat. § 7A-27(b), Amendment 1 and Amendment 14 of the U.S. Constitution.

## **VI. STATEMENT OF THE FACTS**

Petitioner Brandon Williams, presents this matter before the Supreme Court of the United States, whereby Petitioner has been charged with Fleeing to Elude Arrest by the STATE OF NORTH CAROLINA COUNTY OF CABARRUS, et al, whereas the original date of inception was June 2, 2017.

On June 2, 2017 at or around 4:15 PM, Petitioner was travelling with my son who was 9 years old at the time and made a stop at a Popeyes restaurant while travelling in Concord, NC. My son was sick and therefore needed to use the restroom so he could vomit. However, I noticed a police cruiser following behind me onto the parking lot, but then pulled back off onto Concord Pkwy and continued heading southbound. Nevertheless, I

assisted my son, and we came out of the restaurant and got back into my vehicle and proceeded to pull off back onto Concord Pkwy, south to our destination. My son complained that he felt like he had to vomit again. So, I pulled onto the parking lot of Royal Auto Sales car lot and assisted my son out of the car so that he can vomit again. I then walked my son up to the entrance of the car place to see if they had water for my son to drink, since he may have been very dehydrated and had a fever. After we got back into the car to pull back onto the road to head home to Charlotte, NC so that I could give my son some medication and allow him to rest since he was also running a high fever with a temperature of 103 degrees, while he began to shake and complaining of feeling very weak. I then noticed another police cruiser pulling up telling me to stop. I informed the officer of the present condition concerning my son and that he can follow me to where I was heading if there was a problem that I was unaware of while being stopped and detained. So, I proceeded to hurry and take care for my ill son.

On May 5, 2019 at approximately 5:00 PM. CMPD officers confronted me as I was pulling onto my property about a robbery, they said occurred earlier that day. As I exited my vehicle, one of the policemen named Wagner grabbed then pushed me. Petitioner asked why I was being handled in such way. Policemen Wagner suspected me of being part of a robbery at an O'Reilly auto parts store located on Statesville Road in Charlotte which my

license plate was captured on the surveillance cameras while I was there to make a purchase. The policemen alleged that I was an accessory to the crime. Petitioner denied any knowledge of such robbery while I was at the auto parts store making my purchase and did not see a robbery in progress. Wagner then mentioned there were 2 warrants for my arrest pending in Cabarrus County. Plaintiff was arrested, handcuffed and taken to Mecklenburg County jail where I was detained until 1 AM the next day after posting a \$500 cash bond to secure my release and freedom. Magistrate G. Simmons at Mecklenburg County set an unsecured bond of \$50,000.00 to guarantee my appearance in Cabarrus County on May 28, 2019 at 9AM or an additional \$50,000.00 retainer bond would have been assessed. This is "excessive bail" in err of the trial court's issuance and is in violation of Article I § 24 of the N.C. State Constitution and Amendment 8 of the U.S. Constitution.

While under threat, duress and coercion, Petitioner appeared before Judge Nathaniel Knust for trial in the district court division on May 28, 2019 at 9:00 AM at Cabarrus County Courthouse. Judge Knust yelled at me and said he would enter a "guilty" plea on my behalf which violated against 27 N.C. Admin. Code 02 Rule 5.5 – Unauthorized Practice of Law and 28 U.S.C. § 454, and he did not allow me an opportunity to respond. This violated Petitioner's right to freedom of speech secured and in accordance with Article

I § 14 of the N.C. State Constitution and against Amendment 1 of the U.S. Constitution.

Judge Knust contributed to the conspiracy by ordering me to return on July 23, 2019. Judge Knust also knew or should have known that the charge(s) against Petitioner are “under color of state law” pursuant to Title 18, U.S.C. § 242 because there was and still is no Oath or affirmation that supports probable cause to issue what should have been a valid warrant as required and pursuant to N.C.G.S. §15A-304, N.C.G.S. §15A-511 and Amendment 4 of the U.S. Constitution. Petitioner thereby appealed the decision to the Superior Court division where I have been awaiting a new hearing date. Petitioner received an indictment notice dated July 8, 2019. During that time, I consistently called and contacted the court to check for any scheduled hearing dates per the notice received, but kept being told that there were no hearing dates and that I should keep calling to check. This had gone on for a year later. On October 13, 2020, Petitioner sought legal counsel for representation in this matter. However, when my attorney had run a search on me in his computer, he said there was another order for arrest issued for me from Cabarrus County. Albeit, my attorney at the time was able to have the order for arrest stricken while he worked on my case.

Further, since October 13, 2020 when I solicited legal services from the attorney, it was a total of 20 months later, on May 19, 2022, while I was away

at work and was contacted by phone from my attorney's office secretary asking if I could appear for court on the very same day. This was improper and insufficient process of service, knowing that I had been trying to contact my attorney daily in an effort to reach him by phone and email regarding any updates of the case since I obtained legal services from him. However, he hardly responded except when I made several appointments to meet with him at his office when he would say he was still working on my case and would get back with me. But unfortunately, that never happened, until on May 19, 2022 when Petitioner was contacted by the office assistant while I was away at work. At that point, since my attorney was no longer responding to my inquiries, especially after what had occurred, Petitioner filed a petition and notice to my attorney and the court explaining this situation. In the interval, I received from the attorney a motion and order to withdraw as attorney, albeit he never did answer the reason why he did not keep me informed and updated about my case. Furthermore, Petitioner concurred and then filed a "Notice of Withdrawal of Attorney Per This Case" and notice of "Termination of Counsel Representation" for the attorney's ineffectiveness of service.

Moreover, Petitioner appeared at Mecklenburg County courthouse on January 04, 2023 at 10 AM to take care of a matter and was taken into custody for an alleged order for arrest for said FTA in Cabarrus County regarding the very same matter that I have been fighting and defending I

had the attorney representing at that time. As a reminder, the original date of said offense was "06/02/2017" with issue date of "09/08/2022" as noted on the order for arrest and is attached as "THE STATE OF NORTH CAROLINA VS. BRANDON WILLIAMS" and a copy is attached as Appendix 6, as also incorporated herein by reference. In addition, per the "Conditions of Release and Release order", Petitioner was given a bond of \$10,000.00 and a scheduled date of "02/03/2023" to appear at Cabarrus Courthouse at 10:00 AM. Petitioner ended up staying overnight until I paid a bail bondsman 10% in order to secure my release and freedom. A copy of the "Conditions of Release and Release Order" is attached as Ex. A4 at Appendix 7 as also incorporated herein by reference.

Howbeit, Petitioner appeared at Cabarrus County Courthouse as scheduled on February 3, 2023 at 10:00 AM as noted. While waiting in the courtroom during the calendar call, I noticed my name was not called. So, I approached the bench and inquired of this and was informed by the assistant district attorney that I was not on the docket and that I would need to check at the clerk's office. Upon speaking with Ashley Knox at the clerk's office, she informed me that I would need to return again on February 21, 2023 at 9:30 AM as a copy of the noticed she printed out and gave to me is attached as Ex. A5, at Appendix 8 as incorporated herein by reference.

Petitioner returned to Cabarrus County Courthouse on 02/21/23 at 9:30 AM and was called during the calendar call. However, when I approached the bench before Judge Matthew B. Smith (who was a visiting judge) to make my statement during my special appearance in propria persona, *sui juris*, Judge Smith interrupted and stated he was unable to speak with me because the case was still shown as me having an attorney. Petitioner however objected and informed Judge Smith that the attorney has already been withdrawn and terminated from the case as per both notices I filed as well as the notice the attorney also filed, and I showed Judge Smith all 3 notices as well as the court's receipt confirmation. Judge Smith stated he did not see the notices in my case file and that I would need to check at the clerk's office and he continued the case for me to return again on April 04, 2023 at 9:30 AM.

Petitioner checked with Suzanne Shumate at the clerk's office and showed her the receipt confirmation that was signed by another clerk, Madeline Rhinehardt of the notice that was received via USPS return receipt. However, it was stated by Suzanne that the only notice in question titled "TERMINATION OF COUNSEL REPRESENATION" was not placed in the file albeit the other two notices, one titled "Notice of Withdrawal of Attorney Per This Case" that I filed and the other titled "Motion and Order to Withdraw as Attorney" as what the attorney filed were in the file. Petitioner at that point filed a motion for "Notice for Dismissal" dated February 28,

2023 informing the court that this case was in the process of being removed to federal for due process and Speedy Trial violation pursuant to Article I § 18 of the N.C. State Constitution and Amendment 6 and Amendment 14 of the federal Constitution of the U.S. for lack of subject-matter jurisdiction over the Petitioner, lack of personal jurisdiction, improper venue, insufficient process and failure to state a claim upon which relief can be granted as in accordance with the State statute in Chapter 1A, Article 3 (6)(c) of the N.C. General Statutes and Rule 12(b)(1)(2)(3)(4)(5) and (6) of the Federal Rules of Civil Procedure. A copy of the motion for "Notice of Dismissal" is attached as Ex. A6 at Appendix 9 as incorporated herein by reference.

Furthermore, Petitioner appeared again at Cabarrus County court on April 04, 2023 at 9:30 AM as scheduled. I was called to approach the bench and went before Judge Stephanie L. Reese. Judge Reese began looking over case files and inquired that I present my statement. I informed what had transpired throughout the matter of this case and moved for dismissal because of flagrant abuse of process with continued due process and speedy trial violations and delays throughout the entire ordeal this matter has caused. Judge Reese asked the assistant district attorney [D.A.], Sidney Carter what she wanted to do. The assistant D.A. responded that she wanted to continue the case again on July 25 for trial on July 31, 2023 at 9:30 AM. I immediately objected and moved for dismissal as what I previously stated

during open court as well as what avers in my complaint. While Petitioner contested with reciting all State and Federal laws that have been violated, the D.A. stated that the laws aforementioned do not apply to their court. Petitioner responded that if none of the State and Federal laws recited does not apply in this court then that concludes that I am in an improper venue/tribunal, therefore I am continually being harassed and held hostage while continuing to appear under duress, threat and coercion, and this case need to be dismissed if State and Federal Rules of law do not apply in this court. Moreover, I did also mention during open court that this case will be removed to federal district for these flagrance abuse practices if not properly resolved which was denied.

Over and above that, Petitioner received a phone call from the bail bondsman office on June 14, 2023 at 9:30 AM that they received notification from the Respondent that Petitioner had another FTA and Order for Arrest with a secured bond in the amount of \$75,000 issued for said date of May 31, 2023 which was never mentioned or discussed during my hearing and special appearance on April 24, 2023.

Lastly, Petitioner appeared at Cabarrus County court for my appeal hearing before Judge Aaron Berlin on October 30, 2023. However, when I inquired of my name not being called during calendar call, the assistant D.A. stated I was not on the docket, but I showed proof that I was according to the

email I received from the Superior Court Clerk, Anne Thomas on October 2, 2023. Judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution in accordance with Article VI of the Constitution of the United States and not defraud the public.

## **VII. JURISDICTION AND AUTHORITY**

- I. What is the authority of a judge to issue an ORDER who is not listed in the judicial directory of Cabarrus County or is not part of that district?**
  - a. Judge Stephanie L. Reese, is a Superior Court Judge in Guilford County, NC.**
  - b. Judge Eric C. Morgan, is a Superior Court Judge in Forsythe County, NC.**

### **NC PROSECUTORS RESOURCE:**

#### **101.3(c) - Jurisdiction of Officers and Judicial Officials**

*“As a general rule, judges only have jurisdiction to hear matters and make rulings: (i) during the session of court; (ii) in the county and district where the judge is assigned; and (iii) in the county and district where the matter arose. Subject to a number of exceptions (discussed below), any action taken or order issued on the case that does not satisfy these three criteria is*

void. See *State v. Trent*, 359 N.C. 583 (2005); citing to *Capital Outdoor Adver., Inc. v. City of Raleigh*, 337 N.C. 150 (1994) There are several exceptions to this rule which allow a judge to act in circumstances beyond the scope of the three criteria stated above:

**1. In-chambers Jurisdiction**

*This type of jurisdiction, also termed jurisdiction "in vacation," see N.C.G.S. 7A-47.1, grants superior court judges' jurisdiction to hear matters out-of-session. It applies under the following conditions:*

- a. The judge must be a resident judge in (or currently assigned to or residing in) the district;*
- b. The hearing must concern a non-jury matter; and*
- c. The hearing must be in the county in which the matter arose, unless the parties agree to be heard outside the county.*

**VIII. ASSIGNMENT OF ERRORS**

The trial court committed the following errors:

- 1. The prosecution's evidence is insufficient to prove the guilt of the accused Petitioner beyond reasonable doubt;**
- 2. The trial court erred on imposing the additional penalties of criminal indemnity which are civil and moral damages that is not supported by law and the facts alleged by Respondent.**
- 3. The trial court issued a Failure to Appear and Order for Arrest**

under false pretenses of a date of May 31, 2023 that was never discussed or mentioned at my hearing, nor was entered in the Pretrial Conference Order on April 4, 2023.

4. The trial court falsely arrested and held Petitioner-Appellant in custody for 68 days.

## **IX. ARGUMENT**

### **I. STANDARD OF REVIEW**

The trial court erred by falsely arresting Petitioner without an Oath or affirmation signed by a victim to support probable cause and did not issue a valid warrant as required by the Fourth Amendment of the U.S. Constitution's Bill of Rights and their State statute N.C.G.S. §15A-304 and N.C.G.S. §15A-511. Especially when Respondent issued an order for arrest regarding an FTA for May 31, 2023 that was never discussed during open court, nor was entered on the Pretrial Conference Order and held Petitioner in custody for 68 days. Therefore, the summary judgment is a drastic remedy because Petitioner have been deprived and my unalienable rights and liberties secured by the Constitution have been curtailed and violated by the trial court pursuant to the State of N.C. statute at Article I § 1 of the N.C. State Constitution and in accordance with the Universal Declaration of Human Rights, Articles 1 – 30. See Glenn-Robinson v. Acker 140 N.C. App.

606 (N.C. Ct. App. (2000) – “*Holding that where police officers did not have probable cause, they committed a false arrest*”.

The summary judgment is “particularly inappropriate where issues such as motive, intent, and other subjective feelings and reactions are material and where the evidence is subject to conflicting interpretations throughout this entire 7-year proceeding for traffic. However, the trial court had power to prevent further injury done to Petitioner, but neglected to do so. Instead, the lower [State] courts contributed to the conspiracy by holding Petitioner in custody and is therefore actionable negligence pursuant to 42 U.S. Code § 1986. These are due process violations pursuant to the State statute at Article I §§ 18 – 19 of the North Carolina State Constitution and Amendment 14 of the U.S. Constitution. Toomer v. Garrett, 155 N.C. App. 462 (N.C. Ct. App. 2002)

The Respondent is in violation of the Speedy Trial Act of 1974, by repeatedly having Petitioner appear again and again for said trial/hearings since the inception of this case and should have been dismissed pursuant to 18 U.S.C. § 3161(a)(b)(c)(1)(2). Klopfer v. North Carolina 386 U.S. 213 (1967); State v. Farook (2002)

Melo v. US, 505 F2d1026 states; “Once jurisdiction is challenged, the court cannot proceed when it clearly appears that the court lacks jurisdiction,

the court has no authority to reach merits, but, rather, should dismiss the action."

US v Minker, 350 US 179 at 187(1956) - Supreme Court of the United States 1795 *"Inasmuch as every government is an artificial person, an abstraction, and a creature of the mind only, a government can interface only with other artificial persons. The imaginary, having neither actuality nor substance, is foreclosed from creating and attaining parity with the tangible. The legal manifestation of this is that no government, as well as any law, agency, aspect, court, etc. can concern itself with anything other than corporate, artificial persons and the contracts between them."*

United States v. Throckmorton 98 U.S. 61 (1878) - *"Fraud vitiates everything, and a judgment equally with a contract -- that is, a judgment obtained directly by fraud, and not merely a judgment founded on a fraudulent instrument; for in general the court will not go again into the merits of an action for the purpose of detecting and annulling the fraud."*

Owen vs. City of Independence, 100 S Ct. 1398; Maine vs. Thiboutot, 100 S. Ct. 2502; and Hafer vs. Melo, 502 U.S. 21 - Officials and judges are deemed to know the law and sworn to uphold the law; officials and judges cannot claim to act in good faith in willful deprivation of law, they certainly cannot plead ignorance of the law, even the Citizen cannot plead ignorance of the law, the courts have ruled there is no such thing as ignorance of the law,

it is ludicrous for learned officials and judges to plead ignorance of the law, therefore there is no immunity, judicial or otherwise, in matters of rights secured by the Constitution for the United States of America.

## **X. REASON FOR GRANTING THE WRIT**

**A. To correct and avoid erroneous deprivations of rights that are secured and protected by the State and Federal Constitution of the United States.**

## **XI. CONCLUSION AND RELIEF SOUGHT**

Petitioner have been abused flagrantly and violated throughout this whole ordeal by Respondent, and my livelihood continues to be placed in jeopardy. Petitioner respectfully entreats this Court to grant a writ of certiorari to review the inferior and trial courts' judgment(s) to determine if the correct rules, laws and actions were applied. For all the reasons detailed herein, there are issues of material fact that warrant reversal of the Superior Court's entry of summary judgment. Petitioner therefore entreats that this Court to reverse and vacate the judgment of the Trial Court based on all that was aforementioned and presented.

Christy v. Elliott, 216 | 131, 74 HE 1035, LRA NS 1905-1970 states; "Speeding, running stop signs, traveling without license plates, or registration are not threats to the public safety, and thus are not arrestable offenses.".

"However late this objection has been made, or may be made in any cause, in an inferior or appellate court of the United States, it must be

*considered and decided, before any court can move one further step in the cause; as any movement is necessarily the exercise of jurisdiction.” Rhode Island v. Massachusetts, 37 U.S. 657, 718, 9 L.Ed. 1233 (1838)”*

*“Where there is no jurisdiction over the subject matter, there is, as well, no discretion to ignore that lack of jurisdiction. [John J. Joyce v. United States of America, 474 F.2d 215, 219] Joyce v. U.S., 474 F.2d 215, 219 (C.A.3 (Pa.), 1973]”.*

*“When it clearly appears that the court lacks jurisdiction, the court has no authority to reach the merits. In such a situation the action should be dismissed for want of jurisdiction. [Melo v. US, 505 F2d 1026, 1030]”.*

*“Holding that an individual cannot be sanctioned or penalized for exercising his or her constitutional rights”. - Sherar v. Cullen, 481 F.2d 945.*

Respectfully submitted,

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