

No.

TWENTY FIRST DISTRICT

SUPREME COURT OF NORTH CAROLINA

STATE OF NORTH CAROLINA,)	
Plaintiff)	<u>FROM COUNTY OF WILKES</u>
)	NO. 10 IFS 706153-4
v.)	COA 12-28
)	
Amanda Lea Rose,)	
Defendant)	

PETITION FOR DISCRETIONARY REVIEW
UNDER N.C.G.S 7(A)-31(c)

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TO THE HONORABLE SUPREME COURT OF NORTH CAROLINA:

Comes now, Amanda Lea Rose ("I" or "Petitioner"), for herself, appearing specially and not generally, respectfully petitioning the Supreme Court of North Carolina to certify for discretionary review the judgment of the North Carolina Court of Appeals filed on 15 February 2012 in this cause, on the grounds that no reason for granting the STATE's motion to dismiss was given, the motion was granted before the time for the Petitioner to submit her Brief had expired, and since it had not been submitted, the Court of Appeals never considered the numerous and substantial points of law which the Brief would have covered. In support of this petition, the Petitioner shows the following:

FACTS

On 12 September 2011, Petitioner made a special appearance for the criminal session of the WILKES COUNTY SUPERIOR COURT before JUDGE LINDSEY DAVIS, JR., judge presiding, at which time the Petitioner was asked to return on 13 September 2011, during which time JUDGE DAVIS was to read the Petitioner's Memorandum of Law. On Petitioner's special appearance for the criminal session of the WILKES COUNTY SUPERIOR COURT on 13 September 2011, Petitioner's jurisdictional challenge was heard by JUDGE DAVIS. The prosecution argued subject-matter jurisdiction, which was not the jurisdiction challenged, and subsequently prepared an Order Denying Defendant's Motion to Dismiss, emailed to Petitioner on 21 September 2011. A Motion to Dismiss was never filed by Petitioner.

Petitioner appeared specially for the criminal session of the WILKES COUNTY SUPERIOR COURT on 22 September 2011, and responded with an Answer to the Proposed Order. JUDGE DAVIS responded with a written Order, delivered via United States Postal Service, filed on 4 October 2011. On 7 October 2011, Petitioner filed interlocutory Notice of Appeal with the Clerk of Superior Court.

On 7 November 2011, Petitioner made a special appearance for the criminal session of the WILKES COUNTY SUPERIOR COURT, before JUDGE DAVIS, judge presiding. The case was continued pursuant to ruling by Court of Appeals.

On 12 January 2012, the case was docketed in the COURT OF APPEALS. On 19 January 2012, the Record on Appeal was filed electronically. The State filed a Motion to Dismiss on 27 January 2012. Petitioner filed Motion for Extension of Time to File Brief on 14 February 2012. On 15 February 2012 the COURT OF APPEALS ordered Petitioner's appeal dismissed based upon the STATE OF NORTH CAROLINA's MOTION TO DISMISS, without review.

Every special appearance that the Petitioner has made in the *de facto* State's lower courts, jurisdiction has been challenged in accordance with the *de facto* rules found at N.C.G.S. 15A-952 (d). Petitioner, in good faith, has sought to ascertain the lower courts' jurisdiction, challenging that its pedigree (chain of custody) originates with the Reconstruction Acts of the 39th Congress. Petitioner is a Citizen of the *de jure* State of North-Carolina, established 18 December 1776, and put into abeyance by acts of the United States Congress 11 March 1868 - the Reconstruction Acts - through breach of trust, and enforced by military

usurpation and abuse of power on 1 July 1868. See *The Papers of William Wood Holden, Horace W. Raper, Volume 1, pp.317-318*. Amanda Lea Rose, as one of the 'People'- those of Posterity as described in the *U.S. Const. pmb., U.S. Declar. Ind., N.C. Declaration Rights of 1776* - recognizes this *de jure* 12th State as the lawful, legitimate State government, originated by the free people of The State of North-Carolina - a free and independent state. Petitioner has an oath of allegiance to, and recognizes the jurisdiction of the *de jure* 12th State as the lawful, legitimate State government that has never been annulled lawfully.

REASONS WHY CERTIFICATION SHOULD ISSUE

No evidence has been presented that supports the original State body politic/posterity "re-entered" the Union in 1868. Likewise, no evidence has been presented that supports Congress's authority to annul the original State body politic and their organic laws.

There is no known principle of law that demands legal obedience to unconstitutional laws or the usurpation of laws. See 16 Am. Jur. 2d, § 177 late 2d, § 256. I, therefore, am challenging the jurisdiction created by Reconstruction, and the constitutionality of the 'Act'

itself, in good faith with full expectation of this Conflict in Law being resolved. See Am. Jur. 2nd Conflicts of Law, Constitutional Law §1-359.

Can a Citizen of North-Carolina have a reasonable expectation that a lawful challenge to jurisdiction will have a good faith answer prior to loss of life, liberty, or property? Or will such a man or woman, of appropriate status and standing, continually be faced with the 'Chilling Effect Doctrine' and overt abuse of power in exercising inherent rights, in a *de facto* State's attempt to evade the most significant constitutional question this American republic has ever faced - was the Act constitutional?

ISSUE TO BE BRIEFED

In the event the Court allows this Petition for Discretionary Review, the Petitioner intends to present the following issues in its brief to the Court:

I. Did the Reconstruction Acts create a new jurisdiction and a new body politic? Especially when viewed in conjunction with the alleged ratification of the 14th Amendment?

II. Was the present State of North Carolina a "new" state created by the Reconstruction Acts, and was this done with the free and voluntary consent of the existing legislature? Did this consequently create a *de facto* state?

III. Were the Reconstruction Acts Constitutional?

IV. If the Reconstruction Acts created a "new" state with a "new" body politic, was this creation done in pursuance of lawful and Constitutional authority?

Respectfully submitted this 6th day of March, 2012.

Amanda Lea Rose

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CERTIFICATE OF SERVICE

It is hereby certified that the foregoing Petition for Discretionary Review Under N C. Gen. Stat. § 7A-31 has been served this day by depositing a copy thereof in a depository under the exclusive care and custody of the United States Postal Service in a first-class postage-prepaid envelope properly addressed as follows:

Supreme Court of North Carolina
Clerk's Office
P.O. Box 2170
Raleigh, North Carolina 27602-2170

This the 6th day of March, 2012.

By.../s/ Amanda Lea Rose