ORIGINAL

NO. 26-5992

Supreme Court, U.S.
FILED
MAY 26 2026
OFFICE OF THE CLERK

IN THE
SUPREME COURT of the
UNITED STATES

(Pro-Se) Claude Stevens - Petitioner

V.

State of North Carolina - Respondant

On petition for a writ of certiorari to:

The United States Court of Appeals for the Fourth Circuit,

Claude Stevens
NEUSE Correctional
701 Stevens Mill Rd.
Goldsboro, N.C. 27533

QUESTIONS Presented:

(1) Whether the trial judge practiced "deliberate cruelty" as stated in Blakely v. Washington, and State v. Robert Miller (2003) et. al., and interjected "Heinious and Atrocious" levels to mere uncorroberated accusations that already contain an ample amount of reasonable doubt, himself, by increasing North Carolina's statutory maximum number of years for a found as presumptive level one person's sentence, when defendant is a first time offender, found as level one, found in the presumptive range, found as non-violent, and who is fifty five years old?

Then, not abiding to the agreed upon single consolidated sentence and sentencing to two consecutive sentences, each 4.75 years ABOVE the statutory presumptive range max? This is cruel and unusual punishment, 8th Amend. not heard by a jury, not proved beyond a reasonable doubt, and also demands defendant to unfair lifetime registration. Shouldn't this case be reversed and vacated as were all of the other similar cases recited herein? 6th Amend violation 4th Amend. Violation

(2) The day after the media blast (about me) on tv, radio, and the front page of the local newspaper, prosecution introduced charges in the original indictment. After two years of sitting in jail and refusing the five year plea offered, for two "E" charges, prosecution altered the original indictments. On these new superceding indictments, there are now eight first degree statutory sex offenses, and all other charges were doubled. (like a child breaking her toys because she can't get her way.) Realizing the improbability of all those charges, prosecution dismissed eight of the new charges in court. Did trial court err by denying the numerous motions to dismiss the remaining first degree statutory sex offense charges, that are uncorroborated, and based upon ambiguous

insufficient, and inconsistent statements that have no specificity leaving an ample amount of reasonable doubt violating the 4th, 5th, 6th, and 14th amendments? Did prosecution over-alter all the indictments to gain a conviction? Other cases that are very simular as cited herein, were vacated and reversed by the U.S. Supreme Court for constitutional violations.

(3) Did trial court err by demanding a five million dollar ($5,000,000.00) bond for a first time offender, found non-violent, in the presumptive range, not to mention he has been employed his entire adult life, he paid all his taxes, he had a 740 credit score, he is 55 years old, he is well honored in his community? Wouldn't an amount of bond set that astronomically high ($5,000,000.00) be considered "excessive" and be in violation of the 8th Amendment for a first time, non-violent person, found in the presumptive range (all mitigated facts were ignored) for ambiguous reasons and statements? shouldn't this case be found in violation of the eighth Amendment and be dismissed as like the cases here in?

(4) Did trial Court err and violate, along with prosecution, defendants 5th Amendment right, by Sentencing defendant to first degree ~~statutory sex offenses~~ against Anthony Locke, when all of the faux first degree statutory sex offense charges against Anthony Locke were "dismissed" by prosecution, there in Court? Does this also violate the 8th Amendment for cruel and unusual punishments, 4th Amendment for no probable cause, 6th Amendment for not being Heard by a jury for this "judicial sentencing enhancement"? The dismissals are on (page 533:13 to Page 534:2), in the Trial Transcript (TTP), and Due Process violations.

Parties to the proceedings below

Petitioner - Claude Stevens

Respondant - State of North Carolina

Related Cases

North Carolina V. Claude Stevens - NO. COA 20-421, NC Court of Appeals Judicial District 10. Judgement entered - July 6, 2021.

North Carolina V. Claude Stevens - NO. 390 P 21, Supreme Court of N.C. Judgement entered - May 4, 2022.

Stevens Claude V. North Carolina - NO. 5-23-HC-02040-M-RJ, US District Court of Appeals. Judgement entered 3-26 26.

Stevens Claude V. North Carolina - NO 24-6985, - U.S. Court of Appeals for the 4th Ciruit. Judgement entered June 25, 2026.

List of Appendices

Federal Courts: Appendix A

1. U.S. District Court of Appeals - Eastern District of North Carolina
   - denied, no certificate of Appealability.
   Case #: 5:23-HC-02040-M-RJ
   Case Caption - Court of Appeals denied relief on 28 USC 2254 petition denied.

Appendix B

2. U.S. Court of Appeals for the fourth Circuit Case #: 24-6985
   date of decision: June 25, 2026
   Case Caption - Denied - NO certificate of Appealability given

State Courts: Appendix C

1. North Carolina General Court of Justice - Superior Court Division
   Case #'s: 16 CRS 2165-58 / 16 CRS 2165-59 / 16 CRS 2165-62 / 16 CRS 2165-64
   Date of decision: July 26, 2019

Appendix D

2. North Carolina Court of Appeals - Judicial District 10
   Case #: COA 20-421 Date of decision: July 6, 2021
   Case Caption; Failed to demonstrate error

Appendix E

3. Supreme Court of North Carolina - Petition for Discretionary Review (P.D.R.)
   Case #: 290P21 Date of decision: May 4, 2022
   Case Caption: Denied by order of the court in conference

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Kelly M Kelly

Opinions Below

For Cases from Federal Courts:

The opinion of the United States Court of Appeals, 4th cir. is unpublished, and appears at Appendix B to the petition.

The opinion of the United States District Court E.D. North Carolina Western Division is unpublished.

Jurisdiction

For Cases from Federal Courts:

The date on which the United States Court of Appeals decided my case was 3/30/26. No petition for rehearing was filed. Jurisdiction of this court is invoked under 28 U.S.C. § 1254 (1).

Constitutional and Statutory Provisions

The 4th Amendment provides: The right of people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrents shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

The 5th Amendment Provides: NO person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual time of war service or public danger, nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

The 6th Amendment provides: In all criminal prosecutions, the accused shall enjoy the right to a speedy trial, by an impartial jury of the State and district where the crime shall have been committed, which district shall have previously ascertained by law; and to be confronted with the witness against him; and to be informed of the nature and cause of the accusations; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of Competent Counsel for his defense.

The 8th Amendment provides: Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

The 14th Amendment provides: All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the U.S. and the State where in they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the U.S.; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction equal protection of the laws.

Statute 15A-924(a)(4): "Error as to date... is not grounds for dismissal... if time was not of the essence." Under the age of "13", makes time of the ESSence.

Statute 15A-1340.7: Sentencing Chart

Statute 15A-1340.16: Mitigating factors

Statute 15-144.2: Essentials of Bill for sex offense

72 American Law Reports 801: Factors in fixing Amount of Bail in Criminal Cases.

Kelly M Key

Statement of (facts) the Case

(1) Petitioner swam at the YMCA for years. In 2007, Pam Locke and her sons (twins) started to swim there when the outdoor pool opened. Pam met Petitioner. After petitioner swam his laps, pam and her sons moved next to the petitioner and started discussing how she hates her job, they don't pay her correctly, and she has too many hours.

(2) A week after meeting petitioner, Pam announced she quit her job and can work for petitioner starting immediately. She knew he was looking for a Secretary

(3) Weeks later, Pam brought her bathing suit over to petitioner's house to sit in his hot tub with him, Soon after, her boys did too, never without pam.

(4) Soon after, Pam mentioned how she enjoys looking people up on the internet and finding out their finances and their net worth. She stated she looked up all my current clients, I then realized she probably searched me too.

(5) Nine years later, in may 2016, defendant told pam and her twins that he was going to marry "Lisa", his girlfriend for the past three years.

(6) All three of them got mad, Pam decided to only work two days a week for a couple hours

(7) Pet. told Pam and her twins that they need to stop coming over to his house/work, and he can no longer take the three of them on vacation any more, and they all need to start paying him back for loans he made to them for various things.

(8) On many occasions, after Pam told her boys to get out of the hot tub, go in and get dressed, Pam would try to hug defendant. She also told him how, "Randy, (her husband) sleeps on the couch at the other end of the house and is emotionally distant (TTP 391: 8 to 17), how her husband "Randy was not really there" (TTP 391:24), how "Randy does his things and we do ours" (TTP 391: 2 to 25), how "Randy never eats or speaks to any of them," she thinks he is autistic" (TTP 391:8) Pam would try to hug Petitioner again. (9) Other times, Pam would say "what strong feelings she felt for him" (TTP 400: 1)

Keep in Mind

more than just a friend (trp 400; 24-25), and how "Randy does nothing for them" (trp 394-8).

(10) Over time, Petitioner began to "care about all three of them, like a brother and uncle only". Each time Pam hugged, or tried to hug petitioner, and he stated this, Pam cried.

(11) Pam would come to the office two hours early - unpaid, and after school she would pick up her twins and bring them to the office, even though she was not working. They would "hang out" at petioner's house until about ten p.m. daily.

(12) When petitioner told them to start paying him back for items, such as: bowling trips, clothes, food, computers, New tires, radios, batteries, tuition, books, bills, gas, etc. and to stop coming over to his house, they all got mad, stormed out, and sped away.

(13) About a week later, Pam stopped by to threaten petitioner with these accusations from nine years ago, supposedly, then stated, "If I go to the police you will lose 'Lisa', your new BMW, your school, and everything else". She then tried to hug petitioner again, when petitioner refused, she slammed her car door and sped off, again.

(14) Two months later, after not hearing from petitioner, on July 5, 2016 Pam called the Police to follow through with her threats. On Aug. 18, 2016 petitioner was arrested.

(15) Petitioner was offered a five year plea for two "F" Charges, but refused.

(16) In Court petitioner appealed. - It was denied.

(17) After the appeal, petitioner filed for Discretionary Review. It was denied.

(18) Next, petitioner filed an M.R.R. for no DNA evidence as required for sex crimes. It was denied.

(19) Petitioner then filed a Habeas Corpus - which was denied with no appealability.

(20) After the Habeas Corpus; petitioner filed an appeal to the 4th circuit - it was denied for no Certificate of Appealability.

(21) The fatally defective time frame given for any and all of the assumed alleyations was "Sometime during a five year time frame". This was the entire time petitioner even knew any of the lovkes, from the day they met until the day they turned Sixteen.

Kelly M Reed

REASONS FOR GRANTING THE PETITION

The reasons relied upon for the allowance of this writ of Certiorari, is Rule 10(c) " The United States Court of Appeals - Fourth Circuit decided, or ignored, important "questions of Federal Law" in ways that conflict with relevant decisions of this court, as Stated in; Apprendi v. New Jersey, Cunningham v. California, Blakely v. Washington, U.S. v. Booker, U.S. v. Gaudin, Sullivan v. Louisianna, the Cited Cases herein, (et. al not mentioned),

The Constitutional Violations stated in the 4 questions are also important "questions of Federal Law", that have been Settled in many cases, as noted in the cases ~~Stated~~ (cited)es, but, that have not been, but Should be, Settled by this court for the case sub-judice.

Some trial questions asked

Following are some questions asked at the trial and their responses, These statements are an example of the ambiguous and misleading statements this case was built upon, And there are alot more examples of uncorroberated and inconsistant ambiguous verbage that lack specificity in the transcript, and only raise suspicions

(1) Prosecution asked Pam, "Did you ever notice anything unusual? (TTP 396:14), Pam replied, "No, not a thing" (TTP 396:17).

(2) Pam asked Randy "Did you miss us? (TTP 399:4), Randy replied, "I miss the boys"

(3) Prosecution asked Pam, "Did you enjoy going to defendant's house?" Pam replied, "Yeah!" (TTP 399:6)

(4) Prosecution asked Pam, "Did you ever express your feelings to defendant?" Pam responded, "Yes, but he did not react upon it." (TTP 399:25)

(5) Prosecution asked Pam, "were there times when the men started travelling with him and you were not present?" (TTP 403:13). Pam replied, "yes, ... older on bowling trips". (TTP 404:15) (They were 18± on the first trip and 19± on the second.)

(6) "They never showed anything bothering them at all. I never saw a change; Pam stated (TTP 429:22)

(7) "Did you think about leaving your husband for defendant?" (TTP 431:3) Pam replied, "yes, I thought about it"

(8) At times, when you were at his house, ... did you knock on his door to see ...?" (TTP 435:25) "I would".

(9) Brian said "I don't know, we both ..., maybe not?" (TTP 220:2-6)

(10) Brian said, "Dad slept in his chair" (TTP 329:3)

(11) Prosecution asked, "So you could have been thirteen? Brian replied, "yes" (TTP 325:6-7)

(12) "I don't remember if it hurt or was painful?" (TTP 326:11)

(13) During the safechild interview, Page 3 Brian stated, "Things started when we were 13".

(14) Pam stated, "First it was Brian, then it was Anthony.

(15) on page 22 of safechild, Anthony states, "It started at age 13 to 15".

Kelly M Kay

(16) Also on p. 22 of Sakchild, Anthony stated, "I don't remember getting raped."

(17) on p. 4 of Sakchild, Anthony stated, "I was 16 when things started."

(18) on p. 22 of Sakchild, Anthony stated, "Things started at age 13".

(19) Did defendant tell you he was getting married to Lisa? (Brian) "I guess, yeah, I don't know (ttp 326:18)

(20) You said it did not hurt? (Brian) "Yes" (ttp 326:11).

(21) Any medical treatments or injuries? (Brian) "No" (ttp 326:13).

(22) Do you remember how old you were when started staying at defendants house? (ttp 276:10) (Brian) "No, I have no idea." (ttp 276:21).

(23) Did you mean actually in your anus? (Brian), "I don't know ... if it was full penetration" (283:12)

(24) "In my butt I guess?" "I don't know if it was in there?" (Brian) (ttp 283:18-19).

(25) That's what my brother (Anthony) told me to say." (Brian) (322:16).

(26) Your not sure if you stayed in the same room with defendant? (Brian) "Yes" (ttp 221:14-20)

(27) What about your mom ... trips with both of you? (Brian) "She would not, I don't know, don't know." (ttp 321:4)

(28) what about your mother ... did she knock on the door? (Brian) "I'm pretty sure she did." (ttp 321:9).

(29) So do you remember when you told your brother and girlfriend? (Brian) "Yeah" (ttp 321:22-25).

(30) When was ... I mean what month or date? (Brian) "I don't believe it was ... (ttp 322:16 to 323:5).

(31) What other financial benefits did you get from Stevens? (Brian), "I remember tuition". (ttp 323:8).

(32) Do you (Brian) remember telling her you were 13 when it started? (ttp 325:19) "Yeah, I guess". (ttp 328:4)

(33) Do you remember what age you were when your mom stepped ... " (Brian) "17 or 18" (ttp 330:4 to 8).

(34) Did defendant usually sleep in his chair? (Brian) "That would be ... Yes" (ttp 329:2 to 15).

(35) Do you remember her asking if it hurt? (Brian) "Yeah" (ttp 326:8).

(36) "Come a time when you (anthony) spent the night ..." (ttp 344:3 to 15) "It was a year, maybe a couple years after ... it may have been 8th grade."

(37) "were there times when ... (anthony) "He would sleep in his office chair a lot". (ttp 342:14).

Kelly M Hunt

(38) Do you (Anthny) think anything happened in the Buffalo hotel? (ttp 354:18). "most likely, I don't remember exactly, but you know, it probably happened."

(39) Did you (Anthy) ever drive his cars? were you not supposed to give rides to others due to insurance? "I didn't listen to him ... we had this friend Ryan I would drive around so we could do stuff together." (ttp 369:24 to 370:1).

(40) He spent the same amount of time with both of you? (ttp 371:25) (Anthy) "At the beginning, it was my brother ... then it transitioned to me ... a bit older." (ttp 371:9)."

(41) So you would be atleast 14? (ttp 377:6) (Ant) "Yeah, before staying the night ..." (ttp 377:7).

(42) Someone would open the door? (ttp 377:24) (Ant) "No, She never, Well, She may have opened the door ..." (ttp 378:9).

(43) (ttp 533:21 to 534:8) (Prosecution) "In the matter involving Anthony Locke, the State has taken a dismissal in ... of the counts four through six, which are the first degree sex offenses with a child, and ... count four of first degree sex offense ..."

Pam Locke is the one who had strong feelings for the defendant. Pam locke is the one who got mad, stormed off, slammed her car door, and sped away after defendant refused to hug her.

Pam Locke is the one who started these accusations with her threats to the petitioner at his house, again, after being asked to stop coming over.

Pam Locke is the one who called the police.

Pam Locke is the one who asked for defendants new Bmw.

Pam Locke is the one that warned him he would lose Lisa, his Bmw, and everything!"

Kevin M Kg

Statement

The first ten amendments to the United States constitution are known as the "Bill of Rights". These Bill of Rights are pivotal in the assurance of every single American to be a free human being with unalienable rights in this country. The rights described in the Bill of Rights are pretty basic and straight forward. There should be no gray area in their interpretation.

These rights, written by our founding fathers, offer security to all Americans and should be the same for all Americans. The violation of just one amendment, is a violation for all of the United States. Every word that is twisted around, or manipulated, and any misinterpretation of any amendment removes strength from our constitution.

Constitutional questions should be answered and resolved only by the Supreme Court of the United States. After all, state courts are only branches of the national (Federal) court system. Federal laws should over rule state laws.

The lower state courts usually try to hide behind their most widely used reason for winning cases, and that is by using the phrase, "In light most favorable to the state". In actuality what the lower court is saying is that whats best for them is more important than whats best for the country, or anything else. (A couple of these anything elses are:) the Truth, the facts, and the Constitution. That phraseology should not exist the way it does. That phrase trashes the truth, the facts, and the constitution by any means, so the state can win the case.

This is why only the United States Supreme Court should decide on constitutional questions, because only the United States Supreme Court will protect the rights of the constitution, and of the citizens, without being swayed to deny actual facts, or violations "in light most favorable to the state" just to win the case.

Definitions Cont.

1. Corpus Delecti: "① The substantial and fundamental fact necessary to prove the commission of a crime.
   ② The material substance (as the body of the victim of a murder) upon which a crime has been committed."
2. Corpus Delecti Rule: "(1926) Criminal Law. The doctrine that in order to secure a conviction, the prosecution must establish the corpus delecti with corroborating evidence. The doctrine prohibits the prosecution from proving the corpus Delecti based solely on a Naked extrajudicial Statement."
3. Probable Cause: "A reasonable ground to suspect that a person has committed a crime, or is committing a crime, or that a place contains specific items connected with a crime. Under the Fourth Amendment, probable cause - which amounts to more than a bare suspicion but less than evidence that would justify a conviction - must be shown before an arrest warrent or search warrent may be issued."
4. Due Process: "The conduct of legal proceedings according to established rules and principles for the protection and enforcement of private rights, including notice and the right to a fair hearing before a tribunal with the power to decide the case."
5. Ambiguity: "Doubtfulness. Open to more than one plausible interpretation; not conveying a clear, explicit, and inevitable meaning in the eyes of reasonable readers; Capable of being misconstrued by a reasonable person."
6. Corroborate: "To support or help prove (a statement, theory etc.) by providing information or evidence."

All definition are from Black's Law Dictionary.

ARGUEMENTS:

The first question poses the violation of several amendments of the United States Constitution, namely: the 6th Amendment for the judge, himself, sentencing above the legislatures statutory maximum sentence for a specific charge; for not being compared to like cases; for not being heard before a jury for said "judicial sentencing enhancements" and also by the 8th Amendment for cruel and unusual punishment for the unlawful sentence above the legislatures statutory number of years; and by the Due Process rights of the 5th and 14th Amendments; and for a 5th Amendment violation for improper indictments.

One of the most prevalent cases reflecting and enforcing these statements is Apprendi V. New Jersey, 120 S.Ct. 2348 (2000). Apprendi is the foundation from which the "Apprendi Rule", which states, "Any fact that increases the penalty beyond the statutory maximum must be submitted before a jury, as well as being factually proven beyond a reasonable doubt" derives.

As quoted in Apprendi: "(1) Judges role in sentencing is constrained at its outer limits by facts alleged in an indictment and found by a jury. Put simply, facts that expose a defendant to a punishment greater than otherwise legally prescribed were by definition "elements" of a separate legal offense". (2) At stake in Apprendi are constitutional protections of surpassing importance..." There are a multitude of cases linked to Apprendi, that also agree with this question for the case subjudice. They were all reversed, vacated, and dismissed.

When one looks at the statutory guideline for the jurisdiction of the Sentencing Chart for the case subjudice, NCGS #15A-1340.7, one will see clearly that a presumptive level one charge has a minimum of sixteen years, and a maximum of twenty years. Petitioner was found

Kelly M Hu

as a non-violent, level one, presumptive range offender, even though all mitigating factors were ignored, see NCGS #15A-1340.16. Yet both of his consecutive sentences are four and three quarter of a year above the statutory maximum number of years - each. Thats almost Ten (10) additional years sentenced by the judge. In Petitioner's trial transcript, one will also find on Pages 679: 15-17 where it states, "There are no aggrevating factors, yet petitioner was sentenced to an aggrevated offense. One can also see on page 695: 16-22, where some mitigating factors were listed, but ignored by the judge. On page 695: 14-18, one can also see where judge agreed to one consolidated sentence, yet he sentenced to two consecutive sentences. These are vindictive sentencing enhancements that are unconstitutional, and this case should be vacated and dismissed.

The Sentencing above the legislative statutory maximum legal limit, without being heard and found by a jury, nor proved beyond a reasonable doubt, nor being compared to like cases, should be found in violation of the 6th Amendment and 8th Amendment as was Apprendi V. New Jersey was by this court. Apprendi was not only found as the foundation for a new rule, The Apprendi Rule, but the Apprendi case was reversed.

Like Apprendi, the case sub judice was sentenced to an exceptional illegal sentence, sentencing to nine and a half years above the statutory maximum number of years without going before a jury, nor proved beyond a reasonable doubt, nor being compared to like cases, which also violates the 8th Amendment for cruel and unusual punishment, and technically the 5th Amendment and the 14th Amendments for violations of Due Process Rights.

Kelym Kf

Cunningham V. California, 127 S.Ct. 856 (2007), also states, "Any fact that increases penalty beyond the statutory max should be submitted before a jury, and proven beyond a reasonable doubt." Although Apprendi's case was for an illegal gun, and Cunningham's case is more closely related to the case Sub judice, they were both reversed for illegal sentence enhancements, as should the case sub judice. The holding of the case of Blakely V. Washington 542 U.S. 296 (2004), Blakely, prohibits the upward state sentencing guideline adjustments based on judicial fact finding. In Blakely, they found 'insufficient evidence' to support reasons for imposing an "exceptional sentence", Judge acted with deliberate cruelty violating 8th Amendment and the 6th Amendment of the United States Constitution. Justice Scalia held: "The State Courts sentencing of defendant to more than three years above the statutory maximum for his offense, on the basis of the judges findings that the defendant acted with deliberate cruelty, the judge violated defendant's 6th Amendment right to a jury trial." Blakely was reversed.

Comparing to the case sub judice, trial court judge acted with deliberate cruelty, (as did prosecution), and sentenced to an exceptional sentence of almost ten years, above the legal statutory maximum number of years. This is over three times more than in Blakely. This additional conviction was not heard nor found by a jury, nor proved beyond a reasonable doubt, nor compared to like cases. If Blakely was reversed, then the case sub judice definitely should be vacated.

Kenneth

If we look at U.S. V. BOOKER, 543 U.S. 220 (2005), it states, "Jury must find facts incompatiable with the Federal Sentencing Act." This case, was also sentenced above the statutory maximum number of years, and this case was vacated for violating the 6th Amendment of the united states constitution, as should the case sub judice be vacated.

A few more examples of why the case sub judice should be vacated are: U.S. V. Gaudin, 515 US 506 (1995) and Sullivan V. Louisianna, 508 US 275 (1993) both cases state the same thing, and entitle a criminal defendant to: "A jury determination that he is guilty of every element charged beyond a reasonable doubt. Due Process protects against conviction except upon proof beyond a reasonable doubt of every fact necessary to constitute the crime charged." By a judge sentencing above the legislatively mandated maximum number of years for each certain offense, then that judge just added another charge (years in prison) and this charge was not found by a jury, not compared to like cases, and not proven beyond a reasonable doubt. Such as seen in the case sub judice, and each of the previously cited cases.

As in State V. ATKINS, 311 Ne 272 (1984), which states, "Heinious, cruel acts must be compared to the same." ATKINS was reversed for 8th Amend. cruel and unusual punishment. As in the case sub judice, a judge that arbitrarily associates any case to heinious, atrocious, and cruel acts, without going before a jury, nor proven beyond a reasonable doubt, and sentences above the statutory maximum number of years by deeming it as a heinious, cruel act without comparing to similar acts of the same does violate the 8th Amendment for cruel and unusual punishment by administering an exceptional sentence, and the 6th Amendment for not going before a jury, nor proved beyond a reasonable doubt.

Kelly M King

This judge acted and sentenced above his pay grade.

As seen in State v. Blackwelder, 309 NC 410 (1983), findings state, "Heinious, atrocious, or cruel acts must be compared to like criminal offenses and cases." Like the other cases, Blackwelder was found to be in violation of the 8th Amendmait for cruel and unusual punishment. After briefing all of these cases that were sentenced above the statutory maximum number of years, it is well known that this type of judicial sentencing enhancements is not valid nor legally authorized, and violates several constitutional rights requiring a reversal and revocation of such cases according to set precedences and the law. The case sub judice, also sentenced with 'deliberate cruelty' suffers from this illegal sentencing enhancement and should be reversed and vacated like all of the other cases of such, as noted here in.

In addition to all of these cases proving that judicial sentencing enhancements are unconstitutional, All these cases cited above were reversed and vacated.

In the case sub judice, the 5th Amendment was also violated for improper indictments. Defendant was found in the presumptive range, and as a non-violent person, Yet, the wording on the indictments state the words, "by force and against the will of..." and "with force and arms...". Yet, in trial there was no mention of any harm, any injury, nor any type of force. (See NCGS 15-144.2), Plus Petitioner was found non-violent. With all the cases on this one premise alone, the case sub judice ought to be found with a sentense that violates numerous Constitutional Amendmants, and ought to be reversed and vacated.

In State v. Robert Miller, 159 NC App 608 (2003) defendant Miller was fand guilty of a sex offense, but, his indictment listed the details of another type of sex crime, This case was vacated due to the mixing of the elements of rape and the elements of a sex offense in the sentencing, and on the indictment.

This case, Robert Miller, is comparable to the case sub judice because, it is a sex offense case that due to some reason (mixing the elements of two different crimes) the time of years in prison was increased, as was the time in years increased in the case sub judice. Perhaps in the case sub judice, prosecution made the same error and added the elements of different crimes together to produce a stronger, more heinious case.

The second question poses violations of the 4th, 5th, 6th, 8th, and 14th Amendments of the U.S. constitution by the trial court, for denying the motions, for the dismissal of all of the 1st degree statutory sex offenses charged, by defendant's counsel, that were based solely upon ambiguous and inconsistent statements that were uncorroberated (corpus delecti). This is in violation of the 4th Amendment for reasonable doubt, and the 5th Amendment for improper indictments.

These unclear, ambiguous and inconsistant statements (several of which are cited herein on the pages titled "some Trial questions" (p. 6-8)) are easily noted, and run throughout every statement, of the nature of the accusations) made during the discovery, as well as the trial. These ambiguities, inconsistencies, and ~~insufficient~~ insufficient statements lead to encourage and promote reasonable doubt, violating the 4th Amendment against reasonable doubt; as to every statement made by prosecution. The court finding 1st degree statutory sex offenses charges for Anthony Locke violates the 5th Amendment and 6th Amendment.

In the case sub judice, defendant was 55± years old when arrested in 2016, and 58 years old when sentenced to forty nine and a half years in prison, and then lifetime registration. Forty nine and a half years is equivalent to two and a half life sentences (a life sentence being twenty years). At age 58 years old, when sentenced to almost a fifty year sentence in prison, then the age of release, before lifetime registration, would be one hundred and eight years old. How many people live to be one hundred and eight years old? Especially in prison? That's definitely atleast one life sentence, based upon ambiguous statements, and violates the 8th Amendment for cruel and unusual punishment. This case subjudice should be vacated as per precedence.

A third case in support of reversal and dismissal is: State v. Cope, 240 NC 244 (1954). This case was reversed and dismissed by the North Carolina Supreme Court stating; " In light of our own decision, and those from other jurisdictions, as well as views expressed by the textbook writers on the subject under consideration, in our opinion, the defendant's motion for judgement as of non-suit should have been sustained. Our conclusion, however, is not based on doubts ... but solely on the principle that "An uncorroborated extrajudicial statement is insufficient in law to sustain a conviction." As in the case sub judice, the sole principle that an uncorroborated confession/statement is insufficient in law to sustain a conviction, then setting precedence, this case too should be reversed and dismissed due to Corpus delecti. Statements being made that are not reinforced by corroboration promote reasonable doubt which is a violation of the 4th Amendment also.

Kelly M Kern

In State V. Cox 367 Nc 147 (2013), The Supreme Court of North Carolina Stated, "Corpus delecti requires the state to present evidence to show that the crime in question did actually occur, and that the defendant is guilty." This case was reversed. In the case subjudice, the state presented uncorroborated statements void of any factual evidence such as; emotional or behavioral changes, physical changes, social changes, nor any psychological or physical reports from any kind of doctor, or hospital records, or a sane nurse, or anybody, including their mother. No crime was proved to have ever occurred, until petitioner announced he was getting married, then Pam threatened these accusations. As per precedences, the case subjudice should be reversed for No proof, of facts, of any crime being committed.

Another case in support is State V. Thomas 15 Nc app 289 (1922), which states, "To sustain a conviction, prosecution must prove the crime charged did occur, and the perpetrator was the defendant." This is another example of the precedent set as the previous case cited herein.

In Braus, Singletary, Cope, Cox, and Thomas, as well as a multitude of other cases of the same, it is a known fact that prosecution must prove beyond a reasonable doubt (4th Amend.) that there has been a crime committed, and that the defendant is the perpetrator. In the case subjudice, there was NO concrete evidence that any crime was committed, nor that the defendant committed the crime (4th Amend. being secure in person and home). There were only Naked Uncorroborated statements (like in the cases cited) with nothing to reinforce their words. There were NO hospital visits, Sane nurse or doctor visits, NO specific times, dates, or locations. There were only inferred and presumed accusations, by prosecution stating mere stories composed mainly of "maybe", "probably", "I don't know", "I don't remember" and

Helen M K A

"thats what my brother told me to say". These kinds of fabrications that are uncorroborated and ambiguous are not sufficient to sustain a conviction of a defendant charged with a felony. "A confession is a written or spoken statement," as per merriam webster's dictionary. In the case sub judice, there was no evidence aliunde statements, that contain any probative value of establishing any facts that any crime ever occurred.

In State v. Blankenship, 259 NC App 102 (2018), it states," under Corpus delecti rule; state failed to present sufficient evidence. Even though defendant had ample amount of opportunity to commit crimes, (the biggest reason prosecutor stressed during the trial, in the case sub judice) there was no substantial evidence, and all of the statements were uncorroborated, this does not satisfy the Corpus delecti rule". As in the case sub judice, there was no substantial evidence, and all accusatory statements were uncorroborated. Prosecution not only stressed, but based most of her case on " defendant had an ample opportunity to commit crimes". This means that the accusations were made just to raise suspicion and had no factual foundation. For any seasoned professional, this would not uphold probable cause (4th Amendment). In the case sub judice, when the arrest was made, it violated the 4th Amendment for probable cause, as well as the 4th Amendment for reasonable doubt, and being secure in your person, and household. It also violated the 5th Amendment for improper indictments and the Due Process protection of the 5th and 14th Amendments. This case should be vacated like Blakely on these charges.

In Ring v. Arizona 01-488 (2002), this case was reversed on findings that, "The trial judge determined aggrevating factors himself, without being heard before a jury." The exact same scenario occurred in the case sub judice, hence, as in Ring, the case sub judice ought to be reversed and dismissed for violating the 6th Amendment.

Keen M Sea

State v. Hunt, 365 NC at 432 (2012) states, "motion to dismiss should have been allowed since substantial evidence failed to show directly, or support by a reasonable doubt that the victim was under the age of thirteen (13). This case was reversed as should the case subjudice, because there was NO specificity as to when anything occurred except for "family trips with their mother" and the date and location of where they met the defendant, because that really happened. All three of them remember swimming, and how I was practicing snorkeling on the day we met. But, whenever any detail about any accusation arose, they all three became forgetful, ambiguous, and inconsistant with their stories; such as their age; (ttp 325: 6-7) "So, you could have been 13?" (Brian) "yes", or on page 22 of the Safe child report: (Anthony) "It started at age 13 to 15", or on page (ttp 283:12) "I don't know if it was penetration", (Brian), or on page 3 of Safechild, (Brian said) "Things started when we were 13" and (ttp 325: 19) "Do you remember telling her you were 13" (Brian) or (ttp 377:6) "so, you would have been atleast 14?" (Anthony), or (ttp 377:7) "yeah, before staying the night" and on page 4 of Safe child Anthony states, "I was 16 when things started." (Many more examples of insufficient, ambiguous, and inconsistant statements can be read on pages 5-7 in "some trial questions" here in this brief).

In the case subjudice, defendant's counsel made several motions to dismiss, as in Hunt, they were denied. Like Hunt, the motions to dismiss should have been allowed due to the failure to prove that anything ever happened, as to the nature of Pam's accusations, and before the age of 13. There was no corroboration, no substantial evidence, but plenty of ambiguous accusations and inconsistant statements that kept changing, and insufficient statements that do raise No more than a reasonable doubt violating the 4th Amendment.

Keen M Hess

mere inferences and presumptions being raised are not legal means for an arrest, or conviction. They simply violate the 4th Amendment against reasonable doubt. When arrested, this reasonable doubt caused a chain reaction of other constitutional violations, such as violating defendant's 4th Amendment for not being secure in his person and household, and his 5th Amendment for improper indictments, and defendant's 5th and 14th Amendments for Due Process rights. The motion for dismissal of the 1st degree statutory sex offenses should have been allowed, by denying them in the case subjudice, constitutional violations were made. And due to these constitutional violations, and as per precedences set as seen above for similar or the same offenses, the case subjudice needs to be reversed and dismissed.

In State v. Custis 162 NC app 715 (2004) defendant Custis was convicted for two counts of 1st degree statutory sex offense, and two counts of indecent liberties, very much like the case subjudice. The 2004 findings of Custis should have been applied to the case subjudice. Those findings state,

"A variance in time listed becomes material and of the essence even in child sex cases, when the defendant relies on the date and age set forth, and the evidence varies to prejudice defendant, then the interest of justice and fair play require "dismissal". Custis was vacated. Like the case subjudice, motions for dismissal of the 1st degree sex offense charges on the basis that state failed to present evidance that any charged offense occurred on or about any specific date, or under the age of 13 was made, and denied. Without a date and proof of age under 13, prejudice occurs for any person that is trying to show, explain, and prove where they were, and where they were not at any specific time. Alibis can not be given on extensive dramatic time frames. Sometime within a five year period, as in the case subjudice, is a fatally defective time

Kelli M Hall

frame and should be vacated as in Custis, for a 5th Amendment violation for improper indictments, and for 8th Amendment cruel and unusual punishment, and for 5th and 14th Due Process Violations.

In State v. Stewart, 353 NC App 516 (2001), Stewart was convicted for first degree statutory sex offense under age 13. The court of appeals found no error. Certiorari was allowed. The supreme court held that "variance between the period alleged in the indictment ..., and the States proof at trial regarding conduct over two and a half years, required reversal of the conviction, because the defendant was prejudiced". It also states, "When the defendant relies on the date and age set forth in the indictment to prepare his defense, and evidence produced by the state substantially varies to the prejudice of the defendant, defendant's motion to dismiss MUST be granted" and, "In sex cases, involving young children, some leniency surrounding the child's memory of specific dates is allowed, for purpose of specifying dates and age as in the indictment, and unless the defendant demonstrates that he was deprived of his defense because of lack of specificity, this policy governs." The arguement in Stewart mirrors the arguement being presented. In each case, the charge was for first degree statutory sex offenses. The first err is the date and age of the victims of the allegations. Here, in Stewart, there is a two and a half year time frame, which was found as containing a 'fatally defective time frame' prejudicing the defendant the ability to prepare for his defense against the age of under 13. In the case sub judice, the time frame, absent any specificity of a date or age, was twice as long as in Stewart, being a fatally defective time frame of a five year period. No where in all the testimonies does it say, "on this day, this happened", All statements were

Kelly M Kil

words like, "maybe", "I guess", "not really", "I don't know", "probably, you know" statements. This is another example of proof that there was no specifity in the case subjudice as to age, dates, nor location of any of these faux allegations. The case subjudice ought to be reversed and dismissed as set by numerous precedences as cited here in.

As stated previously, the only specificity found at trial, were when and where we met, and how defendant was practicing snorkeling in the pool on that day. Thats it for dates, except for, "sometime in a five year period." Specificity is also important for "Time being of the essence." The requirement of "being under the age of 13 years old" is a limiting factor for time being of the essence in both Stewart and in the case Sub judice.

Kelly M Berg

This petition for a writ of Certiorari could cite another ten to fifteen pages of like cases, and very similar cases, all being reversed and vacated for the same constitutional violations for which the case subjudice is seeking relief, as pertaining to the denial of the motion for the dismissal of the first degree sex offenses that are inconsistant, uncorroborated, and based upon insufficient evidence. But, in the interest of saving time, space, and not being repetitive and redundant, requiring hours of reading of rulings of: reversed, dismissed and vacated for those very similar cases as to the case subjudice, the following dozen cases will only be cited with a brief synopsis of the findings, instead of a page or two explanation for each case.

For more information on how any of these cases were similar to the case subjudice, feel free to use the reference I.D. And citations to search for them easily:

(1) State V. Smith 170 NC. App. 461 (2005) - This case was reversed for 2nd degree rape. "court must prove every ingrediant beyond a reasonable doubt." This case was found to have insufficient evidence; mirroring the case Sub-Judice.

(2) State V. Mueller, 184 NC App. 575-3 (2007) - Reversed and dismissed - sex offenses. "Insufficient evidence to show that defendant performed sex acts before victim was 13." Court erred in denying the motion to dismiss the 1st degree rape." A mirror of the case sub-judice.

(3) State V. Bass 253 NC 318 (1960) - Reversed - Secret peeping - "Supreme court wilburne held: Naked extra judicial confessions uncorroberated by other substantial evidence violates the corpus Delecti Rule. There is insufficient evidence to sustain a conviction."

(4) Bliley V. Alabama 42 ala. app. 261 (1964) - Reversed - Manslaughter for starving her 5 y.o daughter "Evidence was insufficient to ever go before a jury".

(5) State v. Allen, No. 485PA04 (2005) - Court repremanded, resentencing - child abuse inflicting serious bodily injury. Supreme ct. Brady held: "(1) Any fact that increases a penalty for a crime beyond the prescribed presumptive range statutory maximum, must be submitted before a jury, and proved beyond a reasonable doubt."

(2) Sentencing statute that trial judges to consider evidence of aggrevating factors not found by jury.... Violate 6th Amendment right to trial by jury.

(3) Sentencing errors arising under structured sentencing act that violate a defendant's 6th Amendment right to trial by jury are structural and therefore - Reversible." Another case example that mirrors the case sub judice.

(6) State v. Pierce, 238 NC App. 537 (2014) - Vacated for sex offense - "Court vacated due to no substantial evidence. This case was found to have insufficient evidence, these charges are very similar to the case subjudice with the same lack of evidence.

(7) State v. White, 235 SE2d 55 (1977) - Reversed - 2nd degree murder - "Suspicion is not sufficient to remove from realm of surmise and conjecture. Even strong suspicion is not sufficient." In the case subjudice, A strong suspicion was the only evidence. There was nothing presented besides very vague and ambiguous statements. Mirroring case sub-judice.

(8) State v. Watts, 246 NC App. 737 (2016) - New trial - 1st degree rape, 3 - 1st degree sex offenses - "Even a strong suspicion is not allowed." Just as in the case sub-judice.

(9) State v. Smith, 362 NC 583 (2008) - Reversed - 1st degree sex offense & indecent liberties - "Evidence of opportunity was insufficient corroboration. State failed to present sufficient corroboration to satisfy the Corpus Delecti Rule." Much like the case subjudice, where prosecutions biggest reason was "Defendant had evidence of opportunity to". mirroring the case sub-judice.

(10) Wease v. State of Wyoming, 170 P3d 94 (2007) - Reversed - Sexual Assaults with a Child + Indecent Liberties - "Sentence was illegal for exceeding statutory maximum, and having incorrect dates between the indictment and trial testimonies both being fatally defective. A Sentence in excess of that authorized by legislature is illegal." And "Conflicting dates are insufficient". Very much the same as question number one of this petition is asking. The U.S. Supreme Ct, answered it in this case.

(11) State v. Hicles, 319 NC 84 (1987) - Reversed - 1st Degree Sex offense - "Evidence was insufficient to gain a conviction for 1st degree sex offense, given the ambiguity of the testimony of Anal, and absent corroborative evidence." Another mirror image of the case subjudice, Ambiguous testimonies and NO corroboration.

(12) State v. Khouri, COA 10-1030 (2011) - Vacated - 1st Degree Sex offense, Indecent Liberties + Statutory Rape." "There is no indication in the record that State made any attempt to amend indictments to include the proper date range for alleged first degree sex offenses under the age of 13, NCGS 14-27.4 and Indecent Liberties in violation of NCGS 14-202.1 between mar. 2000 and December 2000. Accordingly, these charges must be vacated for LACK OF SUBSTANTIAL Evidence that crimes occured in 2000. We conclude this judgement must be vacated. We need not address defendants arguement of Venue."

Jean MRQ

The third question asks; " Did trial court err by demanding a five million dollar ($5,000,000.00) bail for a first time offender, found non violent, fund in the presumptive range? Wouldn't an amount of bail set this high, at five million dollars ($5,000,000.00) be considered as " Excessive Bail " in violation of the 8th Amendment of the United States constitution? Shouldn't this case be reversed, dismissed, and vacated such as other cases that set Precedences?

In the case subjudice, petitioner was gainfully employed since the age of Sixteen, petitioner is college educated - Graduate level, petitioner always paid his taxes on time, petitioner had a 740 credit score, petitioner was well honored in his community and by all who knew him, petitioner owned his own business, successfully for twenty eight years *, petitioner had clients, petitioner had employees, petitioner does have a few health concerns, and petitioner was fifty five ± years old when his secretary of nine years confronted him with these accusations and threats when petitioner announced that he was getting married to someone else, and that she and her family need to stop coming to his house/work, and they all need to start paying back the loans that petitioner made to them. These accusations and threats were actually made about a week after that statement, when pam surprised petitioner at his home again.

" The 8th Amendment Excessive fines clause does not create the right to bail, rather it prohibits excessive bail." In Stack v. Boyle, 72 S.Ct. 1 (1951), it states, " Indictments charging ... to violate the Smith Act ... bail between $1,500.00 to $100,000.00 was too excessive under the 8th Amendment. After denial from the court of appeals, for a reduction, the Supreme Court, confer

Kelvin M Kerr

a writ of certiorari, found," All non capital offenses should be admitted for bail", and reversed the lower courts decision and lowered the bail to a set amount per person.

In the case subjudice, The bail amount was unjustified. It is stated that bail is up to a judge, and that the judge uses several factors to derive at a proper amount. These factors include: Age of defendant, the health of the defendant, and more heavily upon: prior criminal records - which petitioner has none, whether crime is violent or non-violent, - level of petitioner was found to be non-violent, and the level of a person - petitioner was found at a level one (the lowest level).

Hudson V. Parker, 15 S.Ct. 450 (1895), states," unless the right to bail before a trial is preserved, then the presumption of innocence, secured only after centuries of struggle, would lose its meaning." I believe what is being said here, is: when a person is locked up in jail, especially for a prolonged period of time, then the presumption of being innocent in the eyes of everyone, diminishes. The longer one is locked up in jail before trial, the more he loses his ability to prove his innocence by a fair trial. Petitioner was in jail for one month shy of three years - due to unaffordable bail. Bail was intentionally set above the means that any normal person could afford, on purpose, along with the arbitrary number of charges, which were reduced a little in court. After being incarcerated almost a decade with real murderers, real rapists, real drug traffickers, and real domestically violent people, I have yet to meet anyone with a bail as high as five million dollars. The highest bail Petitioner has come across was one million dollars for someone who killed two people.

U.S. V. Karper 847 F. Supp. 2d 350 (2011) States," Under the 8th Amendment, bail or conditions of release should not be imposed beyond what is necessary to serve the

purpose of ensuring appearance in court, or protecting the community against future danger. The United States Supreme Court rules, under fines "The Apprendi rule requiring the jury to finding of facts increasing maximum punishment applies to criminal fines."

U.S. Vs Polizzi 697 F. Supp 2d 381 (2010) states, "To constitute excessive bail under the 8th Amendment, the excess must be more than the minimus. Bail conditions are unconstitutionally excessive under the 8th Amendment if they impose restraints that are more than necessary to achieve the governments interest."

Timbs V. Indiana 139 S.Ct. 682 (2019) was vacated and states, "The 8th Amendment Excessive fines clause, which protects against excessive fines and bail and economic Sanctions, is fundamental to the scheme of ordered liberty, with deep roots in the nations history and tradition."

In 72 American Law Reports 801, "one can see the factors in fixing the amount of bail in Criminal cases. One will find ten factors that should be considered when a bail amount is fixed." A) Ability of accused to give bail - "Since bail is an amount greater than the accused is able to give is in effect a denial of bail (such as is the case subjudice) ... its one of the most important to be considered in fixing the amount." B) Nature of offense - "In determining the amount of bail to be required of one accused of committing a crime, court may properly take into consideration; Nature of offense, gravity of offense, and moral turpitude involved." C) Penalty for offense - "The penalty which may be imposed if convicted is a proper factor to be considered in determining the amount of bail to be required of one charged with a crime." D) Character and reputation of accused - "In several cases the court has taken into consideration the character and reputation

Kelly M Kuf

of the accused in determining the amount of bail." E) Health of accused - "Court may take into consideration, the fact that the physical condition is such that further confinement may impair his health, or endanger his life, in fixing bail at a smaller amount than would otherwise be required." F) Character and strength of evidence - "The Court may consider the character and strength of the evidence, (in the case subjudice, the only evidence were very vague and ambiguous statements made by a jelaus Secretary and her sons that were also totally inconsistant throughout all of the discovery as well as the trial.) by which the crime charged is supported, (none of the statements in the case subjudice were supported in any way, even by eachothers words, All statements were totally uncorroberated.) and circumstances surrounding the case relative to the likelyhood of acquital or conviction, in determining the amount of bail." G) The probability of the accused appearing at the trial. H) Forfeiture of other bonds. I) Accused under bond in other cases. J) The Flight risk of the accused."

Taking into consideration, these ten factors, quoted from 72 A.L.R. 501, related to determining the amount of bail and Comparing to the case subjudice, which are: The ability to pay 5 million dollars in cash is out of reach for this petitioner, as it would be with anyone of normal means. Petitioner was found non-violent, therefore there should be no worries about a violent nature. The normal penalty for the offense charged can be no where near the 5 million dollars as it was for the petitioner. The character and reputation of the petitioner was exceptional from all who knew him. The Strength of the evidence was very shady and weak and inconsistant. Petitioner is a very reputable and honorable person, he would never even think about skipping court, or going on the run. Petitioner is a first time offender, he never had bail, nor any negative interactions with the law before. We already proved that prosecution

and the court were being vindictive, and sentenced with deliberate cruelty. Perhaps bail was set vindictively and with deliberate cruelty too? After all, Apprendi states that bail is included in cruel and unusual punishment. There is absolutely no reason why, or how a five million dollar ($5,000,000.00) bail was demanded. This is a first time offender, with no prior record, found non-violent, found in the presumptive range, a business owner that worked five days a week, a well honored and respected man, he owed zero ($0) taxes, and he had a 740 credit score. Not to mention how sketchy and ambiguous all of these accusations are. Reminder, defendant already spoke to the sheriff, and had an interrogation eighteen (18) days prior to arrest, also, the defendant called the officer when defendant got home at eleven p.m. and found the officer's card in the door with, "I have more questions, call me a.s.a.p." written on the back. If petitioner was a flight risk, he already had eighteen days to go somewhere.

The fourth question poses if trial court violated the 5th Amend. for improper indictments by sentencing defendant to 1st degree statutory sex offenses, making time of the essence due to being under the age of 13, for Anthony Locke, when all 1st degree statutory sex offense charges were dismissed by prosecution in court, see (RTP 533:13 to 534:8). Also, four of the charges for Brian Locke were dismissed (same page). Doesn't this also violate the 8th Amendment for cruel and unusual punishment and the sixth Amendment for not being heard before a jury, the 5th and 14th amendments for Due Process violations? As per many cases already cited, and precedences set, here in this brief, these violations must dismiss and vacate the case subjudice for many reasons.

Kelly M Ky

Conclusion

Petitioner Claude Stevens respectfully prays that this Court determines that this petition for a writ of certiorari be Granted.

Respectfully Submitted,

Date: 7-28-26

Claude Stevens

Claude Stevens

Signed before me in Wayne Co, NC on 7-28-2026, by Claude Stevens

KELLY M KING
NOTARY PUBLIC
JOHNSTON COUNTY, N.C.
My Commission Expires 08/19/2026

Kelly M King

Expires 8/19/2026

7-28-26

The following Writ of Certiurari was submitted to the prison's mail person on 7-28-26 at 2:00 pm as per prison policy. One copy as per rule 39 for indigent inmates without legal counsel.

Resubmitted to the mailroom, with corrections on 10-2-26.