

25-7668

IN THE
SUPREME COURT OF THE UNITED STATES

MARKUS MCCORMICK, Applicant / Petitioner

v.

No.

LESLIE COOLEY-DISMUKES, Respondent

ON PETITION FOR A WRIT OF CERTIORARI TO

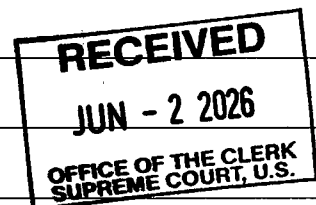
SUPREME COURT OF NORTH CAROLINA

PETITION FOR WRIT OF CERTIORARI

MARKUS O'DON MCCORMICK

PO BOX 1109

Clinton, NC. 28329



QUESTION(S) PRESENTED

1) WHETHER THE NORTH CAROLINA SUPREME COURT ERRED IN FAILING TO SANCTION ASSISTANT ATTORNEY GENERAL MEGAN SMOOK FOR INTENTIONALLY, MALICIOUSLY VIOLATING STATUTORY LAW?

LIST OF PARTIES

MARKUS O'DON MCCORMICKS, Petitioner

LESLIE COOLEY-DISMUKES, Respondent

[✓] All parties appear in the caption of the case on the cover page

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from state courts:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is

☒ It is unpublished

JURISDICTION

[✓] For cases from state courts

The date on which the highest state court decided my case was 3-18-26. A copy of that decision appears at Appendix A.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

28 U.S.C. § 2254 Rule 5 subsection (c): The answer must also indicate what transcripts (of pretrial, trial, sentencing, or post-conviction proceedings) are available, when they can be furnished, and what proceedings have been recorded but not transcribed. The respondent must attach to the answer parts of the transcript that the respondent considers relevant. The judge may order that the respondent furnish other parts of existing transcripts or that parts of untranscribed recordings be transcribed and furnished. If a transcript cannot be obtained, the respondent may submit a narrative summary of the evidence.

28 U.S.C. § 2254 Rule 5 subsection (d)(1)(2)(3): The respondent must also file with the answer a copy of:

- (1) any brief that the petitioner submitted in an appellate court contesting the conviction or sentence, or contesting an adverse judgment or order in a post conviction proceeding,
- (2) any brief that the prosecution submitted in an appellate court relating to the conviction or sentence; and
- (3) the opinions and dispositive orders of the appellate court relating to the conviction or the sentence

NORTH CAROLINA GENERAL STATUTE § 7A-30 (Appeal involving substantial constitutional question)

STATEMENT OF THE CASE

Petitioner Markus Odon McCormick (M.M. hereinafter) was born on 7-2-1985 in Fayetteville, N.C. Thirty six years later, after a two weeks criminal jury trial in Fayetteville, N.C. M.M. was found guilty and sentenced to 23-42 yrs in state prison on 7-2-2021, where he proceeded pro se at trial. On direct appeal in North Carolina Court of Appeals (NCCOA hereinafter) appellate counsel Joseph P. Lattimore (J.L. hereinafter) raised only weak issues that resulted in NCCOA finding no error, affirming conviction. M.M. proceeded pro se in North Carolina Supreme Court (NCSC hereinafter) on 7-25-23 pursuant to G.S. § 7A-30 (appeal involving substantial constitutional question) where M.M. raised numerous Ineffective assistance of appellate counsel claims. On 3-20-24 NCSC dismissed the appeal ex mero motu by order of the court in conference without giving any explanation. On 8-29-2025 M.M. filed a 28 U.S.C. § 2254 habeas corpus petition in U.S. District Court for eastern district of N.C. raising the same identical Ineffective assistance of appellate counsel issues he raised in NCSC. Chief U.S. District Court judge Richard Myers II finished his initial review on 10-29-25 and allowed the action to proceed and ordered the NC attorney general office to answer within 40 days. On 12-8-25 Assistant Attorney General Megan Shook (M.S. hereinafter) filed an answer asking the court to dismiss with prejudice the petition on grounds of lack of exhaustion, and submitted the NCSC 3-20-24 order deleting the 7-25-23 order where the same issues raised in current § 2254 petition were raised in this filing. On 12-30-25 M.M. responded in opposition regarding the motion to dismiss and informed the courts "M.S. is maliciously, intentionally and knowingly committing fraud upon the court violating Rule 5 subsections (C)(D)(1)(3) of 28 U.S.C. § 2254 as well as Rules 3.3(a)(1)(3), 3.4(a)(b), 3.8(a)(d)(g)(1) and 8.4(a)(c)(d)(e) of the Revised Rules of Professional Conduct of the N.C. State Bar and submitted the undeleted 3-20-24 NCSC order. M.S. did not file a surreply to M.M.'s response in opposition. On 1-27-26 M.M. filed a "motion for sanctions" in Federal court asking the court to sanction and hold M.S. accountable for willingly, knowingly committing ethics violations. The court has not made a ruling on either of these motions to date. Due to M.S. deleting an order from NCSC

M.M. filed a motion for sanctions in NCSC on 1-29-26 that was dismissed on 3-18-26 without explanation this petition follows...

REASONS FOR GRANTING PETITION

I. THE NORTH CAROLINA SUPREME COURT DID ERR IN FAILING TO SANCTION ASSISTANT ATTORNEY GENERAL MEGAN SHOOS

(1) 28 U.S.C. § 2254 Rule 5 subsection (c) states in pertinent part: The answer must also indicate what transcripts (of pretrial, trial, sentencing, or post-conviction proceedings) are available, when they can be furnished, and what proceedings have been recorded but not transcribed. The Respondent must attach to the answer parts of the transcript that the Respondent considers relevant. The judge may order that the Respondent furnish other parts of existing transcripts or that parts of untranscribed recordings be transcribed and furnished. If a transcript cannot be obtained, the Respondent may submit a narrative summary of the evidence.

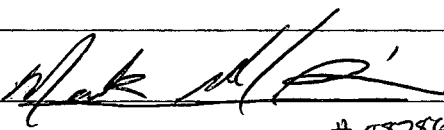
(2) 28 U.S.C. § 2254 Rule 5 subsection (d)(1)(2)(3) states in pertinent part: The Respondent must also file with the answer a copy of: (1) any brief that the Petitioner submitted in an appellate court contesting the conviction or sentence, or contesting an adverse judgment or order in a post conviction proceeding, (2) any brief that the prosecution submitted in an appellate court relating to the conviction or sentence; and (3) the opinions and dispositive orders of the appellate court relating to the conviction or the sentence.

(3) This most Honorable court almost 100 years ago held in "Berger v. United States, 295 U.S. 78, 88 (1935)" describing the prosecutor as "the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done and the prosecutor's job is not only to prevent the guilty from escaping, but to prevent the innocent from suffering. It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one. A prosecutor is entitled to throw "strikes" but they are prohibited from throwing "foul balls." This is such case

- (a) On 8-29-2025 M.M. filed a 28 U.S.C. § 2254 habeas corpus petition raising numerous ineffective assistance of appellate counsel claims that were raised in NCSC on 7-25-23 as well as on 9-8-23 and exhausted on 3-20-24
- (b) On 10-29-25 Chief U.S. District Court Judge Richard Myers II completed his initial review and allowed the action to proceed and ordered the state to answer within 40 days
- (c) On 12-8-25 Respondent M.S. filed her answer asking the court "to dismiss with prejudice the petition on grounds of lack of exhaustion submitting the NCSC 3-20-24 orders, deleting the 7-25-23 order from the filing. see "exh. A"
- (d) On 12-30-25 the court received M.M.'s response and informed the court "M.S. is committing fraud upon the court maliciously violating Rule 5 of this statute and Rules 3.3(a)(1)(3), 3.4(a)(b), 3.8(a)(d)(g)(1) and 8.4(a)(c)(d)(e) of the Revised Rules of Professional conduct of the NC State Bar by falsely claiming "M.M. never raised ineffective assistance of appellate counsel claims in any NC state court and submitted the real undeleted 3-20-24 NCSC order. see "exh. B"
- (e) M.M. asserts on 1-27-26 he filed a motion for sanctions against M.S. in case file number 5:25-hc-12200-M that is still pending as well as the order from the court on the habeas petition
- (f) M.M. asserts that on 1-29-26, due to M.S. also violating and disrespecting the NCSC, M.M. filed a motion for sanctions in that court as well, that was dismissed without written opinion on 3-18-26 without explanation.
- (g) M.M. states that if he was to intentionally, willingly and maliciously committed fraud upon the court then he would suffer sanctions or the worst of the court, dismissing his suit, ruling in the opposing party's favor for his actions and M.S. must be held accountable for this extreme violation of statutory law, especially being M.M. has asserted "actual innocence" in ground 7 of petition.

In Conclusion, M.M. prays this court grant this petition and provide the following relief: (1) M.S.,
(7)

be disbarred from practicing law, (2) M.S. reported to N.C. State Bar for disciplinary violations, (3) N.C. Attorney General Office disqualified from proceedings, (4) M.M. immediately released from state prison with a certificate of innocence or in alternative (5) M.S. suspended from practicing law for a minimal 10 years and for the above mentioned reasons The petition for a writ of certiorari should be granted.

Respectfully submitted, 
Markus McNamee #0878635
P.O. Box 1109
Clinton, N.C. 28329

Dated 5-11-26