

26-5723

ORIGINAL

In The

Supreme Court Of The United States

Term 2026

No.

FILED

MAR 04 2026

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Henry Clifford Byrd, Sr.

Petitioner

vs.

Supreme Court Of North Carolina

And The State Of North Carolina, et al.,

Respondents

ON Petition For A Writ Of Certiorari
To The Supreme Court Of North Carolina

Henry Clifford Byrd, Sr. #006072P

Southern Correctional Institution

272 Glen Road

Troy, North Carolina 27371

Questions Presented

- I. Did the Supreme Court of North Carolina Unconstitutionally Suspend the Writ of Habeas Corpus Ad Subjiciendum, when it Denied the Petitioner Request for Leave to Prosecute the Writ on the Standing of Johnson v. Zerbst, Incompletion Element of the [May 1st, 2014] Waiver of Counsel Proceeding.
- II. Did the North Carolina Supreme Court Unconstitutionally Suspend the Writ of Habeas Corpus Ad Subjiciendum, when it Suspended the Inquiry Requirements into the Validity of the [May 1st, 2014] Waiver of Counsel, And the Jurisdiction of the May 1st, 2014, Trial Court Thereafter to Proceed After Not Completing the May 1st, 2014, Waiver of Counsel Proceeding.
- III. Did the North Carolina Supreme Court Unconstitutionally Suspend the Writ of Habeas Corpus Ad Subjiciendum, when it Refused to allow this Indigent Criminal Defendant to Invoke the Protection of the Writ to Challenge the [May 1st, 2014] Trial Court's Jurisdiction to Proceed and to Further the Criminal Proceeding on the Defendant's Pro se Representation, In the Absent of Securing a Competent Unequivocal Knowingly, Intelligently and Voluntarily Waiver of Counsel from the Defendant on [May 1st, of 2014].

IV. Did the North Carolina Supreme Court Unconstitutionally Suspend the Writ of Habeas Corpus Ad Subjiciendum, When It Refused To Allow The Petitioner To Invoke The Protection Of The Writ To Challenge The Jurisdiction Of The Trial Court To Impose The Three Active Prison Sentences upon This Defendant/Petitioner Who Was Deprive The Assistance Of Counsel For His Defense, who Had Not Waived His Right To Counsel on [May 1st, of 2014].

V. Did The North Carolina Supreme Court Unconstitutionally Suspend The Writ of Habeas Corpus Ad Subjiciendum, Knowing It To Be the only Available Adequate State Remedy Left To Challenge The Validity Of The Petitioner's Restraint Detention And The Imposing Of The Three Active Prison [Sentences], After The North Carolina Court of Appeals Refused To Scrutinize The Validity Of The May 1st, 2014, Waiver Of Counsel On Direct Appeal.

VI. On May 1st, of 2014, Did The Sixth Amendment Based upon The Incompletion Of The May 1st, 2014, Waiver Of Counsel Proceedings, Withhold Sixth Amendment Authority From The May 1st, 2014, Trial Court To Proceed And To Further The Criminal Proceedings Beyond That Junction.

VII. Did The Incompletion Manifest A Sixth Amendment Violation Jurisdictional Bar, To Proceed To Conviction And Sentencing,

VIII. In Scrutinizing The [May 1st, 2014] Waiver of Counsel Proceeding Transcript, Submitted As [Appendix-D], Did The May 1st, 2014, Trial Court Conduct An Adequate And Competent Sixth Amendment Forette Hearing Colloquy, Necessary To Complete The [May 1st, 2014] Waiver of Counsel Proceeding Perils.

IX. In Further Scrutinizing The May 1st, 2014, Waiver of Counsel Proceedings Transcript, Submitted As [Appendix-D] Did The Petitioner Make An Competent Unequivocal Knowingly, Intelligently And Voluntarily Request on May 1st, of 2014, To Be Allowed To Waive His Court Appointed Attorney [Attorney Anthony] Representation And To Be Allowed To Proceed To Trial Prose.

X. In Further Scrutinizing The May 1st, 2014, Waiver of Counsel Proceedings Transcript, Submitted As [Appendix-D], Did The Petitioner Make A Competent Unequivocal Knowingly, Intelligently And Voluntarily Request To Be Allowed To Waive All Lawyers Representations on [May 1st, of 2014] And To Be Allowed To Proceed To Trial Prose,

XI. Did The May 1st, 2014, Trial Court Cancel The Prose Representation of The Petitioner's when The Trial Court on May 1st, 2014, made The Proposed Waiver of Counsel Hybrid, making [Atty. Anthony] Both, The Petitioner's Defense Attorney And Stand By Counsel,

or was the Proceedings in its Entirely so Ambiguous
Enough to Invalidate A Proposed Knowingly, Intelligently
And Voluntariness of the [May 1st, 2014] Waiver of Counsel.

KIL. Notwithstanding All of The other Questions Presented,
Since There Was no Actual Waiver of Counsel At All obtained
By The Trial Court on May 1st, 2014, And The Trial Court's
Competent Jurisdiction Was lost on May 1st, 2014, And Acquired
No Subsequent Jurisdiction To Imposed The Three Active Prison
Sentences Upon This Indigent Criminal Defendant, Should The
State Supreme Court Arrested Judgments of All Three Active Prison
Sentences And Granted The Writ, Pursuant To Both The
Johnson And The Argersinger Supreme Courts Holdings

List of All Parties

1. Edward Basden, Warden of
Pender Correctional Institution
Post Office Box 1058
Burgaw, North Carolina 28425-1058
2. State of North Carolina, By
North Carolina Justice Department
Post Office Box 629
Raleigh, North Carolina 27602-0629

Decision Below

Involves A Habeas Corpus Decision of the Supreme Court of North Carolina, Summarily Denial without stating any reason for the denial, which is cited in the Table at 915 S.E.2d 194 (2025), A copy denial is attached as [Appendix - A] to the Petition, Petitioner Petitioned the Court for Rehearing En Banc, Filed on June 13th, 2025, That was subsequently Dismissed without Rendering A Decision on the Sixth Amendment Jurisdiction Issues, En Banc Decision is cited in Table A 923 S.E.2d 230, December 10th, 2025, Attached [Appendix - B].

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Parties To Proceedings And Related Cases

1. State v. Henry Clifford Sr., in the Superior court of Forsyth County, North Carolina, Criminal Case No. #13-CRS-53133 and No. #13-CRS-061214, Trial started on October 27th, 2015, Ended on November 4th, 2015, Appeal Taken, Appellate Defendant Paul Green, Replace Appellate Defender [Jon Hunt], Green And Prosecuting Attorneys Agreed To File An Anders Brief, oppose to a merit Brief to N.C. court of Appeals, Green, Excluded the May 1st, 2014, Waiver of counsel Jurisdiction Dispute From the Anders Brief, And Filed It As [Record on Appeal No. #131] And Noted - It As Proposed Issue on Appeal No. #2, Left It up to the court Appeal to Review That Record on Appeal.
2. on Direct Appeal, N.C. Court of Appeals state In 2016, Ended on November 7th, 2017 Table At 256 S.E.2d 399 (2017).
3. Followed By Petition For Discretionary Review From court of Appeals Direct Appeal Decision In Failing To Scrutinize the Validity of the May 1st, 2014, Waiver of counsel, And the Validity of the Three Active Prison Sentences, Filed As Record on Appeal [No. #132], And Noted It As

Proposed Issue on Appeal, No. 14, Discretionary Review, to North Carolina Supreme Court, Summary Denied on March 1st, 2017, Table At 370 N.C. 583 (2017)

4. Byrd v. Millis, U.S. Dist. Court Middle District of North Carolina, cited Table At 2019 WL 4723370.
6. Byrd v. Millis, sought Appealability was Denied, Table At 794 F. Appx, 322, Also At 2020 WL 865050, U.S. Dist Court Middle Dist. of North Carolina.
7. Byrd v. Basden, Supreme court of North Carolina, File May 28th, 2025, Request leave to be Allowed to prosecute a Writ of Habeas corpus Ad Subjiciendum, Summary Denied May 29th, 2025. Table At 915 S.E.2d 194 (2025).
8. Petition For Rehearing En Banc, Filed on June 13th, 2025, Summary Dismissed on December 10th, 2025, Table At 923 S.E. 230 (2025)

Jurisdiction

The Jurisdiction of this Court is Respectfully
 (Being conferred on this Court Pursuant to Title
 28 U.S.C. Section 1257, In conjunction with Rule
 10(c) of this Court, and Order Granting Petitioner
 An Extension Time to File This Petition For A
 Writ of Certiorari To June 7th, of 2026, Extension
 Order fo submitted as to Attached [Appendix - C]
 Date of Order Is April 7th, 2026. Also
 Pursuant to Title 28 U.S.C. Section 1254 (1)

Constitutional And Statutory Provision Involved

Sixth Amendment to the United States Constitution
 Fourteenth Amendment to the United States Constitution
 Article I, Section 9, clause (2) of the United States
 Constitution.

Section 15A-1242 of North Carolina General Statutes

Constitutional Authorities And Statutory Provision

Sixth Amendment To United States Constitution

Fourteen Amendment To United States Constitution

Thirteenth Amendment To United States Constitution

Tenth Amendment To United States Constitution

Section 15A-1242 of North Carolina General Statutes

Section 17-3 of North Carolina General Statutes

Section 17-33(1), (2), (3), (4), (5) of North Carolina

General Statutes.

Statement of The Case

Involves An Ongoing [10-years] Jurisdiction And Jurisdictional Bar Dispute, That North Carolina Supreme Court Has Refused To Resolve, And Refused To Allow The Petitioner To Prosecute A Writ of Habeas Corpus Ad Subjiciendum, And That Those Refusals Likely To Be In Conflict With At Least Four of This Supreme Court's Decisions, Resulting In The North Carolina Supreme Court Unconstitutionally Suspending The Writ of Habeas Corpus Ad Subjiciendum, As There Being No Other State Remedy In Which Petitioner Can Redress The Validity of The Restraint And Detention of His Person And Liberty, And The Validity of The Three Active Prison Sentences on The Petitioner's Prose Representation, In The Absent of The [May 1st, 2014] Trial Court Securing A Competent Unequivocal Knowingly, Intelligently And Voluntarily Waiver of counsel, Resulting From Having Been Deprived The Assistance of Counsel For His Defense.

Whereas, The Ongoing Jurisdictional Bar Dispute Resulting From The North Carolina Court of Appeals Direct Appeal Panel Refusal To Scrutinize The Validity of The [May 1st, 2014] Waiver of Counsel on Direct Appeal, whom At That Time Was Also considering A White Appellant Direct Appeal Dealing with The The Same Waiver of Counsel Inadequate Inquiring Dispute, State v. Pena, 257 N. C. App. 195, 809 S.E. 2d 1 (2017).

This Petitioner Is Black, Appellate Ring And This Petitioner Was Tried For Similar criminal offenses, Even Though This Petitioner's Appellate Defender laboring under A Actual Conflict of Interest, Filed An Anders Brief, Because He Did Not Want To Represent The Petitioner on Direct Appeal, Because He Did Not To Challenge What He Discovered About The May 1st, 2014, Waiver of Counsel And Waiver of Counsel Proceedings Perils.

Even Though The Appellate Defender [Paul Green] Would Not Challenge The May 1st, 2014, Waiver of Counsel And Waiver of Counsel Proceedings In the Anders, That would Tantamount The Anders Briefing Into A Merit Brief, As The Anders Brief Is What The Prosecuting Attorneys wanted Appellate Defender Green To File To Assist them In covering up what occurred During The [May 1st, 2014] Waiver of Counsel Proceedings, And What was Discovered By [Attorney Anthony], The Prosecuting Attorneys And A Superior Court Judge, Seven months, Before The Trial Jury was sworn on The Petitioner's Pro Se Representation on October 27th, 2015, That They Subsequently Placed Under A Passive concealment, For The Want of Jurisdiction, That They Discovered That They no longer Acquired That was Lost On [May 1st, 2014], Then Subsequently Used The Superior Court of Forsyth County To Traffic The Petitioner Into Involuntary Servitude By Deceptions, After Discovering That They no longer Acquired Sixth Amendment Competent Jurisdiction To To Place This Petitioner On Trial Nor To Impose Three Active Prison Sentences Upon This Petitioner on November 4th, of 2015, That There Had Been no valid waiver of counsel obtained on May 1, 2014.

That the State of North Carolina Court of Appeals and North Carolina Supreme Court, Both Has adopted a March 19th, 2015, Proposed Reversed Waiver Counsel Proceedings, Tying that Neither The Johnson v. Zerbst, nor The Argersinger v. Hamilton, supra, Sixth Amendment Violations [Jurisdictional Bars] Applies to An Indigent Criminal Defendant / Petitioner Because the Trial Court Within [10 1/2 - months Later] On March 19th, 2015, completed the [May 1st, 2014] Sixth Amendment Requirements, Nunc Pro Tunc, When the Incompletion was Brought to the Trial Court's Attention By the Prosecuting Attorneys, who Discovers That Based on the Incompletions Shown on the Face of [Appendix - D and E] That the Trial Court Had Not Acquired Any Competent Jurisdiction to Proceed [Since May 1st, of 2014], So They Asked the Petitioner who Had Been Deprived of the Assistance of Counsel for [10 1/2 - months] For His Defense, Being An Indigent Criminal Defendant / Petitioner, who was Then Told that the [May 1st, 2014] Waiver of Counsel Proceeding was [Hybrid], That He Had only Signed a Written Waiver For only one of the Two Indictments, But Neither of [May 1st, 2014] Documents [Appendix - D and E] Had Forecast Any Indicted Offenses Had Allegedly Waived His Right to Counsel on May 1st, 2014, nor Neither of the Two Documents, Shows that Petitioner Had waived His Right to Assistance of Counsel on [May 1st, of 2014] to Any of the Indicted Offenses, Because Both of the [May 1st, 2014] makes no mention as to Any of the Indicted Offenses, making Both of the May 1st, 2014, Waiver of Counsel Fatally Defective, and Divested the Trial Court of Further Jurisdiction over the Indicted Offenses and over the Petitioner, As of May 1st, of 2014.

Because North Carolina Court of Appeals Refused To Provide This Petitioner with The Same Scrutiny of The May 1st, 2014, Waiver, As The Panel Applied To Appellant Price's Waiver of Counsel Inadequate Waiver of Counsel Fiqingy Dispute, As The Court of Appeals knew what they would find Had They Scrutinized The [May 1st, 2014] Waiver of Counsel, Had They Even Attempted To Consider [Appendix D and E] That They knew what they would have found The May 1st, 2014, Waiver of Counsel proceedings Totally Incomplete And Totally Defective... Because

1. It was left Incomplete For [10y2- months] Before The Prosecuting Attorneys sought out Another Superior court Judge on [March 19th, 2015] To complete The May 1st, 2014, Waiver of Counsel Proceedings, Nunc Pro Tunc, Without Acquiring Any competent Jurisdiction, on March 19th, 2015.
2. The May 1st, 2014, Trial Court never required nor obtained A competent unequivocal knowingly, Intelligently nor voluntarily Waiver of From This Indigent criminal Defendant on May 1st, 2014, From The Petitioner Requesting To Be allowed To Waive The Representations of His Court Appointed attorney [Atty. Daniel B. Anthony] And All Lawyers Representations And To allow Him To Proceed To Trial Prose.
3. The May 1st, 2014, Trial Court, Failed to conduct The Sixth Amendment Faretta Colloquy, And N.C. Statutory Requirements And Constitutional Standards, Section 15A-1242 N.C.G.S.

4. The May 1st, 2014, Trial Court Accept The May 1st, 2014, Waiver of Counsel Form, to wit, [Appendix - E] without Allowing This Indigent Criminal Defendant To make an Informed choice, As The May 1st, 2014, Waiver of Counsel was Totally Defective Because It was [Bare Bone], when The Form Failed To Forecast Any of The Indicted Offenses, As To what Offenses was The May 1st, 2014, Trial Court Basing The Acceptance of The Defendant's Waiver of Counsel on.

5. That the May 1st, 2014, Trial Court Failed To make an on The Record Finding, That It Finds The Indigent Criminal Defendant / Petitioner Had made a Knowingly and Voluntary Waiver of His Right To Counsel on May 1st, 2014,

Instead, The Record of May 1st, 2014, Waiver of Counsel Proceedings [Appendix - D and E], Shows That The May 1st, 2014, Trial Court Waiver of Counsel without The Trial Court Satisfying any of The Sixth Amendment Due Process Requirements, Accepted The Waiver of Counsel in an Unconstitutional manner, was Unconstitutional.

Thus, The Completion of The May 1st, 2014, Waiver of Counsel Proceedings, Divested The Trial Court of Its Competent Jurisdiction As of May 1st, of 2014, Whereas, The Trial Court lost Its Sixth Amendment Authority To Proceed Beyond The May 1st, 2014 Junction, Having manifested 4 Johnson v. Zerbst, 304 U.S. 458, at 468 n.9-10 (1938)

Jurisdictional Bar, Procedurally Barring The Trial Court From Proceeding And From Furthering of The Criminal Proceeding To Trial, Conviction And From Imposing The Three Active Prison Sentences upon This Indigent Criminal Defendant, who Has Been Unconstitutionally Deprived of The Assistance of Counsel For His Defense, *Argersinger v. Hamlin*, 407 U.S. 25, At 37-40 (1972), wherefore, The Petitioner maintains That The Superior Court of Forsyth County North Carolina Has Unconstitutionally Imposed Three Active Sentences upon The Petitioner without Acquiring Any competent Jurisdiction while Being Jurisdictionally Barred By The Six Amendment.

Petitioner Is Hereby Seeking The Justices Enforcement of The United States Supreme Courts Decision setout Hearing, The Habeas Corpus Provisions, That The North Carolina Supreme Refuses To Enforce upon This Petitioner Petitioning The Court For leave To Prosecute The writ Habeas Corpus on The Standing of Johnson And *Argersinger* Supreme Court, Seeking To Have North Carolina Supreme Court Scrutinize The Validity of The [May 1st, 2014] waiver of Counsel Pursuant To The Jurisdictional Bars, Asking N.C. Supreme determine whether The May 1st, 2014, Trial Court Acquired Sixth Amendment Authority To Proceed Beyond The May 1st, 2014, Junction, whether Trial Court's Jurisdiction was lost on May 1st, 2014.

This Petitioner maintains To The North Carolina Supreme Court That The Trial Court Had lost Its competent Jurisdiction on May 1st, of 2014, when It Failed To Conduct This Supreme Court Foret Colloquy,

Whereas, Here, The May 1st, 2014, Trial Court Drafted And Accepted Its own Bare Bone Waiver of Counsel Form Approved By The State Not To Include Any of the Indicted offenses In The Form And Excluded The Faretti Hearing manifesting an [Incomplete May 1st, 2014] Waiver of Counsel Proceeding, Thereby Further Inherently manifest a Sixth Amendment Violation [Jurisdictional Bar], Divesting The Trial Court of Its competent Jurisdiction when It Allowed Acceptance of The [May 1st, 2014] Waiver of Counsel, without Satisfying The Sixth Amendment's Requirement Circumscribed By Faretti.

This Petitioner maintains That There was no competent Unequivocal [May 1st, 2014] knowingly, Intelligent and Voluntarily Waiver of Counsel obtained By The May 1st, 2014, Trial Court As To confer Sixth Amendment Authority on The Trial Court necessary to overcome The Johnson v. Zerbst, 304 U.S. At 468 n. 7-10, Sixth Amendment Violation [Jurisdictional Bar] Procedurally Bars The May 1st, 2014, Trial Court From Proceeding and From Furthering The Criminal Proceed Beyond The May 1st, 2014, Junction. In other Word, The Trial Court's Competent Jurisdiction was lost on May 1st, of 2014, arising From The [Incompletion Prong] that the Johnson v. Zerbst, Supreme Court warned The Trial Court's About In Its Holding, That Specifically Held...

If The Accused, However, Is Not Represent By Counsel And Has Not competently And Intelligently waived His Constitution Right, The Sixth Amendment stands

As A Jurisdictional Bar, To A Valid Conviction And Sentence Depriving Him Of His Life Or Liberty, A Court Jurisdiction At The Hearing Of The Trial May Be Lost In The Course Of The Proceedings, Due To Failure To Complete The Court, - As The Sixth Amendment Requires. - By Providing Counsel For An Accused Who Is Unable To Obtain Counsel, Who Has Not Intelligently Waived This Constitutional Guaranty, And Whose Life Or Liberty Is At Stake. If This Requirement Of The Sixth Amendment Is Not Complied With, The Court No Longer Has Jurisdiction To Proceed.

The Judgment Of Conviction Pronounced By A Court Without Jurisdiction Is Void, And one Imprisoned Thereunder [may obtained Release] By Habeas Corpus.

The Johnson v. Zerbst, Supreme court further Held That...

The Sixth Amendment Applies To The [State] Criminal Prosecutions Through The Fourteenth Amendment.

Gideon v. Wainwright, 372 U.S. 335, 83 S. Ct. 792, 9 L. Ed. 2d 799

Sixth Amendment - In All Criminal Prosecutions, The Accused Shall Enjoy The Right To Have Counsel Assistance For His Defense.

After the [May 1st, 2014,] Trial Court made those significant omissions over Attorney Anthony's and the Prosecuting Attorney's objections to the Trial Court's intent to accept the Petitioner's proposed Pre-Printed Bare Bone Waiver of Counsel Form, resulting in the Trial Court manifesting a situation that divested the Trial Court of its competent jurisdiction arising from the significant omissions, that left the May 1st, 2014, Waiver of Counsel Proceedings [Incomplete], which the [Completion Prong] is one of the Sixth Amendment Due Process Requirements Essential Elements of the May 1st, 2014, Trial Court's Jurisdiction to Proceed, if left incomplete the court acquires no further jurisdiction to proceed.

However, Based upon the [May 1st, 2014] Trial Court's significant omissions set out at supra, Petitioner maintains that the Trial Court had lost jurisdiction over the indicted offenses, and was procedurally barred from proceeding beyond the May 1st, 2014, Junction, and to conviction and to sentencing, by the Sixth Amendment to the United States Constitution, as a matter clearly established Federal Law as having been determined by the United States Supreme Court, at 304 U.S. 468 n. 9-10, that the Sixth Amendment withheld authority from the May 1st, 2014, Trial Court based upon the Incompletion of the May 1st, 2014, Waiver of Counsel Proceedings, that [Appendix-D] hereby bear witness to.

Accordingly, this Petitioner believing that this situation fit the Sixth Amendment violation, sought leave to challenge the validity of the May 1st, 2014, Waiver of Counsel and Jurisdiction of the May 1st, 2014, Trial Court to proceed to conviction and the

In The Absent of The [May 1st, 2014] Trial Court Securing A
Knowingly, Intelligent And Voluntary waiver of Counsel From The
Petitioner on May 1st, of 2014.

Even Though, The Petitioner Asked North Carolina Supreme
Court Leave To Prosecute The Writ on The Standing And Leave That
Authorized The United States Supreme Court, 304 U.S. At 468 n.
9-10, And Invoke Article I, Section 9, Clause (2) of The United
Constitution, And North Carol General Statutes section 17-3 which
Provides ... who may Prosecute The Writ

Every Person Imprisoned or Restrained of His Liberty
within the State, For Any crime or Supposed criminal
matter, or Any Pretense whatsoever, may Prosecute A
Writ of Habeas corpus, According To The Provisions
of this Chapter, To Inquire Into The Cause of such
Imprisonment or Restraint, And If Illegal, To Be
Delivered Therefrom.

In Invoking That Provision with The Standings of Section 17-33 of
North Carolina General Statutes, which Entitles ... When A Party Is
Entitled To Be Discharged, If He Can Prove One of The Six conditions.
which this Petitioner's Petition For Leave To Prosecute The Writ with
[Appendix-D And E] Proves All Six conditions Entitle Him To Discharge,
to wit, All Six conditions Are cited on Page 110th, Judicial
Notice Requested.

criminal Proceeding, ~~Including~~ The March 19th, 2015, Criminal Proceedings, And All other criminal Proceeding That Proceeded After The March 19th, 2015, Criminal Proceedings.

After North Carolina Supreme court was confronted with The Fact That This Indigent Criminal Defendant Is Requesting Leave of The Court To Be Allowed To Challenge The Validity of The [May 1st, 2014] Waiver of Counsel By Writ of Habeas Corpus Ad Subjiciendum And The Jurisdiction of The Trial Court To Impose The Three Active Prison Sentences upon Him. After North Carolina Supreme court Reviewed [Appendix - D and E], That was Submitted As [Appendix Ex. No. #1 and #2] To [Appendix - L], which showed North Carolina Supreme court That The Written Waiver of Counsel Form And The May 1st, 2014, Waiver of Counsel Proceeding Both was Bare Bone, Did Not Even come close To Satisfy The Constitutional Standards As To The Perils of a Farettia colloquy, Nor To Satisfy The Sixth Amendment Requirement. Nor Conducted North Carolina Statutory Requirements, Circumscribed By Section 15A-1242 of North Carolina General Statutes.

The Supreme court of North Carolina, Realizing That If They Allowed The Petitioner Leave To Prosecute The Writ of Habeas corpus Ad Subjiciendum, He will Be Able To Prove That The Three Imposed Active Prison sentence Are Unconstitutional, Since They was Imposed After The Petitioner Had Been Deprived The Assistance of counsel For His Defense, Even His own court Appointed Attorney [Atty. Anthony]

The Sixth and Fourteenth Amendment Protections And This United States Supreme Court Clearly Established Federal Law, With A Reversed Waiver of Counsel Scheme That Was Adopted By North Carolina Court of Appeals And The Supreme Court of North Carolina Being Used To Avoid Scrutinizing The Validity of The May 1st, 2014, Waiver of Counsel, As Both Courts Has Been Carefully Avoid A Scrutiny And A Inquiry For The Want of Jurisdiction which They was Long Aware Has Been lost Since [May 1st, 2014] Waiver of Counsel Proceeding, As [Appendix - D And E], Clearly Establish.

Whereas, Here, The Supreme Court of North Carolina Suspended The Inquiry Functions of The Writ of Habeas Corpus Ad Subjiciendum By The Arbitrary Use of Summarily Denials And Summarily Dismissal To Hold On To Jurisdiction That was lost on May 1st, 2014, Realizing That [Appendix - D And E] Proves That There was no Valid Waiver of Counsel on May 1st, 2014, Authorizing This Indigent Criminal Defendants Pro Se Representation From May 1st, 2014, Throughout [March 19th, 2015], That's The Trial Court Proposed Competent Jurisdiction To Proceed And To Further The Criminal Proceedings... Even To The March 19th, 2015, criminal Proceeding, What Is Being Asked Is Where Did The [May 1st, 2014,] Trial Court Get The Sixth Amendment Authority To Proceed, Beyond The May 1st, 2014, Junction, To The March 19th, 2015 Criminal Proceeding, After The May 1st, 2014, Trial Court's Completion of That Waiver of Counsel Proceeding manifest A Sixth Amendment Jurisdictional Bar, 304 U.S. At 468 n. 9-10, In Itself, Procedurally Barred All Subsequent

Trial Court Abandoned The Completion of The May 1st, 2014, Waiver of Counsel Validity, By The May 1st, 2014, Trial Court Abandoning The Sixth Amendment Constitutional Standards, to wit, The Farett v. California, 422 U.S. 806, 95 S. Ct. 2525 (1975) colloquy Requirement, while Also Abandoning The Requirements The Petitioner making An Unequivocal Knowingly, Intelligently And Voluntarily Waiver His Court Appointed Attorney's [Attorney Authority's] Representation And The Representations of All Lawyer, As [Appendix - D] Shows on Its Face, which Also Shows The May 1st, 2014, Trial Court Abandoning The State of North Carolina Mandatory Statutory Requirements of Section 15A-1242 of N.C. General Statutes Also on May 1st, 2014, Trial Court Also Abandoned Its Required Find That The Petitioner's May 1st, 2014, Waiver of His Right To Counsel was made Knowingly And Voluntarily.

While All of Those material Facts Goes Undisputed By The Aligned Respondent of [Appendix - L], Prima Facie Evidence Supported By The [May 1st, 2014] Waiver of Counsel Hearing Transcript [Appendix - D And E] Giving Testimony Not only To This Court, But Also To North Carolina Supreme Court on May 29th, of 2025, to wit, The North Supreme Court should Grant The Writ. Moreover, Because The Evidence From Both [Appendix - D and E] Supports The material Fact That The May 1st, 2014, Waiver of Counsel Proceeded was In fact Incomplete, That In fact Establish The Element That Supports The Johnson v. Zerbst, 304 U.S. 458 16 P. n. 9-10, Six Amendment [Jurisdictional Bar] Divesting The Trial Court of Its Competent Jurisdiction, As of May 1st, 2014,

Pursuant to those precedents and the Unconstitutional En Peril Position of The Petitioner was Entitled to an Habeas corpus Inquiry And Hearing, to Determine the continue ongoing Jurisdiction and Jurisdictional Bar Dispute, Per se, the Validity of The Petitioner's Restraint and Detention, Resulting From Undisputed Material Facts That the Petitioner was Unconstitutionally Deprived of His Constitutional Right to Assistance of Counsel For [10 1/2-months] of critical Pretrial Proceedings, And Subsequent Criminal Trial that He Did Not Waive on [May 1st, 2014], to Answer to charges that the Trial Court ... no longer acquired any competent Jurisdiction to Even Prosecute, Notwithstanding the Indictments, As the Trial Court Record of the [May 1st, 2014], clearly shows that the Trial Court Had Acquired no competent Jurisdiction to Proceed nor to Further the Proposed Criminal Proceedings to Conviction nor the Imposing of the Three Active Prison Sentence Since May 1st, of 2014.

Reviewing The Sixth Amendment [May 1st, 2012] Violation Involving The Waiver of Counsel Proceedings, A Sixth Amendment [Jurisdictional Bar] was manifest when the May 1st, 2014, Trial Left the May 1st, 2014, Waiver of Counsel Proceeding [Incompletion] that the Incompletion Triggered a Johnson v. Zerbst, 304 U.S. 458, At 468 n. 9-10 (1938) Sixth Amendment [Jurisdictional Bar], The Incompletion Left the May 1st, 2014, Court Waiving the claim of Having Secured an Unequivocal, Knowingly, Intelligently and Voluntarily Waiver of The Petitioner Right of The Representation of Court-Appointed Attorney [Daniel B. Anthony], And the Representations of All Lawyers, Because May 1st, 2014, Trial Court Record [Appendix - D], show that the May 1st, 2014,

Imposing of the Three Active Prison Sentences upon This Indigent Criminal Defendant, who Had Been Unconstitutionally Deprive of His Sixth Amendment Right to Assistance of Counsel During [10y2-months] of Critical Pretrial Proceedings, From May 1st, 2014, Throughout March 19th, 2015, and From March 19th 2015, Through, October 26th, 2015 Critical Pretrial Proceedings, and From October 27th, 2015, Throughout November 4th, 2015, Critical Trial And Sentencing Proceedings For His Defense, In the Absence of the May 1st, 2014, Trial Court Securing a Competent Unequivocal Knowingly, Intelligently and Voluntarily Waiver of Counsel From this Petitioner on [May 1st, of 2014], As to Confer Competent Sixth Amendment Authority upon the May 1st, 2014, Trial Court To Proceed and To Further the Criminal Proceeding to conviction and to the Imposing of Three Active Prison Sentences upon This Indigent Criminal Defendant who maintains that He was Deprived of His Sixth Amendment Right to Counsel During All of those Critical Stage of the Asserted Criminal Proceedings.

To wit, This Petitioner maintains that on May 1st, 2014, That He never Made An Competent Unequivocal Knowingly Intelligently and Voluntarily Waiver of His Sixth Amendment Right to the Representation of Petitioner's Court Appointed Attorney [Daniel B. Anthony], nor the Representations of All Lawyers, And Never Requested on [May 1st, of 2014] to Be Allowed to Waiver those Representations And to Proceed to Trial Pro se. see witness [Appendix-D]. Judicial Notice Requested.

Even Looking Through Eyes of North Carolina Supreme court, And North Carolina Court of Appeals to How They Handle Similarly Situated Indigent criminal Defendant with Inadequate Sixth Amendment Waiver counsel Inquires For The of Showing This Supreme court How Flagrantly N.C. Supreme Court Suspended The Writ of Habeas Corpus on May 29th, of 2025 and December 10th, of 2025 Using The Own case law shows How They will fully suspend The writ of Habeas Ad Subjunctum,

If the court will Take Judicial Notice To How The North Carolina Court Deals with Trial Courts, when The Trial Courts make Inadequate Waiver of Counsel Inquiry... Starting with

State v. Debnam, 168 N.C. App. 707, 608 S.E. 2d 795 (2005) The North Carolina Court of Appeals Held...

The Execution of A Written Waiver of counsel And Defendant's Assertion That He wanted To Represent Himself, without more Did not constitute a Valid Waiver.

State v. Anderson, 215 N.C. App. 169, 721 S.E. 2d 233 (2011) The North Carolina Court of Appeals Held...

Defendant's Signed Waiver was Insufficient To constitute A knowingly, intelligent and Voluntary Waiver of His

Constitutional Right To The Assistance of Counsel At A Subsequent Trial.

State v. Sorrow, 213 N.C. App. 571, 713 S.E. 2d 180 (2011) the
North Carolina Court of Appeals Held...

Trial Court Failed To conduct mandatory Inquiry
Into The Defendant's Election To Waive His Statutory
Right To Counsel, Committed Prejudicial Error.

State v. Thomas, 331 N.C. 671, 675, 417 S.E. 2d 472, 476 (1992) N.C.
Supreme Court Held That...

A Written Waiver of Counsel Is something Far
Additional To The Actual Requirements of Section
15A-1242 of N.C. General Statutes, and Is Not an
Alternative To Its Actual Compliance.

State v. Wells, 78 N.C. App. 769, At 770 (1986) N.C. Court of
Appeals Held...

A Defendant may Be Permitted At His own Election
To Proceed In The Trial of His case without the As-
sistance of Counsel [only] After The Trial Court Judge
makes a Thorough Inquiry and Is Satisfied That
The Defendant:

(1). Has Been Clearly Advised of His Right to the Assistance of Counsel, Including His Right to the Assignment of a Counsel when He is Entitled.

(2). Understand and Appreciate consequence of His Decision, And

(3). Comprehend the Nature of the Charges and Proceedings And the Range of Permissible Punishments.

The Provisions of this Statute are mandatory and Failure to Conduct this Inquiry constitutes Prejudicial Error.

State v. Doisey, 277 N.C. App. 270, 858 S.E.2d 133 (2021) N.C. Court of Appeals Held

The Colloquy Between Defendant and The Court Did not comply with the Statutory Requirements of a Valid Waiver of the Right to Counsel.

State v. Thacker, 301 N.C. at 355, 271 S.E.2d at 256 (1980) N.C. Supreme Court Held That . . .

Compliance with the Dictates of this section has been held to fully satisfy the constitutional requirements that waiver of counsel be knowing and voluntary.

Followed By The North Carolina Court of Appeals In *State v. Warren*, 82 N.C. App. 84, At 87, 345 S.E.2d 487 (1986) Holding That

...

When It Is No Evidence In The Record [Appendix Ex. D], Which In This Case The [May 1st, 2014] Waiver of Counsel Proceedings Transcript... Showing That The May 1st, 2014, Trial Court made No Thorough Inquiry During The Waiver of Counsel Proceedings To Comport With The Dictates of Section 15A-1242 of North Carolina General Statutes, Due Process Have Not Been Met, And When A Trial Court Signs A [Certificate] Appendix Ex # 5, Indicating That This Procedure Has Been Followed [on May 1st, of 2014]. But, The Record [Appendix Ex. D] Belies That Fact, Then That Waiver Will Be Invalidated.

North Carolina Supreme Court In Its Holding of *State v. Jones*, 358 N.C. 473, At 487, 598 S.E. 2d 125, At 133-34 (2004) Held That...

When A Panel Of The Court of Appeals Has Decided The Issue, albeit In A Different Case, The Same Court Is Bound By That Precedent, Unless It Has Been Overruled By A Higher Court.

North Carolina Supreme Court In State v. Jones, 35 P.N.C. 473, 487, 598 S.E.2d 125, 4133-34 (2004) Held That...

When A Panel Of The Court Of Appeal Has Decided The Issue, Albeit In A Different Case, The SAME Court Is Bound By That Precedent, Unless It Has Been Overruled By A Higher Court

This Precedent Applies State v. Pena, 257 N.C. App. 195, 809 S.E. 2d 1 (2017), where This Petitioner And Pena Direct Appeal was Pending Before The SAME Direct Appeal At The Same On The SAME Proposed Waiver Of Counsel Issue And Inadequate Taretta Colloquy. North Carolina Court Of Appeals Refused To Apply The SAME Scrutiny As To The May 1, 2014, Waiver Of Counsel Standard Of Review, Instead, N.C. Court Of Appeals Applied The Sufficiency Of The Evidence Of A Post-Trial That The Trial Acquired NO Competent Jurisdiction TO Even Have The Post Trial, The Trial Court Lost Jurisdiction On May 1st, Of 2014, And The Lost Jurisdiction Dissolved The Validity Of The Indictments As Well

Basing The Question On The Incompletion Of The May 1st, 2014, Waiver Of Counsel Proceeding [Appendix - 12], Absent Of The Petitioner

- ①. never making An Unequivocal Request To Proceed To Trial Pro se On May 1st, Of 2014, [Appendix - 12] -

- (2). Never making An Unequivocal Request To Waive The In-Court Representation of His Court Appointed Defense Attorney, [Attorney Daniel B. Anthony] on May 1st, of 2014, And To Proceed Pro Se.
- (3). Never Making An Unequivocal Request To Be Allowed To Waive Representations of All Lawyer And To Proceed To Trial Pro Se, on May 1st, 2014.
- (4). Never making An Unequivocal Request To Be Allowed To Proceed To Trial Pro Se And Hybrid, on May 1st, of 2014.
- (5). Never making An Unequivocal Request To Be Allowed Only To Sign A Written Waiver of Counsel Form For Only Criminal Case No. # 13-CRS-53133, And To leave [Attorney Anthony] Assigned To Criminal Case No. # 13-CRS-06124, on May 1st, of 2014.
- (6). Never checked An Box on The May 1st, 2014, Waiver of Counsel Form saying That He Elected To Waive All Lawyers Representations. [Appendix Ex. No. E]
- (7). Never checked Any Boxes on The May 1st, 2014, Waiver of Counsel Form subscribing That The Trial Court on May 1st, of 2014, Had Fully Advised This Petitioner of

The Charges Against Him, The Nature of And The Statutory Punishment For Each Such Charge, And The Nature of The Proceedings Against me, That I Have Been Advised of my Right To Have Counsel Assigned To Assist me Right To Have The Assistance of Counsel In Defending These charges or In Handling These Proceedings, And That I Fully Understands And Appreciate The Consequences of my Decision To Waive The Right To Assigned Counsel And The Right To Assistance of Counsel. [Appendix Ex.-E].

- (8). Never consented to the [May 1st, 2014] Hybrid Representation And was not made aware of the May 1st, 2014, Waiver of Counsel Proceedings Being Hybrid, until some [10 1/2-months] Later, on March 19th, of 2015, Reverse Waiver Proceedings, Even though [Attorney Anthony] Had made on two different occasions unexplained Remarks saying... As Quite As It's Kept, I still might Be your Attorney, Acknowledging That He was aware of the May 1st, 2014, Waiver of Counsel Proceedings To Be Hybrid

Moreover, on Direct Appeal Because there was no valid Waiver of Counsel Secured on May 1st, of 2014, The Record on Appeal, To wit, [No. #132] Appendix Ex. # 6B, Proffered Proposed [Issue on Appeal No. #14] Asking The Direct Appeal Panel To Determine

Whether The Trial Court Erred In Sentencing The Defendants.

The Basis For That Question Arise From Proffered Question on Direct Appeal Proposed [Issue on Appeal No. # 2], Record on Appeal No. 131, [Appendix Ex. No. # P], Since There Was No Valid Waiver of Counsel Secured By The Trial Court on May 1st, 2014, And Seeing That The May 1st, 2014, Trial Court Had Left The May 1st, 2014, Waiver of Counsel Proceedings [Incomplete] To The Extent That The Incompletion Had Manifested A Sixth Amendment Violation [Jurisdictional Bar] Barring The May 1st, 2014, Trial Court From Furthering The Criminal Proceedings, To Conviction An Sentencing, Per Johnson v. Zerbst, 304 U. S. 458, At 468 n. 9-14 (1938), And From Imposing of Any Active Prison Sentence upon This Indigent Criminal Defendant/Petitioner who Had Not Been Provided The Assistance of Counsel In His Defense, nor Had The Trial Court Secured A competent knowingly, intelligently and voluntarily Waiver of Counsel From This Petitioner on [May 1st, of 2014] Barring The Trial Court's Proposed Conviction And Imposing of The Three Active Prison Sentences, Per Argersinger v. Hamlin, 407 U. S. 25, At 37-40 (1972) notwithstanding The Verdicts.

While Both This Petitioner, who Is Black, And Appellant In State v. Peng, 257 N.C. App. 195, 809 S.E. 2d 1 (2017) who Is White, Pending Before The SAME Direct Appeal Panel At The

SAME Time, Both Having Been Convicted of The Same Alleged Criminal Offenses, And Both Asking The Same Direct Appeal Panel, To Determine The Validity of Their Initial Waiver of Counsel Proceeding Based upon An Incomplete Waiver of Counsel Proceedings, With The End Results, Resulting Pena Receiving A New Trial, Because The Direct Appeal Panel, Applied The Prior Albeit Previous Decises As Binding Precedents, As The North Carolina Supreme Court Instructed In State v. Jones, 358 N.C. 473, 44487 (2004) Supra, To white male appellates, who was Provide Due Process And Equal Protection of The Law.

But When It come To This Petitioner Direct Appeal With The Same Proposed Waiver of Counsel Issue on Direct Appeal, The Direct Panel Refused To Apply Any of The Direct Appeal Panels Previous Albeited Decision Had Be Applied To Pena, and All other Previous Cases Cited Herein, As Far Back As State v. Bullock 316 N.C. 180, 340 S.E. 2d 106 (1986) who was A magistrate Judge with The Same charges A Pena, and This Petitioner, Also State v. Pruitt, 322 N.C. 600, 369 S.E. 2d 590 (1988) who Is white with The Same charges As Pena, The Petitioner And Bullock, All white, All Got new Trials, But When Came To This Black Appellant/Petitioner The Court Appeal Refused To Apply Any of The Court of Appeals And N.C. Supreme Courts Previous Precedents Albeiting The Same Binding Rulings, Instead The Direct Appeal Panel Applied A Total Erroneous Standard, to wit, A [Reversed Waiver] 10 1/2-months later on march 19th, of 2015, Then calling It A none Pro Time, completion of The maylist,

2014 [Reverse Waiver] Proposed [Completion] Provisions of the May 1st, 2014, Incomplete Bifurcated Constitutional Standards, Where There After The Appeals Court Refused To Review The Validity of the [May 1st, 2014] Waiver of Counsel Proceedings, That the May 1st, 2014, Trial Court Did Not Find To Be A competent knowingly, intelligently and voluntarily Waiver of this Petitioner Right Counsel on May 1st, of 2014, As To Confer Sixth Amendment Authority upon the Trial Court on May 1st, 2014, To Further the Criminal Proceeding To Trial, Conviction And Sentencing Based Solely on the [Petitioner Pro Se Representation], And The Absent of An Affirmed Voluntary Waiver of Counsel Being Secured By the State of North Carolina on May 1st, of 2014.

To Keep The Petitioner From Further challenging the Trial Court Jurisdiction To Further the Criminal Proceedings Beyond the [May 1st, 2014] Incomplete Waiver of Counsel Proceedings the North Carolina Supreme Court with the Intent To Suspend the Petitioner Right To Prosecute the Writ of Habeas Ad Subjiciendum Pursuant To Section 17-3, of N.C. General Statutes... Which Provides:

Every Person Imprisoned or Restrained of His Liberty within this State, For Any Criminal or Supposed Criminal matter, or on Any Pretense whatsoever, may Prosecute A Writ of Habeas, According To the Provision of This

chapter, To Inquire Into The Cause of Such Imprisonment or Restraint, And, If Illegal, To Be Delivered Therefrom.

Pursuant To Section 17-33, which Provide... When Party Is Entitled Be Discharged, [Such Party] can Be Discharged only In one of The Following cause:

- (1). Where The Jurisdiction of Such Court or Officer Has Been Exceeded, Either As To Matter, Place, Sum or Person.
- (2). Where, Though The Original Imprisonment was lawful, yet By some Act, Omission or Event, which Has Taken Place Afterwards, The Party Has Become Entitled To Be Discharged.
- (3). When The Process Is Defective In some matter of Substance Required By Law, Rendering Such Process Void.
- (4). Where The Process, Though In Proper Form, Has Been Issued In a case not Allowed By Law.
- (5). When The Person, Having The Custody of The Party Under Such Process, Is not The Person Empowered By Law To Detain Him.

Reasons For Granting The Petition

The Petitioner Respectfully Pray, That The Petition Be Granted Because The Johnson v. Zerbst, And The Argersinger v. Hamlin, Holdings Setforth The Reasons As To Why The Petition Should Be Granted, The State Supreme Court Has Unconstitutionally Suspended The Writ of Habeas corpus Ad Subjiciendum, That The Johnson Supreme court Authorized The Right To Prosecute, Upon A Showing of Preponderant of The Evidence...

Whereas, In This case shows, Before North Carolina Supreme court on May 28th, 2025, Setforth In [Appendix - D And E] undispute Facts which supported The Granting And Issuance of The Writ of Habeas corpus Ad Subjiciendum, Based Solely upon The Record [Appendix - D And E], which is A copy of The [May 1st, 2014] Proposed Waiver of Counsel Hearing Transcript Bearing Testimony of the incompletion of The May 1st, 2014, Waiver of Counsel, And The Trial Court's Failure To comply with The Sixth Amendment Requirements on May 1st, 2014, That Inherently manifesting A Johnson v. Zerbst, 304 U.S. At 468 n. 9-10, A Sixth Amendment violation [Jurisdictional Bar], Especially, with The Support of North Carolina's own case law, State v. Pena, 257 N.C. App. 195, 809 S.E. 2d 1 (2017), who Appellant Pena, And This Petitioner Both Direct Appeals was Pending Before The SAME Direct Appeal Panel At The Same Time with The Same Waiver of Counsel Exceptions, where This Petitioner via Record on Appeal No. *131 As The Panel To Determine...

"Did The Trial Court Err In Accepting The Defendant's May 1st, 2014, Waiver, And Allowing Him To Represent Himself At Trial?"

The Question Is Based upon Why The Direct Appeal Panel Did Not Apply The SAME Section 15A-1242 OF N.C. General Statutes Standards Scrutiny To The May 1st, 2014, Waiver of Counsel That It Applied To Appellant Penix's, Seeking To Have The Appeal Panel To Determine, Whether The May 1st, 2014, Trial Court conducted An Adequate And complete Sixth Amendment Faretti colloquy Hearing Due Process Inquiry, Necessary For The Sixth Amendment To confer competent Jurisdiction upon The May 1st, 2014, Trial Court To Proceed. 304 U.S. At 468 n.9-10.

In Support of The Material Facts That The [May 1st, 2014] Trial Court Did Not Conduct An Adequate, Nor A Complete Sixth Amendment Faretti Colloquy Inquiry, The Record Submitted on Direct Appeal In Support of The Question No. 2, Setout In Record on Appeal No. 131, [Appendix - P] was Submitted with Record on Direct Appeal - Appendix - D And E, As Submitted To The Supreme Court of North Carolina In Support of Petition For Leave To Be Allowed To Prosecute A Writ of Habeas corpus Ad Subjiciendum [Appendix - L] And This Petition For A Writ of Certiorari, which Is [Appendix - D And E], Shows All Three Counts, Not Only was The [May 1st, 2014] Trial Court's Proposed Waiver of Counsel Inquiry Incomplete, [Appendix - D And E], which Shows That The [May 1st, 2014] Trial Court Did Not Even conduct A Sixth Amendment Faretti Peril Inquiry At All on May 1st, 2014, Leaving The May 1st, 2014, Sixth Amendment Requirements Incomplete, Where The Johnson v. Zerbst, 304 U.S. At 468 n.9-10 Declared The Incompletion As A Sixth Amendment violation, manifesting A Sixth Amendment [Jurisdictional Bar], Divesting The Trial Court As of May 1st, 2014, Procedurally Barring The May 1st, 2014, From Proceeding And Furthering The Criminal Proceedings

And From Furthering The Criminal Proceedings To Conviction And Sentencing, Because The Trial Court No Longer Acquired Competent Jurisdiction.

The May 1st, 2014, for completion of the Sixth Amendment Requirement, Is Based solely on the Following Evidence, From [Appendix - D And E] Presented Not Only To This Court, But Also To The Supreme Court of North Carolina, And North Carolina Court of Appeals, By Record on Appeal [Appendix - D, E, And Q], SAME Evidence Submitted To The North Carolina Supreme Court In Support of Habeas Corpus Petition, with Prayer For Vacate The Conviction And Arrest of Judgments, which should have Been Granted on the undisputed Facts...

(1). Appendix-E, Shows on It Fact That The Written Waiver of Counsel was Bare Bone For which The Petitioner was Ill-Advised To Sign when the Defense County Nor The Prosecuting Attorney Even Reviewed The May 1st, 2014, Waiver of Counsel For Until [10 1/2-months] After It was Signed To Discover That It Failed To Fore cast Any of The Indicted Offenses For which counsel was Allegedly Waived, And For which The Waiver was Accepted By The May 1st, 2014, Trial Court Being The only Basis Supporting The May 1st, 2014, Waiver of Counsel.

(2). Appendix-E, Never Informed The Indigent Criminal Defendant of Any Indicted Offenses For which He was Allegedly waiving his Right To Counsel on May 1st, 2014.

3. Appendix-E; - the May 1st, 2014, waiver of counsel
"claim was totally belied, and void.

4. Appendix-B, Iowit, Trial copy of the May 1st, 2014,
waiver of counsel transcript, which fore cast the
Following Evidence...

(a). That on May 1st, 2014, The Petitioner Had Not Made
An Unequivocal Knowingly, Intelligently and
Voluntarily Request As To Be Allowed To Waive
The Representation Of His Court Appointed Attorney
[Dennis Butchberry] And To Be Allowed To Proceed
Pro Se.

(b). That On May 1st, 2014, The Petitioner Had Not
made An Unequivocal Knowingly, Intelligently And
Voluntarily Request As To Be Allowed To Waive The
The Representations of all lawyers And To Be
Allowed To Proceed To Trial Pro Se.

(c). That The May 1st, 2014, Trial Court Judge Never Informed
The Petitioner Of Any Of The Indicted Offenses For
Which The Court Intend To Base The Reception Of
The May 1st, 2014,

(d). That The May 1st, 2014, Trial Court Did Not Conduct

A Faratta Perils Colloquy with the Petitioner on May 1st, 2014, never told the Petitioner of any Advantages and the Disadvantages in Proceeding to Trial Pro Se.

(e) never informed the Petitioner on May 1st, 2014, of the Permissible Range of the Punishment for any of the Indicted Offenses.

(f). never As the Petitioner on May 1st, of 2014, whether he Understood and Appreciate the Decision to Proceed to Trial without the Assistance of Counsel.

(g). The May 1st, 2014, Trial Court Judge never made a Finding that the Petitioner's May 1st, 2014, Proposed Waiver of Counsel was knowingly and intelligent, made

(h). that the May 1st, 2014, Trial Court never conduct the North Carolina General Statutes Section 15A-1242 Statutory mandatory Requirements, on May 1st, 2014

(i). that [Atty. Anthony] Petitioner's Court Appointed Attorney objected to the Trial Intent to accept Pre-Printed waiver of Counsel Form.

(j). Court Appointed Attorney informed the May 1st, 2014, Trial Court Judge that he was aware that

Conclusion

Wherefore, Petitioner Respectfully Pray, That The Honorable Justice Justices of The United States Supreme Court Will Grant The Petition, And Intervene For The Purpose Of Resolving This Ongoing [10-years] Sixth Amendment [Jurisdictional Bar] Dispute, That Will Not Be Resolved Unless This Court Intervene And Resolve This Jurisdiction Dispute whereas, The State of North Carolina Supreme Court Refuses To Allow The Petitioner To Prosecute A Writ of Habeas Corpus Ad Subjiciendum, when The undisputed Evidence From The May 1st, 2014, Trial Record [Appendix - D And E] Shows That The May 1st, 2014, Trial Court Incompletion of The May 1st, 2014, Sixth Amendment Requirement on May 1st, Of 2014, Manifested A Jurisdictional Bar Based Solely upon The May 1st, 2014, Trial Court Incompletion of The May 1st, 2014, Sixth Amendment Waiver of Counsel Proceeding, Where The Petitioner maintain To The North Supreme Court That The Trial Court Had Acquired no Competent Jurisdiction To Place Him, An Indigent Criminal Defendant on Trial on His Pro Se Representation, And Whom Had Lost It Competent Jurisdiction As of May 1st, 2014, After The May 1st, 2014, Trial Had Left The May 1st, 2014, Waiver of Counsel Proceeding Incomplete [0 1/2 - months] Before Discovering That The Trial Court Had Lost Its Competent Jurisdiction As For Back As May 1st, 2014, That The Lost Itself, Had Manifest A Sixth Amendment [Jurisdictional Bar], And That The Bar, Had Withheld Sixth Amendment Authority From The Trial Court on May 1st, Of 2014, Johnson v. Zerbst, 304 U.S. 458, At 468 n. 9-10, Procedurally Barring The Trial Court From Proceeding And From Furthering The Criminal Proceeding Beyond The Point In Which The Sixth Amendment Jurisdictional

Bar was manifest, Divesting the Trial Court of its competent Jurisdiction to further the criminal Proceeding to conviction and the sentencing trial, The incompletion Barred the Trial Court from obtaining a competent, knowingly, intelligently and voluntarily waiver of counsel, from the indigent criminal Defendant that the Trial Allowed to Proceed to Trial fruitlessly for [10 1/2 months] Before Even Realizing that the May 1st, 2014, waiver of counsel Proceeding Had Not Even Been Completed yet, Because the May 1st, 2014, Trial Court Failed to comply with the Sixth Amendment Requirement, underlying a Faretta colloquy, 422 U.S. 806 (1975).

While the Trial Court was aware that the Sixth Amendment Jurisdictional Bar Had Terminated the Jeopardy of the Indicted Offenses Also, with that in mind, And without any competent Jurisdiction the Trial Court Illegally conferred Jurisdiction upon Itself, For the want of Jurisdiction, Then Illegal Further the criminal Proceeding from May 1st, 2014, to March 19th, 2015, criminal Proceeding, then without any legal charges pending Against the Petitioner to Arise, Peril Double Jeopardy By Requiring the Petitioner on March 19th, 2015, to Illegally go through motion of Renewing or Completing the May 1st, 2014, incomplete waiver of counsel Proceeding, alune pro tunc, By Telling that the Trial Have DO Him May 1st, 2014, Waiver of counsel All over Again, After Realizing that the Trial Court Acquire NO competent Jurisdiction on March, 19th, 2015, to Put the Petitioner on Trial again, For Indicted offense that Had Been Dissolved on May 1st, 2014, manifesting a Former Jeopardy, Notwithstanding the verdict, verdict TO wit, The Trial Court acquired no competent Jurisdiction to accept from Jury, and Jury was without Jurisdiction to

Render The Verdicts, As There was no longer any indictments to even
Put The Petitioner nor to imposed The Three Active Prison sentence
upon Him on November 4th, of 2014, As The Indictment was still
under a Sixth Amendment Jurisdictional on Backing The Trial
Court From Further Those criminal Proceeding To conviction
And sentencing, This Is where The Trial Court Proceeding conflicts
with This United States Supreme Courts Injunctive Sixth Amendment
Jurisdictional Bars of Johnson v. Zerbst, 304 U.S. At 468 n. 9-10,
And Argersinger v. Hamlin, 407 U.S. At 30-40 (1972)

This Is why The Petitioner was Entitled To Prosecute The Writ of
Habeas Ad Subjiciendum, As Instructive By The Johnson Supreme Court,
And why The North Carolina Supreme Court Unconstitutionally Suspended
The Writ, In violate of Article I, Section 9, clause (2) of The United States
Constitution, For which The Petitioner was Entitled To Have The Writ
of Habeas Corpus Granted By The North Carolina Supreme Court
Forthwith, Its To That End, The Petitioner Prays That This Supreme
Court Grant This Petition, And And Reverse The N.C. Supreme Courts
[May 29th, 2025] Habeas Corpus Decision, And Order The Court
To Grant.

Respectfully Submitted on This 1st, Day of June of 2024

Henry Clifford Byrd Sr. Petitioner Prose
272 Glen Road
Troy, North Carolina, 27371