23-6912

DAVID ANTONIO LITTLE, JR.,
PETITIONER,

v.

DAVID BROWN AND CODY DIXON,
DEFENDANTS,

IN THE SUPREME COURT OF SOUTH CAROLINA

NO. 23-6912
(0:22-CV-03851-RMG)

WRIT OF CERTIORARI

THE PETITIONER, DAVID ANTONIO LITTLE, JR., DO HEREBY SUBMITS THE FOLLOWING WRIT OF CERTIORARI AND EVIDENCE OF EXHIBITS IN SUPPORT THEREOF TO SHOW CAUSE THAT THE FOLLOWING CASE AT HAND HAS BEEN CLEARLY MISJUDGED RESULTING IN A MISCARRIAGE OF JUSTICE, AND SHOWS:

(1)

[MILLER V. SOLEM, 728 F.2D 1020, 1024 (8TH CIR. 1984)]
ADMINISTERING ANTIPSYCHOTIC DRUGS BY INJECTION AGAINST AN INDIVIDUALS WILL INFRINGES A VARIETY OF LIBERTY INTRESTS PROTECTED BY THE CONSTITUTION. IN IDENTIFYING THE INDIVIDUALS INTRESTS TO BE BALANCED, THIS COURT MUST LOOK TO "THE FULL SCOPE OF LIBERTY GUARANTEED BY THE DUE PROCESS CLAUSE WHICH CANNOT BE ... LIMITED BY THE PRECISE TERMS OF THE SPECIFIC GUARANTEES ELSEWHERE PROVIDED IN THE CONSTITUTION". SEE; [2002 WL 31898316, SELL V. U.S.] SEE; [WASHINGTON SUPREME COURT, 110 WASH.2D 873, 759 P.2D 358], [U.S. V. BUSH, 585 F.3D 806]

IN THE CASE OF THE PETITIONER HE WAS ARRESTED, AND FOR ALMOST FOUR (4) DAYS, REMAINED IN A RESTRAINT CHAIR DUE TO A FALSE INCIDENT REPORT MADE AGAINST HIM BY A JAILER MARCIA MARINE, WHO FALSELY LIED ON THE PETITIONER, SAYING HE ATTEMPTED TO BREAK A LIGHT FIXTURE IN THE HOLDING CELL. SEVERAL OFFICERS WENT ON THE RECORD ALSO CLAIMING THAT THE PETITIONER, ARRESTEE AT THE TIME, WAS COMBATIVE, AGGRESSIVE, AND UNRULY, BUT FAILED TO PRODUCE THE "IF" PRODUCED, THE FOOTAGE WILL NO DOUBT DISCREDIT DEFENDANT DAVID BROWN AND CODY DIXON, AS WELL AS THE DEFENDANTS NAMED IN CIVIL ACTION NO.: 0:23-797-RMG-PJG. JAILERS MADE PRECONCIEVED BIASED PRESUMPTIONS BASED OFF OF HEARSAY OF THE NATURE OF THE PETITIONERS ARREST. ASSUMING HE WAS ON DRUGS OR MENTALLY-ILL. [WHITLEY V. ALBERS, 475 U.S. 312, 106 S.CT. 1078], [BELL V. WOLFISH, 441 U.S.]

SEE; [BAIN V. SELF MEMORIAL HOSP. 281 S.C. 138, 314 S.E.2D 603] IN MAKING THESE PRESUMPTIONS SOLEY BASED OFF OF HEARSAY, THE JAILERS VIOLATED NUMEROUS RIGHTS OF THE PETITIONER. THE STATE OF MIND OF THESE DEFENDANTS, AS WELL AS THOSE IN C/A NO.: 0:23-797-RMG-PJG MUST BE QUESTIONED. CONSIDERING THE EVIDENCE AT HAND THIS COURT TOO MUST QUESTION THE CREDIBILITY OF THESE INDIVIDUALS NAMED HEREIN AND THOSE NAMED IN C/A NO.: 0:23-797-RMG-PJG, AS WELL. [WYATT V. INTERSTATE AND OCEAN TRANSP. CO. 623 F.2D 888, 891 (4TH CIR. 1980)]. [MORRISSEY V. BREWER, 408 U.S. 471, 92 S.CT. 2593] (SEE; EXHIBIT A 1-3)

AFTER TWO (2) DAYS OF REMAINING IN A RESTRAINT CHAIR FOR "ATTEMPTING" TO ALLEGEDLY BREAK A LIGHT FIXTURE, ON 02/16/2021 THE PETITIONER WAS TRANSPORTED, WITHOUT HIS CONSENT, BY DEFENDANT DAVID BROWN AND DEFENDANT CODY DIXON, TO MCLEOD HEALTH CHERAW. SEE; EXHIBIT E (CCDC OFFICER SHIFT LOG REPORT) REFER TO PAGE (9-20), AT "NO TIME" WAS AN ENTRY MADE SHOWING THAT THE DEFENDANTS TRANSPORTED THE PETITIONER FROM THE JAIL TO THE MCLEOD HEALTH CHERAW HOSPITAL. NOW SEE; EXHIBIT A, WRITTEN BY NURSE GENIE CHISHOLMS, A DEFENDANT IN C/A NO.: 0:23-797-RMG-PJG, WHO AT THAT TIME WAS A NURSE AT THE CCDC JAIL, BUT IS NOT ANY LONGER EMPLOYEED THERE. THE NURSE ASSERTS THAT "UNKNOWN INGESTED SUBSTANCE PRIOR TO INCARCERATION ... UNABLE TO COMPLETE ASSESSMENT." THIS "ALLEGED" ATTEMPT TO COMPLETE ASSESSMENT IS LISTED BY NURSE GENIE CHISHOLM ON 02/16/2021 AT 11:29 A.M. SEE; EXHIBIT E, PG (9-20) AT NO TIME BEFORE THE PETITIONER WAS REMOVED FROM THE JAIL DOES IT SHOW NURSE GENIE CHISHOLM SEEING OR ATTEMPTING TO SEE THE PETITIONER. AND NEITHER DID SHE OR "ANY" OTHER MEDICAL PERSONEL AT THE JAIL OR OUTSIDE OF THE JAIL DO AN "ASSESSMENT" OR MAKE ANY "ATTEMPT" TO DO ONE BEFORE NEGLIGENTLY, WANTONLY, AND MALICIOUSLY HAVING THE PETITIONER SENT TO MCLEOD HEALTH WERE HE SUFFERED PAIN AND INJURY, AS WELL AS MENTAL ANGLISH AND HUMILIATION THAT WILL NO DOUBT AFFECT HIM FOR THE REST OF HIS NATURAL LIFE. NEITHER WAS THERE A JUDICIAL ORDER OR HEARING DONE PRIOR TO THIS INCIDENT. [PARHAM, 442 U.S. AT 607, 99 S.CT. AT 2506-07

THE RIGHT TO BE LET ALONE

"(SEE; EXHIBIT C, DEFECTIVE WARRANT)(PG. 1-4)
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 WARRANT "SHALL" ISSUE, BUT UPON PROBABLE CAUSE, SUPPORTED BY OATH OR AFFIRMATION, AND PARTICULARLY DESCRIBING THE PLACES TO BE SEARCHED, AND THE PERSONS OR THINGS TO BE SEIZED." [THORPE V. CLARKE, 37 F.4TH 926]. [U.S. V. LOUGHNER, 672 F.3D 731 (9TH CIR. 2012)]

THIS COURT SHALL SET ITS FACE ON THE "REAL" INTENT FOR THESE ACTS BEING DONE TO THE PLAINTIFF IN THIS CASE. EVEN THE EXCESSIVE FORCE VIA RESTRAINT CHAIR SHALL BE CONSIDERED EVEN THOUGH THESE DEFENDANTS DID NOT PERSONALLY PARTAKE IN THE DOING ... THE HAND OF ONE HAND OF ALL DOCTRINE STILL SHALL APPLY. [CURRIE V. CHHABRA, 728 F.3D 626, 631 (7TH CIR. 2013)] THIS COURT MUST ALSO SET ITS FACE ON THE DEFECTIVE WARRANT IN WHICH WAS USED TO FORCE DNA AND URINE FROM THE PETITIONER. [FRANKS V. DELAWARE, 438 U.S. 154. 98 S.CT. 2674, 57 L.ED. 2D 667] THE PETITIONER IS CERTAIN, WITHOUT A DOUBT, THESE DEFENDANTS WERE AWARE OF WHAT THEY WERE DOING, AND NO DOUBTLY WERE INFORMED BY THE 'EX-SHERIFF" JAMES DIXON BEFORE THEY ENGAGED. SEE; [SCHMERBER V. CALIFORNIA, 384 U.S. 757, 86 S.CT. 1826, 16 L.ED. 2D. 908 (1966)] S.C. CODE ANN § 17-13-140 (2003) WHAT EXACTLY WAS THE STATES INTREST ... [KING V. BLANKENSHIP, 636 F.2D 70, 72 (4TH CIR. 1980)]

WHAT HAS BEEN DONE TO THE PETITIONER AT THE EARLY STAGES OF HIS ARREST HAS NOT BEEN DONE OUT OF IGNORANCE OF THE LAW BECAUSE IF THAT IS THE CASE, THERE IS NO EXCUSE. NEITHER HAS THIS BEEN DONE OUT OF NEGLIGENCE ... BUT PURE DECEPTION. THE ACTS WERE COMMITTED AS A COERCIVE TACTIC IF THE WHOLE CASE IS ANALYZED. JUST AS THE ACTS OF THE TUSKEGEE EXPERIMENT. [WHALEN V. ROE, SUPRA, 429 U.S. AT 599-600] JUSTICE CARDOZO STATED: "EVERY HUMAN BEING OF ADULT YEARS OR SOUND MIND HAS THE RIGHT TO DETERMINE WHAT SHALL BE DONE WITH HIS BODY." SEE; [INGRAHAM V. WRIGHT, 430 U.S. 651 (1977)]. THIS COURT RECOGNIZED THAT THIS RIGHT, HELD SO SACRED AND SO CAREFULLY GUARDED BY THE COMMON LAW, IS A LIBERTY INTREST PROTECTED BY THE DUE PROCESS CLAUSE OF THE 14TH AMENDMENT. WITHOUT THE CAPACITY TO THINK, WE MERELY EXIST, NOT FUNCTION. REALISTICALLY, THE CAPACITY TO THINK AND DECIDE IS A FUNDAMENTAL ELEMENT OF FREEDOM. THE PLAN WAS TO PSYCHOLOGICALLY IMPAIR THE PETITIONER SO THAT HE COULD BE A WITNESS AGAINST HIMSELF IN VIOLATION OF HIS 5TH AMENDMENT, DUE TO THE FACT THAT HE WAS NOT READ HIS RIGHTS UNTIL 02/17/2021. [MIRANDA V. ARIZONA, 384 U.S. 436, 86 S.CT. 1602, 16 L.ED. 2D 694 (1966)]

THE GOVERNMENT DOES NOT HAVE A BROAD PARENS PATRIAE POWER THAT PERMITS IT TO TAKE WHATEVER STEPS ARE NECESSARY (COERCIVELY, IF NEED BE) TO RESTORE SOMEONES MENTAL HEALTH. "IF" THAT WAS EVEN THE INTENTION OF THE STATE. THE PETITIONER BELIEVES THE ACTORS OF THE STATE HELD THEIR OWN HIDDEN OBJECTIVES AT HAND, AND THROUGH THEIR ACTS, ACTED NEGLIGENTLY, RECKLESSLY, AND WITH EVIL INTENT. [THOMPSON V. CARTER, 284 F.3D 411 (2D CIR. 2002)]

[SHORT V. HARTMAN, 87 F.4TH 593]
THE INTRUSION SOUGHT BY THE GOVERNMENT AND STATE ACTORS IS EXTENSIVE AND REACHES FAR BEYOND ITS SHORT-TERM PROSECUTORIAL GOALS ... WHATEVER THOSE WERE. THE FORCED MEDICATIONS AND FORCED TAKING OF BLOOD AND URINE (DNA) SOUGHT BY THE STATE AND ITS ACTORS COULD HAVE A LIFE-LONG IMPACT ON THE PETITIONER'S ABILITY TO THINK AND COMMUNICATE (WHICH IT HAS). ITS IMPACTS ARE FAR MORE THAN JUST THE SYMPTOMS OF A MENTAL ILLNESS, ALTERING THE VERY ESSENCE OF HIS MIND AND IDENTITY. THE FORCED INJECTIONS OF ANTIPSYCHOTIC DRUGS ALTER A PERSONS "COGNITIVE PROCESSES" AND THE DRUGS CAN HAVE SERIOUS, EVEN FATAL, SIDE EFFECTS. SEE; (EXHIBIT B, DESCRIPTION OF DRUGS) [HARPER, 494 U.S. AT 240] IN HARPER, A CONCURRING OPINION NOTES THAT THIRTY (30%) PERCENT OF PERSONS WHO DEVELOP NEUROLEPTIC MALIGNANT SYNDROME DIE. THEREFORE, HOW CAN IT BE SAID THAT THESE DEFENDANTS ACTED IN GOOD FAITH WHEN TAKING PART IN THE FORCED INTRUSION ON THE PETITIONER'S MIND, BODY, AND SPIRIT. [ID. AT 569-570], [RIGGINS V. NEVADA, 504 U.S. AT 135-136], SEE; [LEWIS, 523 U.S. AT 85] [BELL V. WOLFISH, 441 U.S. 520 (1979)], [ROCHIN V. CALIFORNIA, 342 U.S. 165, 169 (1952)] THESE DEFENDANTS INTREST WAS NOT LEGITIMATE WHEN YOU LOOK AT THE EVIDENCE, AS WELL AS THE DEFECTIVE WARRANT WHICH WAS USED. [COUNTY OF SACRAMENTO V. LEWIS 523 U.S. 833, 848 N.8 (1998)] SEE; [VINEYARD, 1990 F.2D 1211] IN THE PETITIONERS CASE, HE WAS A PRE-CHARGED DETAINEE, AND HAD NOT MADE HIS FIRST JUDICIAL APPEARANCE. IN THE PETITIONER'S COMPLAINT HE ALLEGED THE VIOLATION OF HIS FOURTH AMEND. (ECF DKT #33, INTERROGATORY #6) THE PETITIONER IS CERTAIN THAT HE CLAIMED 4TH AND 14TH AMEND. VIOLATIONS, AS WELL AS 1ST AMEND. VIOLATION OF PRIVACY. OFFICER'S DOCUMENTED FRIVOLOUS ENTRIES IN EXHIBIT E, BUT FAILED TO DOCUMENT THE IMPORTANT ONES...

THE CONSTITUTION PROTECTS NOT ONLY ONES INTREST IN BODILY INTEGRITY AND PERSONAL SECURITY, BUT ALSO THE INVIOLABILITY OF ONES MIND. EVERY PERSON HAS A RIGHT TO THINK HIS OWN THOUGHTS, FREE OF STATE INTERVENTION OR MANIPULATION. GOVERNMENT CONTROL OF A "COMPETENT" INDIVIDUALS MIND THROUGH THE USE OF ANTIPSYCHOTIC DRUGS WOULD BE WHOLLY INCONSISTENT NOT ONLY WITH THE PHILOSOPHY OF THE FIRST AMENDMENT, BUT WITH VIRTUALLY ANY CONCEPT OF LIBERTY. [STANLEY V. GEORGIA, 399 U.S. 557, 565-66 (1969)], [ROMEO, 457 U.S. 307, 102 S.CT. 2452] EVEN THE INVOLUNTARILY COMMITTED MENTAL PATIENTS HAVE A FUNDAMENTAL RIGHT IN A NON-EMERGENCY TO REFUSE MEDICATION BASED IN THE CONSTITUTIONAL RIGHT TO PRIVACY, RIGHT TO BODILY INTEGRITY AND THE RIGHT TO FREEDOM OF THOUGHT. [CRUZAN V. DIRECTOR, MISSOURI DEPT OF MENTAL HEALTH, 497 U.S. 261 (1990)]

[ROGERS V. OKIN] THE STATE CANNOT CONSTITUTIONALLY DEPRIVE PATIENTS OF THEIR FUNDAMENTAL RIGHT TO REFUSE MEDICATION BY "PRESUMING" THEM INCOMPETENT OR ONCE COMMITTED, STILL CANNOT WANTONLY VIOLATE THOSE RIGHTS. [110 WASH 2D, AT 874, 759 P. 2D, AT 360] AMONG THE HISTORIC LIBERTIES WAS A RIGHT TO BE FREE FROM AND TO OBTAIN JUDICIAL RELIEF FOR UNJUSTIFIED INTRUSIONS ON PERSONAL SECURITY. [MOORE V. CITY OF EAST CLEVELAND, 431 U.S. 494, 502 (1977)], [101 A.L.R. 5TH 515], [SCHLOENDORFF V. SOCIETY OF N.Y. HOSPITAL, 211 N.Y. 125, 105 N.E. 92, 93 (1914)]

A JUDICIAL DETERMINATION OF INCAPACITY TO ACT IS REQUIRED BEFORE THE STATE ACT AS PARENS PATRIAE. [WINTERS V. MILLER, SUPRA], [MILLS V. ROGERS, 457 U.S. 291, 299], [INGRAHAM V. WRIGHT, 430 U.S. 651 (1977)]

THIS COURT MUST UPHOLD THE RIGHT OF "ALL" CITIZENS TO RESIST THE UNJUSTIFIED USE OF THESE DANGEROUS DRUGS AND TO AFFIRM THE HUMAN DIGNITY OF THOSE WHO ARE FORCED TO TAKE THEM. THE UNAMBIGUOUS OBJECTIONS OF THE PETITIONER SHOULD NOT HAVE BEEN IGNORED BY THE DEFENDANTS OR MEDICAL STAFF AT MCLEOD HEALTH CHERAW NO MATTER WHAT PRESUMPTIONS OR HEARSAY MADE. (THOMAS JEFFERSON, VIRGINIA STATUTE FOR RELIGIOUS FREEDOM (1785)] ALSO SEE THE DEFECTIVE WARRANT ALLEGES REASON FOR AFFIANTS BELIEF THAT THE PROPERTY SOUGHT IS ON THE SUBJECT PREMISES... CLEARY THE COURT MADE ERRONEOUS JUDGMENT.

THEREFORE, THE PETITIONER BELIEVES THAT THE FOLLOWING CASE SHOULD BE GIVEN PROPER ATTENTION, AND THE PETITIONER NOT BE PREJUDICED IN THE MATTER AT HAND. REGARDLESS OF "ANY" ARGUEMENTS, THE PETITIONER HAD A RIGHT TO REFUSE "ALL" INTRUSIONS ON HIM FROM MEDICAL STAFF WITH THE HELP OF THE DEFENDANTS.

[U.S. V. LOUGHNER, 672 F.3D 731 (9TH CIR. 2012)]
[JURASEK V. UTAH ST. HOSP., 158 F.3D 506 (10TH CIR. 1998)]

RESPECTFULLY,

MARCH 26, 2024

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