

IN THE SUPREME COURT OF NORTH CAROLINA

STATE OF 01-110 ex rel:

Cheryl A. Groves

CASE NUMBER:

Relator

Original Action in Mandamus

v.

GOVERNOR OF NORTH CAROLINA:

ROY COOPER

1 East Edenton Street

Raleigh, NC 27601

Respondent

VERIFIED PETITION FOR WRIT OF MANDAMUS

Cheryl A. Groves
Pro se Relator

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COMES NOW Pro se Relator Cheryl A Groves and, pursuant to N.C. Gen. Stat. § 7A-32 (b), hereby files this Verified Petition for Writ of Mandamus and in support thereof, Plaintiff would show unto the Court the following:

I. PARTIES

1. Plaintiff Cheryl A Groves is a citizen and taxpayer of the State of North Carolina.
2. Respondent Governor Roy Asberry Cooper III, is the duly elected, qualified, and acting governor of the state of North Carolina. Governor Cooper has sworn an oath to uphold and defend the Constitution of the United States of America and the Constitution of the State of North Carolina. See Article III § 4.

II. JURISDICTION AND VENUE

3. 3. This matter is a Verified Petition for a Writ of Mandamus pursuant to N.C. Gen. Stat. § 7A-32 (b) "[t]he Supreme Court has jurisdiction, exercisable by one justice or by such number of justices as the court may by rule provide, to issue the prerogative writs, including mandamus, prohibition, certiorari, and supersedeas, in aid of its own jurisdiction or in exercise of its general power to supervise and control the proceedings of any of the other courts of the General Court of Justice."

4. Subject matter jurisdiction and venue are proper and are also conveyed to this Honorable Court pursuant to N.C. Gen. Stat. § 7A-32 (b).

III. STATEMENT OF FACTS

5. Governor Cooper's oath requires him to "support the Constitution and laws of the United States and of the State of North Carolina, and... faithfully perform the duties pertaining to the office of governor" pursuant to Article III § 4.

6. The oath of office of a person elected or appointed to office pursuant to Article VI § 7 shall take and subscribe to the following oath:

"I, _____, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as _____, so help me God."

7. In his official capacity, Governor Cooper is enjoined to uphold and defend both the United States and North Carolina State Constitutions.

8. The relator asks the Court to compel the Governor to uphold and enforce Article II § 24 of the North Carolina Constitution, which imposes limitations on legislation, "[t]he General Assembly shall not enact any local, private, or special act or resolution: (a) Relating to health..." Subsequently, the legislative limits relating to health can and should be extrapolated to the Governor as this law would not limit the power of General Assembly members and not limit the power of the Governor from all issues relating to health as this would put the power of the peoples' health in the hands of one elected official, which contradicts Article I § 7 of the North Carolina Constitution. Pursuant to Article I § 7, the suspension of laws or execution of laws by any authority is injurious to the rights of the people and will not be exercised without the consent of the peoples' representatives. Representatives acting without the consent of the people are injuring the people's rights and such actions must be addressed pursuant to Article I § 21, which states, "[e]very person restrained of his liberty is entitled to a remedy to inquire into the lawfulness thereof, and to remove the restraint if unlawful, and that remedy shall not be denied or delayed." Pursuant to Article I § 37 of the North Carolina Constitution and enforced by N.C. Gen. Stat. § 7B-2058, victims may assert the rights provided in this Article and "[i]n no event shall any underlying proceeding be subject to undue delay for the enforcement provided in this section." Moreover, Amendment 14 of the U.S. Constitution states, "[n]o State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; 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 the equal protection of the laws."

9. Several federal entities, state entities both private and public, have been VIOLATING the civil liberties of the people of North Carolina for a period that is too great to determine, yet extraordinary in the past 20 months, pursuant to Article II § 24 by compelling citizens of North Carolina to participate in a health care treatment directly and indirectly.

10. On or about the month of March 2020 extraordinary violations of this right were observed under federal, state and or local rules, by various entities both federal and state, forcing the citizens of North Carolina to participate in a health care treatment by way of force.

11. Citizens were required to wear alleged medical devices, provide DNA samples, test their temperature, receive vaccinations, contact tracing and other activities that would be considered health care services, as well as private and public databases being created and collecting health care data and / or health care information by way of compulsion.

12. Pursuant to Article I § 2 of the North Carolina Constitution states, “[a]ll political power is vested in and derived from the people; all government of right originates from the people, is founded upon their will only...” Therefore, the people have dominion over any government authority, rule, law or mandate that violates the peoples’ rights, including health and the freedom of choice. Additionally, the right of the people, not the government, to govern policies relating to health although not explicitly stated in the United States Constitution, falls under Amendment 9 that states, “[t]he enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.” Therefore, the people have the right to decide their individual healthcare, including but not limited to, medical treatment, procedures, testing, policies, and health insurance as clearly defined in Amendment 9. The North Carolina Constitution provides the people with the sole responsibility of government regulation pursuant to Article I § 3, “[t]he people of this State have the inherent, sole, and exclusive right of regulating the internal government and police thereof, and of altering or abolishing their Constitution and form of government whenever it may be necessary to their safety and happiness...” Any mandates relating to the peoples’ health as mentioned above is in direct violation of the peoples’ rights, safety, and happiness.

13. Mask mandates and the “lock downs” imposed relating to COVID-19 were unconstitutional and considered “house arrest” and any form of constraint either within peoples’ homes or in other housing facilities that displace people from their homes is considered unconstitutional pursuant to Article I § 19 of the North Carolina Constitution. Article I § 19 clearly states that the people will not be imprisoned, removed from their real property or be stripped of their freedoms, “[n]o person shall be taken, imprisoned, or disseized of his freehold, liberties, or privileges; or outlawed, or exiled, or in any manner deprived of his life, liberty, or property, but by the law of the land.” Additionally, the U.S. Supreme Court has recognized that the “writ of habeas corpus is the fundamental instrument for safeguarding individual freedom against

arbitrary and lawless state action" and must be "administered with the initiative and flexibility essential to ensure that miscarriages of justice within its reach are surfaced and corrected." Furthermore, within Article III of the North Carolina Constitution, there is no mention of the extraordinary power of serving mandates afforded to the Governor. The duties of the Governor do not include issuing mandates that violate the Constitution. Therefore, Governor Cooper is not upholding the Constitution based on the aforementioned laws regarding health mandates that ultimately imprisoned the people, segregated the people, discriminated against the people, and violated the peoples' civil liberties and freedom at all levels.

14. Actions taken by the Governor emulate those of a medical physician and based on the Governors' credentials he is neither educated, trained or licensed to practice medicine, which is in direct violation of N.C. Gen. Stat. § 90-18 that states "[n]o person shall perform any act constituting the practice of medicine or surgery, as defined in this Article, or any of the branches thereof, unless the person shall have been first licensed and registered so to do in the manner provided in this Article." Moreover, informed consent must be obtained prior to health care treatment or procedure pursuant to N.C. Gen. Stat. § 90-21.1 relating to minors and N.C. Gen. Stat. § 90-21.13, which states, "[n]o recovery shall be allowed against any health care provider upon the grounds that the health care treatment was rendered without the informed consent of the patient or other person authorized to give consent for the patient where: (1) The action of the health care provider in obtaining the consent of the patient or other person authorized to give consent for the patient was in accordance with the standards of practice among members of the same health care profession with similar training and experience situated in the same or similar communities..." Hence, medical consent must be provided by the patient to the medical provider regarding health care before the health care provider can administer any medical treatment or procedure such as testing, medication, vaccines, and/or medical procedures. The people did not give consent and therefore Governor Cooper should be held accountable and found guilty of a Class I felony for his actions.

15. Both directly and indirectly citizens of North Carolina were forced by both federal and state and by both private and public entities to submit to unconstitutional laws and or mandates to enjoy liberties such as entering or enjoying access to public or private institutions such as venues, access to public transport, courthouses, schools, hospitals, and food emporiums to name a few.

16. Pursuant to Article II § 24, "[a]ny local, private, or special act or resolution enacted in violation of the provisions of this Section shall be void."

17. In fact, as time ensued, public and private entities within the state of North Carolina have been issuing severe penalties to enforce such unconstitutional demands to compel such as denying wages, employment and inter and intra state travel.

18. All such actions stated above are a clear, apparent violation of the aforementioned laws and statutes of the North Carolina and United States Constitutions and should cease immediately.

WHEREFORE, as a result of the foregoing, Plaintiff respectfully requests that proper process be issued and served on Respondent, requiring Respondent to answer or otherwise respond in the time period allotted by law, and that this Honorable Court would award judgment in favor of Petitioner and against Respondent as follows:

1. Governor Cooper be compelled to uphold the Constitution of North Carolina that the Governor swore to uphold and defend against all enemies, foreign and domestic.
2. Governor Cooper be compelled to charge the Attorney General with the duties vested in him to enforce and uphold the Constitution of the state of North Carolina by immediately ceasing any federal or state, public or private entity within the jurisdiction and or operating in state of North Carolina compelling citizens of North Carolina directly or indirectly to participate in health care data collection, health care services, and force to provide healthcare information by mandamus from this court.
3. For an award of attorney's fees and costs incurred as a result of this action.
4. That this Honorable Court "order a speedy hearing" of this declaratory judgment action as permitted by Fed. R. Civ. P. 57.
5. Such other relief to which Plaintiff may show herself to be entitled.

Respectfully submitted this 23rd day of September, 2021.

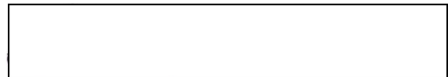
By:/s/ Cheryl A Groves
Cheryl A. Groves

VERIFICATION

STATE OF NORTH CAROLINA

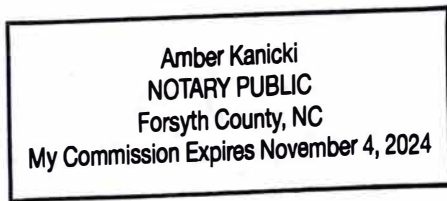
COUNTY OF FORSYTH

I have read the foregoing factual allegations contained in this Verified Petition for Writ of Mandamus and do hereby certify that they are true and correct to the best of my knowledge.



Cheryl A. Groves

SWORN TO AND SUBSCRIBED before me this 22 day of September, 2021.





Notary Public

My Commission Expires:

November 4, 2024