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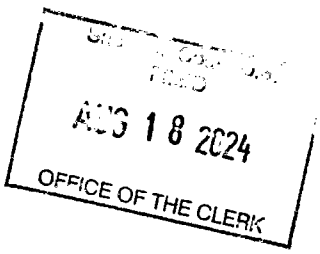

SUPREME COURT of the UNITED STATES

DONAT CALEB PORTER

Petitioner

V.

STATE OF NORTH CAROLINA

Respondent

ON PETITION FOR WRIT OF CERTIORARI
TO THE NORTH CAROLINA COURT OF APPEALS
AND NORTH CAROLINA SUPREME COURT

PETITION FOR A WRIT OF CERTIORARI

DONAT CALEB PORTER
PRO SE
6848 ALANBROOK RD
CHARLOTTE, NC 28215
(704) 315-1099

I

QUESTIONS PRESENTED

1. The petitioner asks this Court to provide more clarity to current federal case law that has been established regarding the exceptions of exigent circumstances while balancing the protections provided by the Fourth Amendment as applied.
2. The petitioner asks of this court to provide more clarification regarding the police powers of the State and its officials to defendants including pro se individuals in regard to constitutional challenges during the entire process of litigation.
3. Does North Carolina's Controlled Substance Act and the Federal Substance regarding marijuana as applied and on its face in any way violate the petitioners and other citizen's constitutional rights?

II

PARTIES

The Petitioner is Donat Caleb Porter, and the Respondent is the State of North Carolina

RELATED PROCEEDINGS

Donat Caleb Porter v. State of North Carolina No. COA22-516, North Carolina Court of Appeals, judgement entered 19 December 2023

Donat Caleb Porter v. State of North Carolina, No. 348P23, North Carolina Supreme Court, judgement entered 21 May 2024

Donat Caleb Porter v. State of North Carolina, No. P24-381, North Carolina Court of Appeals, judgement entered 7 August 2024

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APPENDIX

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On 19 December 2023, the Court of Appeals issued its unpublished opinion, finding no error in the trial court's denial of Mr. Porter's motion to suppress evidence and no error in the trial court's denial of his motion to dismiss.On the 23rd of January, the defendant filed a petition for discretionary review to the North Carolina Supreme that was denied on May 21st 2024 without opinion. On April 22, 2024, the defendant filed a motion for appropriate relief with the trial court, the motion was denied without hearing on May 14th, 2024. The defendant filed an application for Temporary Stay and Petition for Writ of Supersedeas with the North Carolina Court of Appeals on June 6th, 2024, and was dismissed on the June 7th, 2024. On Writ of Cert to North Carolina Court of Appeals, the writ of cert was docketed on June 27th, 2024, and denied on August 7th, 2024, without opinion.

JURISDICTION

28 U.S. Code section § 1257 (a)(b)

TABLE OF CITED AUTHORITIES

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Const. Amend I

U.S. Const. Amend IV

U.S. Const. Amend VI

U.S. Const. Amend VIII

U.S. Const. Amend IX

U.S. Const. Amend X

U.S. Const. Amend XIV

STATEMENT OF THE CASE

On 06/29/2018 at 4:43, deputies of the Cabarrus County Sheriff's Department were called to 978 Avery Court, Concord North Carolina. Deputy Grooms and Lt. James N. Bailey arrived at the petitioners address at 970 Avery Ct at 4:48 in response to the petitioner being a victim of a home invasion and a gunshot wound, the petitioner was located at his neighbor's front porch at the time of the call to communications and the arrival of law enforcement. According to the discovery, at 4:50 am Lt. Bailey arrived on scene, Deputy Grooms secured 970 Avery, and "checked all the doors; all the doors were locked and closed." Lt. Bailey went to 978 Avery, where the victim, Donat Porter was located. At 04:52 EMS and Allen Fire Department arrived on the scene to treat the victim. At 04:53 Deputies Rominger and Hinson arrived on the scene and assisted Deputy Grooms with securing the residence at 970 Avery Ct. At 04:59 Lt. Bailey contacted on-call CID Detective Helms and advised him of the situation. At 05:04 while knocking on the door trying to make contact at 970 Avery Ct. the front door opened partially. Deputy Grooms noticed signs of forced entry on the front door to include a footprint on the door and a broken door frame. Deputy Grooms earlier indicated that he had checked all the doors at 970 Avery Ct and that the premises was locked and closed and after fourteen minutes waiting on the front porch did, he then notice signs of forced entry.

This case first came on for a motions hearing before the Honorable Marty B. McGee, Superior Court Judge, presiding, at the May 6, 2019, session of criminal

Superior Court of Cabarrus County. The hearing was held on May 9, 2019, and the hearing court denied the motion to suppress evidence and the motion to dismiss the indictment. (HTpp 33-36, 40-42, Rp 55)

The case then came on for trial before the Honorable Lori Hamilton, Superior Court Judge, presiding, at the October 11, 2021, session of criminal Superior Court of Cabarrus County. Donat Caleb Porter was brought before the court on charges of possession with intent to manufacture, sell, or deliver marijuana; maintaining a vehicle, dwelling, or place for the keeping or storing of a controlled substance; manufacturing marijuana; and possession of marijuana paraphernalia. (Tp 52, Rpp 7-8) Mr. Porter was tried by jury and the jury returned verdicts of guilty of felony possession of marijuana, maintaining a dwelling for the keeping or storing of a controlled substance, manufacturing marijuana, and possession of marijuana paraphernalia. (Tpp 380-82, Rpp 98-99) The trial court entered judgment on October 13, 2021, consolidating the charges into two judgments and committing Mr. Porter to the custody of the North Carolina Department of Adult Corrections for two consecutive terms of 6 to 17 months. (Tpp 384-88, Rpp 102-09) Those sentences were suspended, and Mr. Porter was placed on supervised probation for 24 months. (Tpp 385-88, Rpp 102-09) The trial court ordered that Mr. Porter serve an active sentence of one day and gave him credit for time served. (Tp 387, Rpp 102-09) Mr. Porter entered notice of appeal in open court on the same day. (Tp 389, Rpp 111, 112-14)

On 19 December 2023, the Court of Appeals issued its unpublished opinion, finding no error in the trial court's denial of Mr. Porter's motion to suppress evidence and no error in the trial court's denial of his motion to dismiss.On the 23rd of January, the defendant filed a petition for discretionary review to the North Carolina Supreme that was denied on May 21st 2024 without opinion. On April 22, 2024, the defendant filed a motion for appropriate relief with the trial court, the motion was denied without hearing on May 14th, 2024. The defendant filed an application for Temporary Stay and Petition for Writ of Supersedeas with the North Carolina Court of Appeals on June 6th, 2024, and was dismissed on the June 7th, 2024. On Writ of Cert to North Carolina Court of Appeals, the writ of cert was docketed on June 27th, 2024, and denied on August 7th, 2024, without opinion.

REASONS FOR GRANTING THE WRIT

I. THIS CASE INVOLVES LEGAL PRINCIPLES OF MAJOR SIGNIFICANCE TO THE JURISPRUDENCE OF SERVAL STATES AND FEDERAL COURTS BY BRINGING UNIFORMITY OF CASE LAW.

II. THE SUBJECT MATTER OF THIS APPEAL HAS SIGNIFICANT PUBLIC INTEREST FOR MILLIONS OF INDIVIDUALS WITHIN THE BOUNDARIES OF THE UNITED STATES, AND THOUSANDS OF INDIVIDUALS IN THE PROCESSES OF AMERICAN JURISPRUDENCE.

III. THE DECISIONS OF THE NORTH CAROLINA ARE LIKELY TO BE IN CONFLICT WITH A DECISION OF THE UNITED STATES SUPREME COURT.

I

The petitioner argues that the deputies had approached the door, knocked and noticed that the petitioner's home was locked and secured, then after calling Detective Joshua Helms, and after waiting around for approximately 15 minutes the trained officers then noticed a shoe print and that the door seemed to be kicked in. The officers only discovered this after which the petitioner had the door locked by his neighbor before law enforcement arrived, and once the petitioner was in the ambulance headed to the hospital and unable to protect his home. The petitioner argues that if police needed to entry for their safety, to give immediate aid, prevent someone from destroying evidence, etc; then why wait fifteen minutes and not immediately go in after initially first making contact with the home and having it surrounded. It can be reasonably assumed that a properly trained officer would have noticed signs of forced entry when first making contact and noticing that the house was locked and secured, its unreasonable that it would take a trained officer fifteen minutes to notice.

> Quoting *United States v. White, 748, F. 3d 507 (3d Cir. 2014)* "That Tropper Hoban's search was justified under Buie and further by the presenting of "exigent circumstances."... denying White's suppression motion based on its conclusion that Trooper Hoban's warrantless search of White's home was a limited a permissible search "incident to arrest," not requiring probable cause or reasonable suspicion. We hold that Buie's prong 1 exception is not available where the arrest took place "just outside the home," just as we stated in Sharrar, 128 F.3d at 824. Here, it is undisputed that White was arrested approximately 20 feet outside the entrance to his home.""

The petitioner argues that he was on the front porch of his neighbor's home, two houses away, when the neighbor called police and they arrived, the defendant also

wasn't under arrest but was a victim of a gunshot resulting from a home invasion. Also, the officer's at the suppression hearing and a at trial testified neither that they had information that someone else was in the home, the intruders or other victims, or someone that they witnessed fleeing in hot pursuit, or needing to render aid.

> Quoting *United States v. Colbert, 76 F.3d. 773 (6th Cir. 1996)* Finally, Officer Hawes testified that he "didn't have any information at all" when asked whether he had information that anyone was inside the Lewis apartment prior to his decision to conduct the protective sweep. Lack of information cannot provide an articulable basis upon which to justify a protective sweep. See *United States v. Delgadillo-Velazquez, 856 F.2d 1292, 1298 (9th Cir.1988)* (holding a protective sweep unconstitutional where officers had "no information that any other persons were in the apartment"); United States v. Akrawi, 920 F.2d 418, 420-21 (6th Cir.1990) (holding unconstitutional a sweep of the second floor of a house after arrest occurred on first floor where officers could point to "no specific basis" for believing anyone posed a threat from the second floor). Indeed, this justification threatens to swallow the general rule requiring that police obtain a warrant as completely as does focusing on the dangerousness of the arrestee.2 In fact, allowing the police to conduct protective sweeps whenever they do not know whether anyone else is inside a home creates an incentive for the police to stay ignorant as to whether or not anyone else is inside a house in order to conduct a protective sweep. Finally, and perhaps most importantly, allowing the police to justify a protective sweep on the ground that they had no information at all is directly contrary to the Supreme Court's explicit command in Buie that the police have an articulable basis on which to support their reasonable suspicion of danger from inside the home. "No information" cannot be an articulable basis for a sweep that requires information to justify it in the first place.
>
> Quoting *United States v. Cursi, 867 F. 2d 36 (1st Cir. 1989)* "this is not a case where officers in hot pursuit cornered dangerous criminals and were compelled to act on the spur of the moment. Rather, though the quest was hazardous, at the end the agents enjoyed the luxury of time and the opportunity to indulge in cool premeditation as to the tactics to be employed in Williams's arrest... "not brook the delay of obtaining a warrant." Gerry,

845 F. 2d at 36. Time was ample; manpower abounded; the premises were surrounded and secured; the neighbors had to be led to safety; the drama was being played out during daylight hours and in an urban setting. All in all, the situation was in good control. There is simply no credible evidence to suggest that obtaining a search warrant would have increased the risk of violence, escape, or destruction of evidence — or even delayed the search."

Quoting *United States v. Timman, 741 F.3d 1170 (11th Cir. 2013)* The Fourth Amendment provides that "[t]he right of the people to be secured in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated." U.S. Const. Amend. IV. The Fourth Amendment's prohibition against unreasonable searches and seizures is enforceable against the states through the Fourteenth Amendment. Mapp v. Ohio, 367 U.S. 643, 654-55, 81 S.Ct. 1684, 1691, 6 L.Ed.2d 1081 (1961). Central to the protections provided by the Fourth Amendment is "the right of a man to retreat into his own home and there be free from unreasonable governmental intrusion." Kyllo v. United States, 533 U.S. 27, 31, 121 S.Ct. 2038, 2041, 150 L.Ed.2d 94 (2001) (quoting Silverman v. United States, 365 U.S. 505, 511, 81 S.Ct. 679, 683, 5 L.Ed.2d 734 (1961)). Therefore, "searches and seizures inside a home without a warrant are presumptively unreasonable." Brigham City, Utah v. Stuart, 547 U.S. 398, 403, 126 S.Ct. 1943, 1947, 164 L.Ed.2d 650 (2006) (quoting Groh v. Ramirez, 540 U.S. 551, 559, 124 S.Ct.1284, 1290, 157 L.Ed. 2d 1068 (2004)).

Nevertheless, there are several well-established exceptions to the warrant requirement. One such exception permits warrantless entry when "exigent circumstances" create a "compelling need for official action and [there is] no time to secure a warrant." United States v. Holloway, 290 F.3d 1331, 1334 (11th Cir. 2002) (quoting Michigan v. Tyler, 436 U.S. 499, 509, 98 S. Ct. 1942, 1949, 56 L.Ed.2d 486 (1978)). In such a case, "the exigencies of the situation' make the needs of law enforcement so compelling that the warrantless search is objectively reasonable under the Fourth Amendment." Mincey v. Arizona, 437 U.S. 385, 394, 98 S.Ct. 2408, 2414, 57 L.Ed2d 290 (1978) (quoting McDonald v. United States, 335 U.S. 451, 456, 69 S.Ct. 191, 193, 93 L.Ed. 153 (1948)). The most urgent of these exigencies is "the need to protect or preserve life" in an emergency situation. Holloway, 290 F.3d at 1335. This is known as the "emergency aid" exception Kentucky v. King, — U.S. —, 131 S.Ct. 1849, 1856, 179 L.Ed.2d 865 (2011).

"Under the 'emergency aid' exception, ... 'officers may enter a home without a warrant to render emergency assistance to an injured occupant or to protect an occupant from imminent injury.' " Id. (quoting Brigham City, 547 U.S. at 403, 126 S.Ct. At 1947). In order for the exception to apply, officers must have an objectively reasonable belief that someone inside is "seriously injured or threatened with such injury," and is need of immediate aid. Brigham City, 547 U.S. at 403-04, 126 S.Ct. At 1947-48. "The officer's subjective motivation is irrelevant." Id. at 404, 126 S.Ct. At 1948. The government bears the burden of demonstrating that the exception applies. Holloway, 290 F.3d at 1337.

United States v. Holloway, this court held that for the emergency aid exception to apply, the "Government must demonstrate both exigency and probable cause," and that "in an emergency, the probable cause element must be satisfied where officers reasonably believe a person is in danger." 290 F.3d 1331, 1337-38 (11th Cir. 2002). In Brigham City, the Supreme Court clarified that, for the exception to apply, the Fourth Amendment requires a showing that officers had an objectively reasonable belief that someone in the home is injured or threatened with injury— rejecting an approach centered on the officers' subjective motivation— without explicitly addressing whether this showing is to be made under the mantle of "probable cause." Brigham City, Utah v. Stuart, 547 U.S. 398, 403-05, 126 S.Ct. 1943, 1947-48, 164 L.Ed.2d 650 (2006). The Court affirmed this approach in Michigan v. Fisher, 558 U.S. 45, 130 S.Ct. 546, 175 L.Ed.2d 410 (2009). In Michigan, the Court held that the " 'emergency aid exception' .... Requires only 'an objectively reasonable basis for believing' that 'a person within [the house] is in need of immediate aid ....' " (alteration in original) (internal citations omitted). Id. At 47, 130 S.Ct. At 548. Because this is essentially the same approach this court applied in Holloway—- requiring a reasonable belief that a person is in danger coupled with an immediate need to act— we find that Brigham City did not alter our test for the emergency aid exception. See Holloway, 290 F.3d at 1337-38

Quoting *United States v. Walker, 474 F.3d. 1249 (10th Cir. 2007)* "This court has stated that a "protective sweep" of a residence to ensure officer safety may take place only incident to an arrest. See United States v. Torres-Castro, 470 F.3d 992, 996-97 (10th Cir. 2006) (collecting cases); United States v. Davis, 290 F.3d 1239, 1242 n. 4 (10th Cir. 2002) ("As it appears in the first sentence of Buie, 'a "protective sweep" is a quick and limited search of the

premises, incident to an arrest and conducted to protect the safety of police officers or others.' (internal brackets omitted)) (quoting Buie, 494 U.S. at 328, 110 S.Ct. 1093). But Mr. Walker had not yet been arrested when the officers conducted the sweep, and the government has not argued that the sweep was incident to an arrest."... "Turning next to Deputy Parker's entry into the house, we agree with Mr. Walker that the entry was a Fourth Amendment intrusion. To justify the entry, the government relies on the exigent-circumstances doctrine. See United States v. Najar, 451 F.3d 710 (10th Cir. 2006). This doctrine creates an exception to the general prohibition of warrantless entries when (1) the officers had an objectively reasonable basis to believe that there was an immediate need to enter to protect the safety of themselves or others, and (2) the conduct of the entry was reasonable.. The government has the burden of demonstrating both elements See United States v. Scroger, 98 F.3d 1256, 1259 (10th Cir. 1996)... ("One exigency obviating the requirement of a warrant is the need to assist person who are seriously injured or threatened with such injury.") Najar, 451 F.3d at 714 (" '[T]he Fourth Amendment does not bar police officers from making warrantless entries and searches when they reasonably believe that a person within is in need of immediate aid.' " (quoting Mincey v. Arizona, 437 U.S. 385, 392, 98 S.Ct. 2408, L.Ed.2d 290 (1978))).

Quoting *Florida v. Jardines, 569 U.S. 1 (2013)* (Justice Alito dissenting) Similarly, a visitor may not linger at the front door for an extended period. See 9 So. 3d 1, 11 (Fla. App. 2008) (case below) (Cope, J., concurring in part and dissenting in part) ("There is no such thing as squatter's rights on a front porch. A stranger may not plop down uninvited to spend the afternoon in the front porch rocking chair or throw down a sleeping bag to spend the night, or lurk on the front porch, looking in the window"). This license is limited to the amount of time it would customarily take to approach the door, pause long enough to see if someone is home, and (if not expressly invited to stay longer), leave.

The United States Supreme Court has held that "wherever an individual may harbor a reasonable 'expectation of privacy,' he is entitled to be free from unreasonable governmental intrusion." Terry, 392 U.S. at 9 (quoting Katz, 389 U.S. at 351 (Harlan, J., concurring)). Nowhere is this right more resolute than in the private home: " 'At the very core' of the Fourth Amendment 'stands the right of a man to retreat into his own home and there be free from unreasonable governmental intrusion.' "Kyllo, 533 U.S. at 31 (quoting

Silverman v. United States, 365 U.S. 505, 511 (1961)). "After the 'sniff test' was completed ... Detective Pedraja, after waiting at the residence for fifteen or twenty minutes, also left the scene to prepare a search warrant and to submit it to a magistrate. (quoting Jardines v. Florida, 569 U.S. 1 (2013))" "We have accordingly recognized that "the knocker on the front door is treated as an invitation or license to attempt an entry, justifying ingress to the home by solicitors, hawkers and peddlers of all kinds." Breard v. Alexandria, 341 U.S. 622, 626 (1951). This implicit license typically permits the visitor to approach the home by the front path, knock promptly, wait briefly to be received, and then (absent invitation to linger longer) leave. Complying with the terms of that traditional invitation does not require fine-grained legal knowledge; it is generally managed without incident by the Nation's Girl Scouts and trick-or-treaters. Thus, a police officer not armed with a warrant may approach a home and knock, precisely because that is "no more than any private citizen might do." Kentucky v. King, 563 U.S.__, __, (2011) (slip op., at 16).

"It would have insisted on maintaining the "practicable value" of that right by prevent police officers from standing in an adjacent space and "trawling for evidence with impunity." Ante, at 4. It would have explained that " 'privacy expectations are most heightened' " in the home and the surrounding area. Ante, at 4-5 (quoting California v. Ciraolo, 476 U.S. 207, 213 (1986)).

Quoting *Rodriguez v. United States, 575 U.S. 348 (2015)* A seizure for a traffic violation justifies a police investigation of that violation. "[A] relatively brief encounter," a routine traffic stop is "more analogous to a so-called 'Terry stop'... than to a formal arrest." Knowles v. Iowa, 525 U.S. 113, 117, 119 S.Ct. 484, 142 L.Ed.2d 492 (1998) (quoting Berkemer v. McCarty, 468 U.S. 420, 439, 104 S.Ct. 3138, 82 L.Ed.2d 317 (1984), in turn citing Terry v. Ohio, 392 U.S. 392 U.S. 1 (1968)). See also Arizona v. Johnson, 555 U.S. 323, 330 (2009). Like a Terry stop, the tolerable duration of a police inquiries in the traffic-stop context is determined by the seizure's "mission" – to address the traffic violation that warranted the stop, Caballes, 543 U.S., at 407, and attend to related safety concerns, infra, at 6-7. See also United States v. Sharpe, 470 U.S. 675, 685 (1985); Florida v. Royer, 460 U.S. 491, 500 (1983) (plurality opinion) ("The scope of the detention must be carefully tailored to its underlying justification."). Because addressing the infraction is the purpose of the stop, it may "last no longer than is necessary to effectuate that purpose." Ibid. See also Caballes, 543 U.S., at 407. Authority for the seizure

thus ends when tasks tied to the traffic infraction are-or reasonably should have been-completed. See Sharpe, 470 U.S., at 686 (in determining the reasonable duration of a stop, "it [is] appropriate to examine whether the police diligently pursued [the] investigation").

Our decisions in Caballes and Johnson heed these constraints. In both cases, we concluded that the Fourth Amendment tolerated certain unrelated investigations that did not lengthen the roadside detention. Johnson, 555 U.S., at 327-328 (questioning); Caballes, 543 U.S., at 406, 408 (dog sniff). In Caballes, however we cautioned that a traffic stop "can become unlawful it is prolonged beyond the time reasonably required to complete the mission" of issuing a warning ticket. 543 U.S., at 407. And we repeated that admonition in Johnson: The seizure remains lawful only "so long as [unrelated] inquiries do not measurably extend the duration of the stop." 555 U.S., at 333. See also Muehler v. Mena, 544 U.S. 93, 101 (2005) (because unrelated inquires do not "extend the time [petitioner] was detained, ... no additional Fourth Amendment justification... was required").

II

(I) Petitioner argues the Office of District Attorney's Office of Cabarrus County abused their state power by attempting to coerce Porter from challenging the constitutionality of the North Carolina marijuana laws. (I) Assistant District Attorney Jennifer Taylor during trial requested that Porter to be prevented from explaining to the jury his constitutional challenge during trial and deliberations, example in certain cases a person would be able to give jury instructions for self defense:

> Holmes v. South Carolina, 547 U.S. 319 (2006) "[S]tate and federal rulemakers have broad latitude under the Constitution to establish rules excluding evidence from criminal trials." United States v. Scheffer,523 U. S. 303, 308 (1998); see also Crane v. Kentucky, 476 U. S. 683, 689–690 (1986); Marshall v. Lonberger, 459 U. S. 422, 438, n. 6 (1983); Chambers v. Mississippi, 410 U. S. 284, 302–303 (1973); Spencer v. Texas, 385 U. S. 554, 564 (1967). This latitude, however, has limits. "Whether rooted directly in the Due Process Clause of the Fourteenth Amendment or in the Compulsory Process or Confrontation

clauses of the Sixth Amendment, the Constitution guarantees criminal defendants 'a meaningful opportunity to present a complete defense.' "Crane, supra, at 690 (quoting California v. Trombetta, 467 U. S. 479, 485 (1984); citations omitted). This right is abridged by evidence rules that "infring[e] upon a weighty interest of the accused" ' and are arbitrary' or 'disproportionate to the purposes they are designed to serve.' " Scheffer, supra, at 308 (quoting Rockv. Arkansas, 483 U. S. 44, 58, 56 (1987)).

See Rogers v. State, No. PD-0242-19 (Tex. Crim. App. Oct. 26, 2022) The United States Constitution "guarantees criminal defendants 'a meaningful opportunity to present a complete defense.' " Crane v. Kentucky, 476 U.S. 683, 690 (1986) (quoting California v. Trombetta, 467 U.S. 479, 485 (1984)). When a trial court's rulings collectively operate to undermine a defendant's fair opportunity to defend himself, due process concerns are implicated. A court's evidentiary rulings excluding evidence might rise to the level of a constitutional violation under two scenarios: first, "when a state evidentiary rule categorically and arbitrarily prohibits the defendant from offering otherwise relevant, reliable evidence which is vital to his defense; and" second, "when a trial court's clearly erroneous ruling excluding otherwise relevant, reliable evidence which forms such a vital portion of the case effectively precludes the defendant from presenting a defense." Williams v. State, 273 S.W. 3d 200, 232 (Tex. Crim. App. 2008) (citing Potier v. State, 68 S.W. 3d 657, 659-62 (Tex. Crim. App. 2002)). "In other words, the erroneous ruling" implicates the Constitution if it "goes to the heart of the defense." Wiley v. State, 74 S.W.3d 399, 405 (Tex. Crim. App. 2002) The trial court's rulings in this case collectively rise to the level of a constitutional violation. Here, the trial court consistently precluded the possibility of multiple defensive theories-often on its own accord without prompting by the State-and regularly expressed frustration with defense counsel for attempting to develop a defense. Ultimately, this case is a prime example of the ways in which a trial court's evidentiary ruling can undermine "the heart of the defense." See Wiley, 74, S.W. 3d at 405

(II) The petitioner claims the only reason why trial even took place was because defendant Porter was exercising his first amendment rights, quoting ADA Taylor from transcripts on November 4th 2021 "Since June of this year they've been

outside the courthouse with what they call protesting;" none of the other individuals that protested have been arrested, yet the bond was increased only for defendant Porter and was arrested; and those felony charges carry a more harsh punishment than the pending misdemeanor marijuana charges *see* Gonzalez v. Trevino, 602 U.S. ____(2024) "[T]he law is settled that as a general matter the First Amendment prohibits government officials from subjecting a individual to retaliatory actions, including criminal prosecutions, for speaking out" *Hartman v. Moore,* 547 U.S. 250, 256 (2006) "We recognized the *Nieves* exception to account for 'circumstances where officers have probable cause to make arrests, but typically exercise their discretion not to do so." 587 U.S., at 406

(III) the defendant addressed the pending misdemeanor marijuana charges on October 13th 2021 where the Honorable Lori Hamilton asked ADA Taylor her next trial session and ADA Taylor responded "January 31st" referring to January 31st 2022, now over two years later the defendant Porter has yet had trial for those pending charges *19CR 716049 and 19CR 716050,* nearing 5 years without his day in court

(III) the defendant on November 1st 2021 was exercising his constitutional right to protest and ADA Taylor on November 4th, 2021 made claims that defendant Porter walked towards her with a sign which there is a video contrary to her claims, ADA Taylor also made the claim that defendant Porter was harassing her; *Snyder v. Phelps* 562 U.S. 443 (2011) a claim in direct violation of Supreme Court precedent; ADA Taylor requested a bond increase to deter Porter from exercising

his constitutional rights and appealing his conviction; if the claim of harassment was true then why wasn't Porter charged, Porter believes that ADA Taylor's claim wouldn't have convinced a jury at trial

(IV) On January 3rd 2024 the North Carolina Supreme Court issued a stay of defendants probationary sentence, on Thursday evening January 4th, 2024 defendant Porter attended the Cabarrus County Republican General Meeting with the intention of speaking with legislators on the grounds of legalizing marijuana, the defendant never had an opportunity to speak with legislators before he was escorted out by the Concord Police Department for no underlying reason but to be prevented from exercising his rights, On Monday January 8th, 2024, wrongfully probation was activated, and later initiated a false probation violation, which was done in defiance of the North Carolina Supreme Court; the probation officer went to the defendant's old address and stated the defendant was absconding; the defendant argues that the address reflected on his drivers license was changed several years ago, the defendant was also instructed by the Honorable Lori Hamilton to report to probation as reflected in the transcripts arising on October 13th 2021. At that time Porter gave the probation office his current address and phone number, the same number that the defendant has had for approximately 15 years, the defendant also visited the DMV on January 8th 2024, to obtain his commercial driver license permit, and again to obtain his full licensure; again with the same address, the sheriff deputy that arrested him for the violation stated he looked for the defendant using the DMV.

In the Supreme Court's most recent decision *National Rifle Association of America v. Vullo (2024)* the Court held:

(a) At the heart of the First Amendment's Free Speech Clause is the recognition that viewpoint discrimination is uniquely harmful to a free and democratic society. When government officials are "engaging in their own expressive conduct," though, "the Free Speech Clause has no application." Pleasant Grove City v. Summum, 555 U.S. 460, 467. "When a government entity embarks on a course of action, it necessarily takes a particular viewpoint and rejects others, and thus does not need to "maintain viewpoint-neutrality when its officers and employees speak about that venture." Matal v. Tam, 582 U.S. 218, 234. While a government official can share her views freely and criticize particular beliefs in the hopes of persuading others, she may not use the power of her office to punish or suppress disfavored expression. In Bantam Books, Inc. v. Sullivan, 372 U.S. 58, this Court explored the distinction between permissible attempts to persuade and impermissible attempts to coerce. This Court explained that the First Amendment prohibits government officials from relying on the "threat of invoking legal sanctions and other means of coercion... to achieve the suppression" of disfavored speech. Id., at 67. Although the defendant in Bantam Books, a state commission that blacklisted certain publications, lacked the "power to apply formal legal sanctions," the coerced party "reasonably understood" the commission to threaten adverse action, and thus its "compliance with the commission's directives was not voluntary." I'd., at 66-68. To reach this conclusion, the Court considered things like: the commission's authority; the commission's communications; and the coerced party's reaction to the communications. Id., at 68. The Court of Appeals have since considered similar factors to determine whether a challenged communication is reasonably understood to be a coercive threat. Ultimately, Bantam Books stands for the principle that a government official cannot directly or indirectly coerce a private party to punish or suppress disfavored speech on her behalf. Pp. 8-11

(b) To state a claim that the government violated the First Amendment through coercion of a third party, a plaintiff must plausibly allege conduct that, viewed in context, could be reasonably understood to convey a threat of adverse government action in order to punish or suppress speech. See Bantam Books, 372 U.S., at 67-68. Here, the NRA plausibly alleged that Vullo violated the First Amendment by coercing DFS-regulated entities into

dissociating with the NRA in order to punish or suppress gun-promotion advocacy.

(V) the petitioner argues that several counties in North Carolina are no longer prosecuting marijuana charges which violates the U.S. Constitution and the defendant's constitutional rights. The defendant believes ADA Taylor is abusing her position of power and the judicial process in order to have Porter defect from his attempt of changing the marijuana laws. The defendant only went to trial because he was protesting outside of the courthouse for months, once the protesting outside of the courthouse stopped, he was never given a trial date for his pending marijuana misdemeanor charges, also ADA Taylor requested of the Honorable Lori Hamilton to sentence the defendant to the maximum penalty when his prior convictions wouldn't warrant it. Black (African American) citizens chosen for jury duty were stricken by Jenifer Taylor, resulting in a nearly all white jury, with one black juror, also one of the jurors was the teacher for the son of the district attorney Roxann Vaneekhoven, also the defendant submitted several pre-trial motions pertaining to the composition of jury selection *Flowers v. Mississippi,* No. 17-9572, 588 U.S.__ (2019).

> See *United States v. Armstrong, 517 U.S. 456 (1996)* Respondents urge that cases such as Batson v. Kentucky, 476 U. S. 79 (1986), and , cut against any absolute requirement that there be a showing of failure to prosecute similarly situated individuals. We disagree.
> In Batson, we considered "[t]he standards for assessing a prima facie case in the context of discriminatory selection of the venire" in a criminal trial. 476 U. S., at 96. We required a criminal defendant to show "that the prosecutor has exercised peremptory challenges to remove from the venire members of the defendant's race" and that this fact, the potential for abuse inherent in a peremptory strike, and "any other relevant circumstances raise an inference

> that the prosecutor used that practice to exclude the veniremen from the petit jury on account of their race."

Both state and federal constitutional provisions guarantee proportionality in sentencing. The U.S. Supreme Court has held that the right to proportionality in sentencing is violated only when a comparison between the offense gravity and the sentence severity reveals "gross disproportionality." In cases where a court finds gross disproportionality, the court must review both sentences received within the state for more and less serious crimes, and sentences received in other states for the same crime. *Solem v. Helm*, 463 U.S. 277 (1983); State v. Hensley, 156 N.C. App. 634, 639 (2003). "Only in exceedingly unusual non-capital cases will the sentences imposed be so grossly disproportionate as to violate the Eighth Amendment's proscription of cruel and unusual punishment." State v. Ysaguire, 309 N.C. 780, 786 (1983); State v. LaPlanche, 349 N.C. 279, 284 (1998). "Every valid enactment of enactment of a general law applicable to the whole state shall operate uniformly upon persons and property, giving to all under like circumstances equal protection and security, and neither laying burdens nor conferring privileges upon and person that are not laid or conferred upon other under the same circumstances or conditions." State v. Fowler, 193 N.C. 290, 292 (1927) (statute immunizing residents of counties from prison sentence applicable to residents in all other counties violated equal protection)

Petitioner Porter believes that a underlaying ulterior motive has caused an abuse of process throughout the judicial proceedings of this case. During trial defendant Porter was permitted from constitutionally challenging the laws against

him by the prosecutor, jurors that believed in being conscientious objectors (a removed juror by the State), from informing the jury from knowing that a constitutional challenge was present during trail, a request made by the State to the Court. This a clear violation of the United States Constitution, the North Carolina Constitution, and Court precedent. "This court has frequently held that, while an unconstitutional act is no law, attacks upon the validity of laws can only be entertained when made by those whose rights are directly affected by the law or ordinance in question. Only such persons, it has been settled, can be heard to attack the constitutionality of the law or ordinance." "The police power of the state must be exercised in subordination to the provisions of the U.S. Constitution." *Buchanan v. Warley*, 245 U.S. 60 (1917)

Even assuming that the statute is content neutral and thus subject to intermediate scrutiny, the provision is not """narrowly tailored to serve a significant governmental interest."""" McCullen v. Coakley, 573 U.S. __, __. However, the assertion of a valid governmental interest "cannot, in every context, be insulated from all constitutional protections." Stanley v. Georgia, 394 U.S. 557, 563. "Questions may occur which we would gladly avoid; but we cannot avoid them. All we can do is, to exercise our best judgement, and conscientiously to perform our duty." Cohens v. Virginia, 19 U.S. 264, 404 (1821) "denying a federal forum would clearly serve an important countervailing interest." Quackenbush v. Allstate Ins. Co., 517 U.S. 706, 716 (1992).

> Quoting Davis v. United Staes, 589 U.S. ____ (2020) Because appellant did not object to the prosecutor's statements at trial, we review the case only for

> plain error. E.g., United States v. Hernandez, 921 F.2d 1569, 1573 (11th Cir.) cert. denied sub nom. Tape v. United States, ---U.S. ---, 111 S. Ct. 2271, 114 L.Ed. 2d 722 (1991); United States v. Sorondo, 845 F.2d 945,949 (11th Cir. 1988). Plain error is "error which, when examined in the context of the entire case, is so obvious that failure to notice it would seriously affect the fairness, integrity and public reputation of judicial proceedings." Sorondo, 845 F.2d at 949 (quoting United States v. Russell, 703 F. 2d 1243, 1248 (11th Cir. 1983))... *See Davis v. United Sates,* No. 19-5421 (Mar. 23, 2020) (*per* curiam) "Almost every other Court of Appeals conducts plain-error review of unpreserved arguments, including unpreserved factual arguments." *See, e.g., United States v. González-Castillo,* 562 F. 3d 80, 83-84 (CA1 2009); *United Statess v. Romeo,* 385 Fed. Appx. 45, 49-50 (CA2 2010); *United States v. Griffiths,* 504 Fed. Appx. 122, 126-127 (CA3 2012); *United States v. Sargent,* 19 Fed. Appx. 268, 272 (CA6 2001) (*per curiam*); *United Sates v. Sakaian,* 446 Fed. Appx. 861, 863 (CA9 2011); *United States v. Thomas,* 518 Fed. Appx. 610, 612-613 (CA11 2013) (*per curiam*); *United States v. Saro,* 24 F. 3d 283, 291 (CADC 1994).

Quoting the North Carolina Court of Appeals on Direct Appeal "Last, we briefly address defendant's remedial request that "this is an appropriate case for this Court's invocation of Rule 2" of the North Carolina Rules of Appellate Procedure such that "[d]ue process and fundamental fairness requires that this Court remand this matter for an evidentiary hearing to allow [defendant] the opportunity to make the prima facie showing on his discrimination claim he was not afforded at trail." N.C.R. App. P. 2. Defendant's request is wholly frivolous and such action is completely unnecessary considering the foregoing de novo analysis of his claims. The Court states "the right of self-representation is not a license to...not to comply with relevant rules of procedural and substantive law." Faretta v. California, 422 U.S. 806, 834, 95 S. Ct 2525, 2541 (1975). And, when defendant elects to proceed self-represented in a criminal action:

> The trial court is not required to abandon its position as a neutral, fair and disinterested judge and assume the role of counsel or advisor to the defendant. The defendant waives counsel at [their] peril and by so doing acquires no greater rights or privileges than counsel would have in representing [them].

"Particularly given the leniency typically afforded pro se litigants, that unfortunate series of events should not deprive petitioner of his day in this Court. As the Court has recognized on several occasions, "[n]avigating the appellate process without a

lawyer's assistance is a perilous endeavor for a layperson." Halbert v. Michigan, 545 U.S. 605, 621 (2005); see also,7 e.g., Erickson v. Pardus, 551 U.S. 89, 94 (2007) (emphasizing that "[a] document filed pro se is 'to be liberally construed'"); Estelle v. Gamble, 429 U.S. 97, 106 (1976) (same); Haines v. Kerner, 404 U.S. 519, 520-21 (1972) (same). That is no less true of the process before this Court. Accordingly, this Court can and should excuse inadvertent failures to comply with the Court's rules when they result from the difficulties inherent in proceeding pro se. Cf. Schacht v. United States, 398 U.S. 58, 64 (1970) ("The procedural rules adopted by the Court for the orderly transaction of its business ... can be relaxed by the Court in the exercise of its discretion when the ends of justice so require.").

> *Hughes v. Rowe*, 449 U.S. 5 (1980) Petitioner's complaint, like most prisoner complaints filed in the Northern District of Illinois, was not prepared by counsel. It is settled law that the allegations of such a complaint, "however inartfully pleaded" are held "to less stringent standards than formal pleadings drafted by lawyers. . .." Haines v. Kerner, 404 U.S. 519, 520, 92 S.Ct. 594, 595, 30 L.Ed.2d 652 (1972). See also Maclin v. Paulson, 627 F.2d 83, 86 (CA7 1980); French v. Heyne, 547 F.2d 994, 996 (CA7 1976). Such a complaint should not be dismissed for failure to state a claim unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief. Haines, supra, at 520-521, 92 S.Ct., at 595, 596.7 And, of course, the allegations of the complaint are generally taken as true for purposes of a motion to dismiss. Cruz v. No Beto, 405 U.S. 319, 322, 92 S.Ct. 1079, 1081, 31 L.Ed.2d 263 (1972).
>
> *Haines v. Kerner*, 404 U.S. 519 (1972) allegations such as those asserted by petitioner, however inartfully pleaded, are sufficient to call for the opportunity to offer supporting evidence. We cannot say with assurance that under the allegations of the pro se complaint, which we hold to less stringent standards than formal pleadings drafted by lawyers, it appears "beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." Conley v. Gibson, 355 U. S. 41, 355 U. S. 45-46 (1957). See Dioguardi v. Durning, 139 F.2d 774 (CA2 1944). Accordingly, although we intimate no view whatever on the merits of petitioner's allegations, we conclude that he is entitled to an opportunity to offer proof.

Puckett v. Cox, 456 F.2d 233 (6th Cir. 1972) Significantly, the Haines case involved a pro se complaint — as does the present case — which requires a less stringent reading than one drafted by a lawyer. Thus, although the second claim in Appellant's pro se complaint does not appear to allege facts to support a finding of cruel and unusual punishment, Appellant must be permitted to introduce evidence of any constitutional deprivation — particularly the denial of due process — which would warrant relief under § 1983.

Norris v. Alabama, 294 U.S. 587 (1935) When a federal right has been specially set up and claimed in a state court, it is our province to inquire not merely whether it was denied in express terms, but also whether it was denied in substance and effect. If this requires an examination of evidence, that examination must be made. Otherwise, review by this Court would fail of its purpose in safeguarding constitutional rights. Thus, whenever a conclusion of law of a state court as to a federal right and findings of fact are so intermingled that the latter control the former, it is incumbent upon us to analyze the facts in order that the appropriate enforcement of the federal right may be assured. Creswell v. Knights of Pythias,225 U. S. 246, 225 U. S. 261; Northern Pacific Ry. Co. v. North Dakota, 236 U. S. 585, 236 U. S. 593; Ward v. Love County, 253 U. S. 17, 253 U. S. 22; Davis v. Wechsler, 263 U. S. 22, 263 U. S. 24; Fiske v. Kansas, 274 U. S. 380, 274 U. S. 385, 274 U. S. 386; Ancient Etian Order v. Michaux, 279 U. S. 737, 279 U. S. 745.

Wall v. Rasnick No. 21-6553 (4th Cir. 2022)"We must also be mindful of our responsibility to construe pro se filings liberally." In practice, this liberal construction allows courts to recognize claims despite various formal deficiencies, such as incorrect labels or lack of cited legal authority. *E.g., Castro v. United States,* 540 U.S. 375, 381-82 (2003) (explaining that federal courts sometimes "ignore the legal label that a pro se litigant attaches to a motion" for various reasons, such as "avoid inappropriately stringent application of formal labeling requirements"); *Starbucks v. Williamsburg James City Cnty. Sch. Bd.* 28 F. 4th 529, 534 (4th Circ. 2022) ("[W]e liberally construe complaints even where pro se plaintiffs do not reference any source of law." (cleaned up) (quoting *Booker . S.C. Dep't of Corr.,* 855 F. 3d 533, 540 n.4 (4th Cir. 2017))).

Defendant Porter never actually wanted to go pro-se, but a series of unfortunate events have led for this to arise. In this case in particular that is before the Court, the appointed appellate lawyer stopped responding, never confirmed or denied her ability and willingness to proceed with the petition for discretionary

review to the North Carolina Supreme Court and failed to request a rehearing. Many of the constitutional claims within the defendant's original case brief went left unanswered by the Appellate Court and by the attorney on record Kim Hoppin. The defendant's religious freedoms claim, privileges and immunities, due process claims, and cruel and unusual punishment, and equal protection claims, and other claims went unnoticed. When Gideon in *Gideon v. Wainwright*, 372 U.S. 335 (1963), actually represented himself to the United States Supreme Court he still wanted a willing and competent lawyer to represent him in his new state trial, when he was released. To provide incompetent, overburdened, unskilled attorneys in adversarial systems to defendants that on the county and local level may only want to plea bargain defendants without ever reviewing their case and options. Or providing attorneys that may not want to damage their reputation or working relationship with Judges and or District Attorneys in a particular county or courtroom because of future and recurring business. Now at this appellate process, the defendant should have had counsel at least communicate in a timely manner that counsel would be willing or able to continue or not. However, the fact that "a person who happens to be a lawyer is present at trial alongside the accused ... is not enough to satisfy the constitutional command." Counsel must play the role in the adversarial system that allows the system to produce just results. Hence, the right to counsel is the right to the effective assistance of counsel *Strickland v. Washington,* 466 U.S. 668 (1984),

III

Marijuana (aka Cannabis) is a Scheduled VI substance under the North Carolina Controlled Substances Act (North Carolina Gen Stat. § 90-94) and other statutes pertaining to cultivation, paraphernalia, possession in various quantities, sale, transport, etc and is prohibited within the State's boundaries. The State of NC tries to reclassify Hemp or CBD as different from Cannabis, but it is essentially the same. The state currently has a booming and growing marijuana business within the realm of Hemp and CBD. There are CBD shops almost at every corner, letting the high demand be known. This case is of significance and importance due to what the constituents want, also because of decades of wrongful marijuana prosecution and the failure of its prohibition and the harm it causes for the defendant. The prosecution of marijuana in North Carolina violates the United States Constitution. If the decision by the NC Courts is left unfettered it will continue to cause an imbalance to the jurisprudence of the state The State of North Carolina, has yet to provide reasoning for governmental discrimination, neither a strict scrutiny test, intermediate scrutiny test, and nor has a rational basis test been offered by the attorney general's office or courts for reasoning why Tetrahydrocannabinol (THC) marijuana should be outlawed.

Within approximately 10 years, 24 states have legalized marijuana recreationally: also, three territories and the District of Columbia. 38 States have legalized marijuana for medicinal use. That means that the sentiment of the

American citizens has changed drastically and rapidly over the decades, especially since Colorado recreationally legalized marijuana in 2014.

The State of North Carolina's legislative power is derived from the Necessary and Proper Clause and the Commerce Clause of the North Carolina and U.S. Constitution. Yet, N.C. Gen. Stat.§ 90-95, N.C. Gen. Stat. § 90-113.22 is in clear violation of both clauses.

> *Granholm v. Heald, 544 U.S. 460 (2005)* "Time and again this Court has held that, in all but the narrowest circumstances, state laws violate the Commerce Clause if they mandate "differential treatment of in-state and out-of-state economic interests that benefits the former and burdens the latter." Oregon Waste Systems, Inc. v. Department of Environmental Quality of Ore. 511 U.S. 93, 99 (1994). See also New Energy Co. of Ind. v. Limach, 486 U.S. 269, 274 (1988). This rule is essential to the foundations of the Union. The mere fact of nonresidence should not foreclose a producer in one State from access to markets in other States. H.P. Hood & Sons, Inc. v. Du Mond, 336 U.S. 525, 539 (1949). States may not enact laws that burden out-of-state producers or shippers simply to give a competitive advantage to in-state businesses. This mandate "reflects a central concern of the Framers that was an immediate reason for calling the Constitutional Convention: the conviction that in order to succeed, the new Union would have to avoid the tendencies toward economic Balkanization that had plagued relations among the Colonies and later among the States under the Articles of Confederation." Hughes v. Oklahoma, 441 U.S. 322, 325-326 (1979).
>
> The rule prohibiting state discrimination against interstate commerce follows also from the principle that States should not be compelled to negotiate with each other regarding favored or disfavored status for their own citizens. States do not need, and may not attempt, to negotiate with other States regarding their mutual economic interests. Cf. U.S. Const., Art. 1 Sec. 10, cl. 3, Rivalries among the States are thus kept to a minimum, and a proliferation of trade zones is prevented. See C & A Carbone, Inc. v. Clarkstown, 511 U.S. 383, 390 (1994) (citing The Federalist No. 22, pp. 143-145 (C. Rossiter ed. 1961) (A. Hamilton); Madison, Vices of the Political

System of the United States, in 2 Writings of James Madison 362-363 (G. Hunt ed. 1901)).

Laws of the type at in the instant cases contradict these principles. They deprive citizens of their right to have access to the markets of other States on equal terms. The perceived necessity for reciprocal sale privileges risks generating the trade rivalries and animosities, the alliances and exclusivity, that the Constitution and, in particular, the Commerce Clause were designed to avoid. State laws that protect local wineries have led to the enactment of statutes under which some States condition the right of out-of-state wineries to make direct wine sales to in-state consumers on a reciprocal right in the shipping State. California, for example, passed a reciprocity law in 1986, retreating from the State's previous regime that allowed unfettered direct shipments from out-of-state wineries. Riekhof & Sykuta, 27 Regulation, No. 3, at obvious aim of the California statute was to open the interstate direct-shipping market for the State's many wineries. Ibid. The current patchwork of laws-with some States banning direct shipments altogether, others doing so only for out-of-state wines, and still others requiring reciprocity — is essentially the product of an ongoing, low-level trade war. Allowing States to discriminate against out-of-state wine "invites a multiplication of preferential trade areas destructive of the very purpose of the Commerce Clause." Dean Milk Co. v. Madison, 340 U.S. 349, 356 (1951). See also Baldwin v. G. A. F. Seelig, Inc. 294 U.S. 511, 521-523 (1935).

First, state regulations may not discriminate against interstate commerce; and second, States may not impose undue burdens on interstate commerce. State laws that discriminate against interstate commerce face "a virtually per se rule of invalidity." Granholm v. Heald, 544 U.S. 460, 476, 125 S.Ct. 1885, 161 L.Ed.2d 796 (2005) (internal quotation marks omitted). State laws that "regulate even-handedly to effectuate a legitimate local public interest ... will be upheld unless the burden imposed on such commerce is clearly excessive in relation to the putative local benefits." Pike v. Bruce Church, Inc. 397 U.S. 137, 142, 90 S.Ct. 844, 25 L.Ed.2d 174 (1970); see also Southern Pacific, supra, at 779, 65 S.Ct. 1515. Although subject to exceptions and variations, see e.g. Hughes v. Alexandria Scrap Corp., 426 U.S. 794, 96 S. Ct. 2488, 49 L.Ed. 2d 220 (1976); Brown-Forman Distillers Corp. v. New York State Liquor Authority, 476 U.S. 573, 106 S.Ct.2080, 90 L.Ed. 2d 552 (1986), these two principles guide the courts in adjudicating cases challenging state laws under the Commerce Clause.

> The Court has consistently explained that the Commerce Clause was designed to prevent States from engaging in economic discrimination so they would not divide into isolated, separate units. See Philadelphia v. New Jersey, 437 U.S. 617 (1978) ... "Although we approach the reconciliation of our decisions with the utmost caution, stare decisis is not an inexorable command." Pearson v. Callahan, 555 U.S. 223, 233 (2009)(quoting State Oil Co. v. Khan, 522 U.S. 3, 20 (1997); alterations and internal quotation marks omitted).

As stated earlier in the brief submitted before trial, Defendant Porter, was charged with intent to sell to marijuana, yet the evidence contradicts that charge. No confidential informants, no direct sales to individuals, no direct sales to law enforcement etc.

> Quoting Gonzales v. Raich, 545 U.S.1(2005) (Thomas *dissenting*) ""Even the majority does not argue that respondents conduct is itself "Commerce among the several States." Art. 1 sec. 8, cl. 3 Ante, at 19. Monsoon and Raich neither buy nor sell the marijuana that they consume. They cultivate their cannabis entirely in the State of California-it never crosses state lines, much less as part of a commercial transaction. Certainly no evidence from the founding suggests that "commerce" included the mere possession of a good or some purely personal activity that did not involve trade or exchange for value. In the early days of the Republic, it would have been unthinkable that Congress could prohibit the local cultivation, possession, and consumption of marijuana.
>
> On this traditional understanding of "commerce," the Controlled Substance Act (CSA), 21 U.S.C. Sec. 801 et seq., regulates a great deal of marijuana trafficking that is interstate and commercial in character. The CSA does not, however, criminalize only the interstate buying and selling of marijuana. Instead, it bans the entire market-intrastate or interstate, noncommercial or commercial-for marijuana. Respondents are correct that the CSA exceeds Congress' commerce power as applied to their conduct, which is purely intrastate and noncommercial.

> More difficult, however, is whether the CSA is a valid exercise of Congress' power to enact laws that are "necessary and proper for carrying into Execution" its power to regulate interstate commerce. Art. I sect. 8, cl. 18. The Necessary and Proper Clause is not a warrant to Congress to enact any law that bears some conceivable connection to the exercise of an enumerated power. Nor is it, however, a command to Congress to enact only laws that are absolutely indispensable to exercise of an enumerated power.
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> In McCulloch v. Maryland, 4 Wheat. 316 (1819), this Court, speaking through Chief Justice Marshall, set forth a test for determining when Act of Congress is permissible under the Necessary and Proper Clause:
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> "Let the end be legitimate, let it be within the scope of the constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the constitution, are constitutional." Id., at 421.
>
> To act under the Necessary and Proper Clause, then, Congress must select a means that is "appropriate" and "plainly adapted" to executing an enumerated power; and the means cannot be inconsistent with "the letter and spirit of the [C]onstitution." Ibid.; D. Currie, The Constitution in the Supreme Court: The First Hundred Years 1789-1888, pp. 163-164(1985). The CSA, as applied to respondents' conduct, is not a valid exercise of Congress' power under the Necessary and Proper Clause.""

The petitioner argues that the State of North Carolina statute not only violates his constitutional rights but the United States Constitution, the Commerce Clause, the Necessary and Proper Clause, the Equal Protection Clause, and Due Process. The Farm Bill was passed in 2018, a federal bill that authorized the cultivation, processing, and sale of hemp and hemp derived products containing no more than 0.3 percent Delta-9 THC, thus leaving Delta-8 THC legal, in June 2020 North Carolina passed S.B. 315 The NC Farm Bill cut all references to hemp from earlier versions and allowed smokable hemp to remain legal. In June 2022 North Carolina's legislators passed S.L. 2022-73 NC legislation that permanently

authorizes hemp and hemp products in the state- all changes are directed at distinguishing legal hemp from marijuana and legal THC from illegal THC. As stated with earlier U.S. Supreme Court Precedent, the defendant argues the State of North Carolina attempts to control marijuana due to its psychoactive properties of THC, yet high levels of Delta-8 get individuals high according to DELTA-8 THC IN NORTH CAROLINA: THE LEGAL CANNABIS THAT HAS SELLERS, CONSUMERS ON A HIGH, COLLIN TADLOCK, mediahub.unc.edu.

> According to the University of South Carolina, CANNABIS-DERIVED PRODUCTS LIKE DELTA-8 THC AND DELTA-10 THC HAVE FLOODED THE US MARKET, PRAKASH NAGARKATTI & MITZI NAGARKATTI. "Delta-8 THC, a chemical cousin of Delta-9, Delt-8THC is found in very small quantities in the cannabis plant. The delta-8 THC that is widely marketed in the U.S. is a derivative of hemp CBD. Delta-8 THC binds to CB1 receptors less strongly than delta-9 THC, which is what makes it less pshychoactive than delta-9 THC. People who seek delta-8 THC for medicinal benefits seem to prefer it over delta-THC because delta-8 THC does not cause them to get very high...

The petitioner argues the State of North Carolina attempts to regulate cannabis-marijuana, while allowing high doses of CBD to be sold throughout the state at gas stations, smoke and vape shops on every street corner. While banning North Carolinians from buying, selling, and distribution of other marijuana products from other states, while giving special treatment to growers and producers of North

Carolina. North Carolina attempts to ban what someone does in the privacy of their own home or on their free time; it is understandable to ban smoking marijuana in certain public places, driving while intoxicated, banning from the youth as done in legalized states or done with alcohol or tobacco. North Carolinians can purchase alcohols from various states and various countries with varying levels of alcohol percentages, under regulations passed by the legislature. "Although marijuana might be comparable in some ways to alcohol or tobacco, merely by making the comparison we have moved past the hunt for a distinctly similar law and are engaged in analogical reasoning." Quoting (United States v. Daniels, No. 22-60596 (5th, Cir. Aug. 9, 2023)) Yet, North Carolina refuses to do the same with marijuana. Metaphorically, the State of North Carolina attempts to legalize beer due to the low alcohol percentage while attempting to outlaw tequila for its high levels of alcohol percentage. Yet if you drink a six pack or a twelve pack of beer you would be equally drunk as three or six shots of tequila. Then the State of North Carolina not only attempts to ban tequila but wine, mead, and all liquor while giving preferential treatment to local breweries while also outlawing out of state beers, wine, mead, and liquors.

Then when testing is done on CBD the State labs cannot distinguish between a CBD plant and a THC plant derived products for the simple fact the plant is still marijuana. State of North Carolina v. Antonio Demont Springs, No. COA23-9 (2024) "As in Parker, Defendant here also relied on a memorandum published by the State Bureau of Investigation (SBI). The SBI memo explains that industrial

hemp is a variety of the same species of plant as marijuana, but it contains lower levels of tetrahydrocannabinol (THC), which is the psychoactive chemical in marijuana. According to the SBI memo, the legalization of hemp poses significant issues for law enforcement because "there is no easy way for law enforcement to distinguish between and marijuana."

> See Bond v. United States, 572 U.S. 844 (2014) Federalism is more than an exercise in setting the boundary between different institutions of government for their own integrity. "State sovereignty is not just an end in itself: 'Rather, federalism secures to citizens the liberties that derive from the diffusion of sovereign power' " New York. United States, 505 U.S. 144, 181 (1992) (quoting Coleman v. Thompson, 501 U.S. 722, 759 (1991) (Blackmun, J., dissenting)
>
> Some of these liberties are of political character. The federal structure allows local policies "more sensitive to the diverse needs of a heterogeneous society," permits "innovation and experimentation," enables greater citizen "involvement in democratic processes," and makes government "more responsive by putting the States in competition for a mobile citizenry." Gregory v. Ashcroft, 501 U.S. 452, 458 (1991). Federalism secures the freedom of the individual. It allows States to respond, through the enactment of positive law, to the initiative of those who seek a voice in shaping the destiny of their own times without having to rely solely upon the political processes that control a remote central power. True, of course these objects cannot be vindicated by the Judiciary in the absence of a proper case or controversy; but the individual liberty secured by federalism is not simply derivative of the rights of the States.
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> Federalism also protects the liberty of all persons within a State by ensuring that laws enacted in excess of delegated governmental power cannot direct or control their actions. See Ibid. By denying any one government complete jurisdiction over all the concerns of public life, federalism protects the liberty of the individual from arbitrary power. When government acts in excess of its lawful powers, that liberty is at stake.
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> The limitations that federalism entails are not therefore a matter of rights belonging only to the States. States are not the sole intended beneficiaries of

federalism. See New York, supra, at 181. An individual has a direct interest in objecting to laws that upset the constitutional balance between the National Government and the States when the enforcement of those laws causes injury that is concrete, particular, and redressable. Fidelity to principles of federalism is not for the States alone to vindicate.

The recognition of an injured person's standing to object to a violation of a constitutional principle that allocates power within government is illustrated, in an analogous context, by cases in which individuals sustain discrete, justiciable injury from action that transgress separation-of-powers limitations. Separation-of-powers principles are intended, in part, to protect each branch of government from incursion by the others. Yet the dynamic between and among the branches is not the only object of the Constitution's concern. The structural principles secured by the separation of powers protect the individual as well."

Standing Akimbo, LLC v. United States, 141 S. Ct. 2236 (2021) (THOMAS) "Sixteen years ago, this Court held that Congress' power to regulate interstate commerce authorized it "to prohibit the local cultivation and use of marijuana." Gonzales v. Raich, 545 U.S. 1, 5, 125 S.Ct. 2195, 162 L.Ed. 2d 1 (2005) The reason, the Court explained, was that Congress had "enacted comprehensive legislation to regulate the interstate market in a fungible commodity" and that "exemption[s]" for local use could undermine this "comprehensive" regime. Id., at 24-27, 125 S.Ct. 2195 (first emphasis added). Prohibiting any intrastate use was thus, according to the Court, "necessary and proper"' to avoid a "gaping hole" in Congress' "closed regulatory system." Id., at 13, 22, 125 S. Ct. 2195 (citing U.S. Const., Art. I § 8) ... the Federal Government's current approach to marijuana bears little resemblance to the watertight nationwide prohibition that a closely divided Court found necessary to justify the Government's blanket prohibition in Raich. If the Government is now content to allow States to act "as laboratories ""and try novel social and economic experiments,"' Raich, 545 U.S. at 42, 125 S.Ct. 2195 (O'Connor, J., dissenting), then it might no longer have authority to intrude on "[t]he State's core police powers... to define criminal law and to protect the health, safety, and welfare of their citizens." Ibid. A prohibition on intrastate use or cultivation of marijuana may no longer be necessary or proper to support the Federal Government's piecemeal approach.

The Petitioner moves the Court to certify writ to give an intervening precedent answer not only for the State of North Carolina but also similar cases arising in federal courts. States such as California have acknowledged the inequality in marijuana prosecution to minorities mainly Black and Latino defendants. *Hunter v. Underwood,* 471 U. S. 222 (1985), in *Hunter*, we invalidated a state law disenfranchising persons convicted of crimes involving moral turpitude. Id., at 233. Our holding was consistent with ordinary equal protection principles, including the similarly situated requirement. There was convincing direct evidence that the State had enacted the provision for the purpose of disenfranchising blacks, id., at 229-231, and indisputable evidence that the state law had a discriminatory effect on blacks as compared to similarly situated whites: Blacks were" 'by even the most modest estimates at least 1.7 times as likely as whites to suffer disfranchisement under'" the law in question, id., at 227 (quoting Underwood v. Hunter, 730 F.2d 614, 620 (CAll 1984)).

> See Peridot Tree, Inc. v. City of Sacramento, No. 22-16783 (9th Cir. Mar. 4, 2024) "One such program is at issue here: Sacramento's 2018 "Cannabis Opportunity Reinvestment and Equity," or "CORE," Program. See Sacramento, Cal., Res. 2018-0323 (Aug. 9, 2018). Designed to "address the negative impacts of disproportionate enforcement of cannabis related regulation," the CORE Program seeks to reduce "barriers of entry" to the marijuana industry for those "negatively impacted" by past marijuana prosecution and criminalization. Id. It offers business and development resources to eligible CORE Program participants, including coaching, criminal-record expungement, business-needs and loan-readiness assessments, and courses in regulatory compliance. Id. And it provides unique economic opportunities to qualifying participants in the city's burgeoning recreational- and medical-marijuana industry. Sacramento, Cal., Res. 2020-0338 (Oct. 13, 2020)

Mr. Kennith Gay, Peridot Tree, Inc. brought a lawsuit against the city of Sacramento, the District Court attempted to use the abstention doctrine in the case because as the 9th Circuit stated (1) by the apparent conflict between federal and state marijuana laws; (2) by the chance that it might need to apply constitutional protections to federally unlawful conduct; or (3) that it may invalidate California's new regulatory regime for recreational marijuana- USA sponge asked the parties to consider the propriety of abstention ... (Peridot Tree, 9th Circuit) "dormant Commerce Clause suit against Sacramento arguably arises in the gray area between competing state and federal laws." ... "Both the legislative and executive branches of the federal government, however, appear disquieted by the CSA's marijuana-based prohibitions. For its part, since December 2014, Congress has, through "congressional appropriations riders," "prohibited the use of any [Department of Justice] funds that prevents states with medical marijuana programs (including California) from implementing their state medical marijuana laws." United States v. Kleinman, 880 F.3d 1020, 1027 (9th Cir. 2017); Joanna R. Lampe, Cong. Rsch. Serv., LSB10694, Funding Limits on Federal Prosecutions of State-Legal Medical Marijuana 1 (2022). The Department of Justice, at the urging of various United States deputy attorneys general over the past decade and a half, has (1) generally "decline[d] to enforce" federal marijuana prohibitions in states that have legalized the drug, Feinberg v. C.I.R., 808 F.3d 813, 814 (10th Cir. 2015); (2) advised local prosecutors not to devote resources to prosecute individuals for acts that comply with state drug laws, see United States v. Canori, 737 F.3d 181-84 (2d Cir. 2013); and (3) noted that marijuana-enforcement priorities should focused on keeping marijuana revenue from making its way to criminal enterprises, Memorandum from James M. Cole, Deputy Att'y Gen., U.S. Dep't of Justice to All U.S. Att'ys (Feb. 14, 2014). The Department of Justice has also issued guidance to states that have enacted laws authorizing cannabis-related conduct, counseling them to "implement strong and effective regulatory and enforcement systems that will address the threat those state laws could pose to public safety, public health, and other law enforcement interests." Memorandum from James M. Cole, Deputy Att'y Gen., U.S. Dep't of Justice to All U.S. Att'ys (Aug. 29, 2013). And President has pardoned U.S. citizens and lawful permanent residents who "committed the offense of simple possession of marijuana in violation of the Controlled Substances Act." Proclamation No. 10467, 87 Fed. Reg. 61, 441 (Oct. 6, 2022); see also Pres.

> Joseph R. Biden, Statement from President Biden on Marijuana Reform (Oct. 6, 2022) ("[N]o one should be in jail just for using or possessing marijuana.")

To charge someone with a felony in North Carolina for marijuana plants is cruel and unusual punishment. In 24 states that cannabis is fully legalized, any person over the age of 21 would reasonably be able to grow several plants, convert to butter for edibles, and have paraphernalia etc. The state crime and law enforcement labs cannot distinguish between North Carolina's legalized marijuana Hemp and a THC producing marijuana. JOSH SHAFFER, THE NEWS &THE OBSERVER, NC MOM SMOKED LEGAL HEMP FOR ANXIETY, POLICE CHARGED HER WITH MARIJUANA POSSESSION, MAY 15TH 2019. The lack of uniformity not only harms the defendant but also harms other North Carolina constituents; one should not have to leave his or her state, or fear state or federal arrest, charges, and incarceration of any kind for a plant that a large majority of society believes is less harmless than alcohol or tobacco. Even recently President Jospeh R. Biden is attempting to reschedule marijuana with the D.E.A and pardon many. KATHERINE DELLINGER, MARIJUANA MEETS CRITERIA FOR RECLASSIFICATION AS LOWER RISK DRUG, FDA SCIENTIFIC REVIEW FINDS, CNN, JANUARY 12 (2024).

> Miller v. Alabama, 567 U.S. 460 (2012) "The Eighth Amendment's prohibition of cruel and un- usual punishment "guarantees individuals the right not to be subjected to excessive sanctions." Roper, 543 U. S., at 560. That right, we have explained, "flows from the basic 'precept of justice that punishment for crime should be graduated and proportioned' " to both the offender and the offense. Ibid. (quoting Weems v. United States, 217 U.S. 349, 367 (1910)). "[t]he concept of proportionality is central to the Eighth Amendment." Graham, 560 U. S., at ___ (slip op., at 8). And we view that

concept less through a historical prism than according to " 'the evolving standards of decency that mark the progress of a maturing society.' " Estelle v. Gamble, 429 U.S. 97, 102 (1976) (quoting Trop v. Dulles, 356 U.S. 86, 101 (1958) (plurality opinion)).

One question of whether a right that may not have been recognized as fundamental in the past may nonetheless be recognized as a fundamental right, the Court used:

> Lawrence v. Texas, 539 U.S. 558 (2003) when the Court had decided Bowers v. Hardwick, 478 U.S. 186 (1986) twenty-four States and the District of Columbia had sodomy laws. By the time a similar challenge to sodomy laws arose in Lawrence in 2004, only thirteen states had maintained their sodomy laws, and there was a noted "pattern of non-enforcement." The Court observed "Had those who drew and ratified the Due Process Clauses of the Fifth Amendment or the Fourteenth Amendment known the components of liberty in its maifold possibilities, they might have been more specific. They did not presume to have this insight. They knew times can blind us to certain truths and later generations can see that laws once thought necessary and proper in fact serve only to oppress. As the Constitution endures, persons of every generation can invoke principles in their own search for greater freedom."
>
> Lawrence v. Texas, 539 U.S. 558 (2003), The doctrine of stare decisis is essential to the respect accorded to the judgements of the Court and to the stability of the law. It is not, however, and inexorable command. Payne v. Tennessee, 501 U.S. 808, 828 (1991) ("Stare decisis is not an inexorable command; rather, it 'is a principle of policy and not a mechanical formula of adherence to the latest decision")(quoting Helvering v. Hallock, 309 U.S. 106, 119 (1940))).
>
> Payne v. Tennessee, 501 U.S. 808 (1991), "Although adherence to the doctrine of stare decis is usually the best policy, the doctrine is not an inexorable command. This Court has never constrained to follow precedent when governing decisions are unworkable or badly reasoned, Smith v. Allow right, 321 U.S. 655, particularly in constitutional cases, where correction through legislative action is particularly impossible, Burnet v. Coronado Oil & Gas Co., 285 U.S. 393, 285 U.S. 407)
>
> "Equality of treatment and the due process right to demand respect for conduct protected by the substantive guarantee of liberty are linked in important respects, and a decision on the latter point advances both interests. If protected conduct is made criminal and the law which does so remained unexamined for its substantive validity, its stigma might remain even if it were not even if it were not enforceable as drawn for equal

protection reasons. When homosexual conduct is made criminal by the law of the State, that declaration in and of itself is an invitation to subject homosexual persons to discrimination both in the public and in the private spheres. The central holding of Bowers has been brought in question by this case, and it should be addressed. It's continuance as precedent demeans the lives of homosexual persons... Still it remains a criminal offense with all that imports for the dignity of the persons charged. The petitioners will bear on their record the history of their criminal convictions." Lawrence v. Texas, 539 U.S. 558 (2003)

Kennedy v. Louisiana, 554 U.S. 407 (2008) The National Government and, beyond it, the separate States are bound by the proscriptive mandates of the Eighth Amendment to the Constitution of the United States, and all persons within those respective jurisdictions may invoke its protection. See Amdts. 8 and 14, §1; Robinson v. California, 370 U. S. 660 (1962).

"The Eighth Amendment, applicable to the States through the Fourteenth Amendment, provides that "[e]xcessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." The Amendment proscribes "all excessive punishments, as well as cruel and unusual punishments that may or may not be excessive." Atkins, 536 U. S., at 311, n. 7. The Court explained in Atkins, id., at 311, and Roper, supra, at 560, that the Eighth Amendment's protection against excessive or cruel and unusual punishments flows from the basic "precept of justice that punishment for [a] crime should be graduated and proportioned to [the] offense." Weems v. United States, 217 U. S. 349, 367 (1910). Whether this requirement has been fulfilled is determined not by the standards that prevailed when the Eighth Amendment was adopted in 1791 but by the norms that "currently prevail." Atkins, supra, at 311. The Amendment "draw[s] its meaning from the evolving standards of decency that mark the progress of a maturing society." Trop v. Dulles, 356 U. S. 86, 101 (1958) (plurality opinion). This is because "[t]he standard of extreme cruelty is not merely descriptive, but necessarily embodies a moral judgment. The standard itself remains the same, but its applicability must change as the basic mores of society change." Furman v. Georgia, 408 U. S. 238, 382 (1972) (Burger, C. J., dissenting).
Evolving standards of decency must embrace and express respect for the dignity of the person, and the punishment of criminals must conform to that rule. See Trop, supra, at 100 (plurality opinion). As we shall discuss, punishment is justified under one or more of three principal rationales: rehabilitation, deterrence, and retribution. See Harmelin v. Michigan, 501 U. S. 957, 999 (1991) (Kennedy, J., concurring in part and concurring in judgment)

See Northeast Patients Group v. United Cannabis Patients and Caregivers of Maine, 45 F.4th 542 (1st Cir. 2022) The Commerce Clause of the U.S. Constitution provides that "Congress shall have [the] [p]ower ... [t]o regulate Commerce ... among the several States." U.S. Const. Art. I, Sect..**** 8, cl. 3. The Supreme Court of the United States has long construed the Commerce Clause to be not only an affirmative grant of authority to Congress to regulate interstate commerce but also a negative, "self-executing limitation on the power of the [s]tates to enact laws [that place] substantial burdens on [interstate] commerce:" S.-Cent. Timber Dev., Inc. v. Wunnicke, 467 U.S. 82, 87 (1984); see also Gen. Motors. Corp. v. Tracy, 519 U.S. 278, 287 (1997) ("The negative or dormant implication of the Commerce Clause prohibits state taxation or regulation that discriminates against or unduly burdens interstate commerce and thereby 'imped[es] free private trade in the national marketplace.'" (Internal citations omitted) (altercation in original) (quoting Reeves, Inc. v. Stake, 447 U.S. 429, 437 (1980))). Thus, the negative aspect of the Commerce Clause in and of itself protects interstate commerce from "the evils of 'economic isolation' and protectionism" that state regulation otherwise cold bring about. City of Philadelphia v. New Jersey, 437 U.S. 617, 624 (1987)

See Tenn. Wine and Spirits Retailers Assn. v. Thomas, 139 S. Ct. 2449 (2019) under the dormant Commerce Clause cases, a state law that discriminates against out-of-state good or nonresident economic actors can be sustained only by a showing that is narrowly tailored to "advanc[e] a legitimate local purpose." Department of Revenue of Ky. v. Davis, 533 U.S. 328, 338 ... violates the Commerce Clause, "Although the Clause is framed as a positive grant of power to Congress," Comptroller of Treasury of Md. V. Wynne, 575 U.S._,_, (2015) (slip. op., at 5), we have long held that this Clause also prohibits state laws that unduly restrict interstate commerce. See, e.g., ibid.; Philadelphia v. New Jersey, 437 U.S. 617, 623-624 (1978); Cooley v. Board of Wardens of Port of Philadelphia ex. Rel. Soc. For Relief of Distressed Pilots, 12 How. 299, 318-319 (1852); Wilson v. Black Bird Creek Marsh Co., 2 Pet. 245, 252 (1829). "This 'negative' aspect of the Commerce Clause" prevents the States from adopting protectionist measures and thus preserves a national market for good and services. New Energy Co. of Ind. V. Limbaugh, 486 U.S. 269, 273 (1988)...

Regarding the Privileges and Immunities Clause, its textual predecessor, Article IV of the Articles of Confederation, stated that "to secure and perpetuate mutual friendship and intercourse among the people of the the different States in the Union, the free citizens in the several States ... shall be entitled to all privileges and immunities of free citizens in the several States; and the people of each State shall free ingress and regress to and from any other State, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions as the inhabitants thereof." If historical context has governed the Court's decisions over the centuries, it would be safe to assume that these same privileges and immunities are present during the ratification of the U.S. Const. Amend XIV; and those privileges and immunities in the states that have legalized medical marijuana or have legalized recreational marijuana's trade and commerce would also provide supremacy in states that have yet to adopt these changes. "Federal controlled substance laws are designed to function in tandem with state-controlled substance laws," quoted in the 2023 Edition of the Drug Enforcement Administration Practitioner's Manual, Preface. See Testa v. Katt, 330 U.S. 386, 389 (1947) "[i]t cannot be assumed, the supremacy clause considered, the responsibilities of a state to enforce the laws of a sister state are identical with its responsibilities to enforce federal laws."

CONCLUSION

PRAYERFULLY THE PETITIONER, FOR THESE FORGOING REASONS THIS HONORABLE COURT SHOULD GRANT THIS PETITION OF WRIT OF CERTIORARI FOR REVIEW.

RESPECTFULLY SUBMITTED, THIS 19th DAY OF DECEMBER 2024

DONAT CALEB PORTER
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CERTIFICATE OF FILING AND SERVICE

I hereby certify that a copy of the above and foregoing Petition for Writ of Certiorari has been duly served upon the State by first-class mail, postage prepaid, addressed as follows:

Benjamin Szany
Assistant Attorney General NC Department of Justice
9001 Mail Service Center
Raleigh, North Carolina, 27699
This the 19th day of December 2024.

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