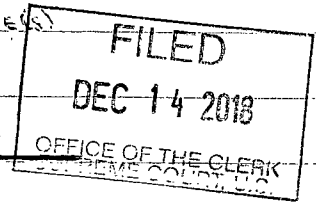


18-7492

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES
TERM, 201 ~~15~~



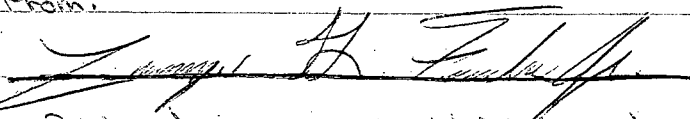
Lorenzo Gerald Fendee Jr.
PETITIONER,

v.
Harold W. Clarke - Virginia
Department of Corrections, ~~DIRECTOR~~
RESPONDENT.

Petition For A Writ Of Certiorari To The
Virginia Supreme Court

PETITION FOR WRIT OF CERTIORARI

In Request From:


(Indigent Pro-Se Petitioner) - Lorenzo Gerald Fendee Jr.

Red Onion State Prison

P.O. Box 1900-970

Pound, VA. 24279-1900

State Prisoner Number: 1072698

Last 4 Digits of Social Security Number: 7618

Q U E S T I O N (S) P R E S E N T E D

"THREE" Question(s) Presented within this Petition is:

(1). Whether - A (Pro-Se Petitioner(s)) "MULTIPLICITY OF VOID STATE COURT JUDGMENT(S) ARE VOID AB INITIO", when "CHALLENGING SUBJECT MATTER JURISDICTION" by it(s) "STATE CREATED LIBERTY INTEREST" to "DUE PROCESS CLAUSE AND EQUAL PROTECTION CLAUSE" of the 1st, 5th, 6th, 9th, and 14th "AMENDMENT(S)" from a State Criminal and now Civil Prosecutors, when Applying State Law Presumption(s) to Constitutional Doctrine of Standing for "CLAIM(S)" of Misconduct(s), InEffective Assistance of Counsel(s), Failure to Inquire, Conflict of Interest, and Plain Error by the State of Virginia Police Officer, Magistrate Judge, Prosecutor, Public Defender(s), Court(s) Clerk and Appellant Court(s) can "MISFEASANCE OF JUSTICE"?

(2). Whether - A (Pro-Se Petitioner(s)) "INADEQUATE INITIAL HABEAS CORPUS" to Virginia Circuit Court, (shall) be considered "VOID AB INITIO" by "RETROACTIVE RULINGS AND JURISDICTIONAL BAR RULINGS" from Martinez v. Ryan and Johnson v. Zerbst when "SLAMING" InEffective Assistance of Suppression, Trial, and Appellant Counsel(s)?

(3). Whether - A (Pro-Se Petitioner(s)) "INITIAL HABEAS CORPUS APPEAL" to the Virginia Supreme Court and "INITIAL PETITION FOR HABEAS CORPUS" to the Federal District Court (shall) be considered "VOID AB INITIO" when the court(s) denial(s) resulted from "GOVERNMENTAL INTERFERENCE(S)" by Red Onion State Prison on "CLAIM(S)" of Denial of Access To The Court(s)?

LISTED PROCEEDING Pursuant To UNITED STATES) SUPREME
COURT "Rule(s)" 10.(c), 12.(2), (4) and (5), 13.(1), ~~17.(1)(2)~~,
20.(1), 24.(1)(a-j), 39.(2), and 47

Pursuant to Supreme Court Rule 10.(c), "Petitioner-Lorenzo Gerald Fenebee Jr." certifies(s) that the Virginia Supreme Court of last resort has decided an important question of Federal Law that has not been, but should be settled, by this Court where this Entire State Courts has decided an important Federal Question in a way that(s) is conflict with relevant decisions from this Supreme Court to grant certiorari.

Pursuant to Supreme Court Rule 12.(2), (4), and (5), "Petitioner-Lorenzo Gerald Fenebee Jr." certifies that "Petitioner" is proceeding In Forma Pauperis under Rule 39.(2) and a inmate confined at Red Onion State Prison, and need to only file his Original Petition For Certiorari and Motion For Leave; where the two or more judgment(s) sought to be reviewed on this Idiot are to the Same court and involves identical, similar or closely related question(s), for a single petition for a writ of certiorari covering all these judgment(s); and the Virginia Supreme Court clerk having possession of the record shall keep it until notified by the Clerk of this Court to certify and transmit it. In any document filed within this Court a party may cite or quote from the record even if it has not been transmitted to this Court yet.

Pursuant to Supreme Court Rule 13.(1), "Petitioner-Lorenzo Gerald Fenebee Jr." certifies(s) that this petition for certiorari review is from a criminal action and civil post conviction action that was entered by the Virginia Supreme Court of State Court Last Resort, and is timely filed in this

Court with it(s) Clerk within the prescribed 90 Day(s) after entry of order denying discretionary review.

Pursuant to Supreme Court Rule 17. (1-2), "Petitioner - Lorenzo Gerald Ferabee Jr." certifies(s) that this Rule applies only to this action when petitioner is invoking this Court's(s) Original Jurisdiction under Article(s) III §2 and VI of the United States Constitution and 28 U.S.C. § 1251 (b)(2); and the form of pleading(s) and motion(s) prescribed by the Federal Rules of Civil Procedure is followed and in other respect those Rules and Federal Rules of Evidence are to be taken as guides.

Pursuant to Supreme Court Rule 20. (1), "Petitioner - Lorenzo Gerald Ferabee Jr." certifies that the issuance by this Court of an extraordinary writ authorized by 28 U.S.C. § 1651 (a) is not a matter of right but of discretion sparingly exercised to justify the granting of any such writ where it will aid this Court's(s) appellate jurisdiction.

Pursuant to Supreme Court Rule 24. (1) (a-j), "Petitioner - Lorenzo Gerald Ferabee Jr." certifies(s) that the questions presented shall be set out on the first page following the cover page and no other information may appear on that page but it(s) three question(s); an a list of all the parties(s) to this proceeding in this Court whose judgment to review appear(s) on the caption by party name; and since this brief exceeds(s) five pages(s) a table of contents(s) and cited authorities(s) exist; because citation(s) of official or unofficial reports(s) of the opinion(s) and order(s) is presented; an a concise statement for the basis of jurisdiction includes this Court's(s) Statutory Provision and time factor(s); in which the Constitutional Provision(s), treaties, statutes, ordinance, and regulation(s)

involved are set out verbatim with appropriate citation; as in a concise statement of this case setting out the fact(s) material to consideration of the question(s) presented with appropriate reference to the joint appendix/exhibit A-S to the record; and a summary of the argument is stated clearly and concisely made in the body of this brief; as the argument(s) exhibiting clearly the point(s) of fact(s) and law presented citing authorities(s), unless regulations relied on; and a conclusion specifying with particularity the relief petitioner seek(s).

Pursuant to Supreme Court Rule 39.(2), "Petitioner - Lorenzo Gerald Fenebee Jr." certifies that Leave to Proceed In Formal Pauperis is sought for the purpose of filing these document(s), the motion, and affidavit or declaration if required, shall be filed together with this document and shall comply with Rule 12.(2) where "Petitioner" is a inmate confined at Red Onion State Prison and need to only file his original petition for certiorari and motion for leave.

Pursuant to Supreme Court Rule 47, "Petitioner - Lorenzo Gerald Fenebee Jr." certifies that the reference in this petition to State Courts and State Law(s), is meant to be understood by the Virginia Court(s) of Chesapeake Circuit Court, Virginia Court of Appeal(s), and Virginia Supreme Court upon Virginia Statutory Law(s) and Virginia Supreme Court Rule of Criminal, Civil and Evidence.

TABLE OF CONTENT(S)

	Page Number(s)
QUESTION(S) PRESENTED	(i)
LISTED PROCEEDING PRESENT TO UNITED STATES(S) SUPREME COURT	
"Rule(s)" 10.(c), 12.(2), (4), and (5), 13.(1), 17.(1-2)	
20.(1), 24.(1)(a-j), 39.(2), and 47	(ii-ix)
TABLE OF CONTENT(S)	(v)
TABLE OF AUTHORITIES(S)	(vi-vii)
PETITION FOR WRIT OF CERTIORARI	(1)
REPORTED DECISION(S)	(2-4)
STATEMENT(S) OF JURISDICTION	(4)
CONSTITUTIONAL PROVISION(S), STATUTORY ENACTMENT(S) AND	
RULE REGULATION(S) INVOLVED	(5-15)
STATEMENT(S) OF THIS CASE	(15-21)
SUMMARY OF ARGUMENT(S)	(21-24)
REASON(S) FOR GRANTING THIS WRIT OF CERTIORARI	(25-38)
CONCLUSION(S)	(38-39)
Page(s)	
CERTIFICATE OF SERVICE(S)	(viii)

TABLE OF AUTHORITIES

Page Number(s)

UNITED STATES SUPREME COURT CASE(S)

Arizona v. Youngblood, 488 U.S. 51, 61 (1988)	(22-23)
Asarco Inc. v. Kadish, 490 U.S. 605, 104 L.Ed. 2d 696, 109 S.Ct. 2037 (1989)	(25)
Bardick v. Smith, 430 U.S. 827, 52 (1976)	(36)
Boody v. United States, 397 U.S. 755 (1970)	(29)
Chambers v. Mississippi, 410 U.S. 284 (1973)	(32)
Clemen(s) v. Mississippi, 494 U.S. 738 (1990)	(26)
Darden v. Wainwright, 477 U.S. 168 (1986)	(30)
Dent v. West Virginia, 129 U.S. 114, 32 (1889)	(26)
Fiore v. White, 531 U.S. 225, 228-29 (2001)	(30)
Foster v. Cal. Socma, 394 U.S. 440 (1969)	(28)
Frank(s) v. Delaware, 438 U.S. 155, 98 S.Ct. 2676 (c) (1978)	(29)
Holloway v. Arkansas, 435 U.S. 475, 484-85 (1978)	(31-32)
Illinois v. Gates(s), 462 U.S. 213 (1983)	(29)
Indiana State Police Pension Trust v. Chrysler LLC, 129 S.Ct. 2275, L.Ed. 2d 1285 (2009)	(25)
Johnson v. Mississippi, 486 U.S. 378, 587, 108 S.Ct. 1989, 100 L.Ed. 2d 575 (1988)	(27)
Johnson v. Zerbst, 304 U.S. 468, 58 S.Ct. 1025 (1938)	(34-35)
Lament v. Postmaster General, 381 U.S. 301, 305 (1965)	(37)
Leois v. Casey, 518 U.S. 348, 343 (1996)	(36-37)
Main v. Thibault, 100 S.Ct. 2502 (1980)	(26)
Martinez v. Ryan, 132 S.Ct. 1309, 1318-1320 (2012)	(33-34)
Milwaukee Social Democratic Publishing Co. v. Burleson, 255 U.S. 407,	

352 (1921).	(35)
Plyler v. Doe, 457 U.S. 202, 72 (1982).	(26)
Procunier v. Martinez, 416 U.S. 398, 1800 (1974).	(37-38)
Smith v. Robbins(s), 528 U.S. 259 (2000).	(32)
United States v. Cotton, 535 U.S. 625, 630 (2002).	(27)
Washington v. Texas, 388 U.S. 14, 1920 (1967).	(26)
Wheat v. United States, 486 U.S. 153 (1988).	(32)
Wiggins(s) v. Smith, 539 U.S. 510, 523, 123 S.Ct. 2527, 156 L.Ed.2d 471 (2003).	(30-31)
Youngberg v. Romeo, 457 U.S. 301 (1982).	(26)
Younger v. Gilmore, 404 U.S. 15, 821-833 (1971).	(36)

FEDERAL APPELLANT COURT(S) CASE(S)

Delep v. Dugger, 890 F.2d 285, 300 (11 th Cir. 1989).	(25)
United States v. Fisher, 711 F.3d 460 Hn.5 on Hn.10 (4 th Cir. 2013).	(28-29) ^{and}

FEDERAL DISTRICT COURT CASE

Burt v. Carlson, 752 F.Supp. 346 (C.D. Cal. 1990).	(38)
--	------

SUPPLEMENTAL VIRGINIA SUPREME COURT CASE

Fors v. Commonwealth, 220 Va. 1007, 1010, 265 S.E.2d 729, 731 (1980).	(19)
---	------

SUPPLEMENTAL VIRGINIA COURT OF APPEALS CASE

McBee v. Commonwealth, 25 Va. App. 193, 197, 487 S.E.2d 259, 261 (1997).	(29)
Daac. (vii)	

PETITION FOR A WRIT OF HABEAS CORPUS

(Indigent Pro-Se Prisoner and Petitioner) Lorenzo Gerald Ferber Jr. (hereinafter "Ferber Jr. or Petitioner") respectfully submit(s) his petition to this Honorable United States Supreme Court upon a Writ of Certiorari to review the order and opinion(s) of both, the Virginia Supreme Court which "REFUSED" petitioner(s)' collateral appeal to that court, from the "DISMISSAL" of 'Ferber Jr. Motion to Vacate a Void Judgment for a Lack of Subject Matter of Jurisdiction pursuant to both Virginia Statutory Code § 8.02-428 (A)(ii) and (D), and Virginia Supreme Court Rule 3:19(c)(1) and (d)(2) to the Chesapeake Circuit Court, in order to vacate any and all arrest warrant(s), denial of motion(s), jury recommendation and judge 30 Year Sentence, and Virginia Court of Appeal denial of direct appeal, and Virginia Supreme Court refusal of direct appeal, and Chesapeake Circuit Court dismissal of initial habeas corpus petition, and Virginia Supreme Court denial of initial habeas corpus petition for appeal. Petitioner request a Evidentiary Hearing to the State Circuit Court and maintained such request to the Virginia Supreme Court where "Due-Process" for "STATE CREATED LIBERTY INTEREST" to it(s) "STATE LAW(S)" are being UnConstitutionally violated in order to keep a Innocent Man Imprisoned, which the 9th and 14th U.S. Constitutional Amendment(s) "PROTECT(S)".

REPORTED DECISION(S)

The following "STATE COURT(S) OPINION(S) And DECISION(S)" can be found below in this case directly related to the 'Questions Presented'

that are either reported or unreported in Appendixes/Exhibit(s):

Lorenzo Gerald Ferabee Jr. v. Harold W. Clarke Virginia
Department of Corrections Director, record num: 171762 from
November-14th-2018 Order and Opinion to Refuse Petition For Appeal
(Review Appendix/Exhibit B) by Virginia Supreme Court

Lorenzo Gerald Ferabee Jr. v. Harold W. Clarke Virginia
Department of Corrections Director, in record num: CL17-1951 from
November-6th-2017 Order Dismissing Petitioner(s) Motion To Vacate
A Void Judgment For A Lack Of Subject Matter Jurisdiction (Review
Appendix/Exhibit N-0) by Chesapeake Circuit Court

Lorenzo Gerald Ferabee Jr. v. Harold Clarke, in record num:
1:12 cv 283 (LC/JFA) from May-3rd-2012 Order Dismissing Without
Prejudice Petitioner(s) Federal 28 U.S.C. § 2254 (Review Appendix/Exhibit
H (12) pg. 1-2) by the United States District Court for the Eastern
District of Alexandria Division of Virginia

Lorenzo Gerald Ferabee Jr. v. Bryan Watson, Warden in
record num: 101847 from October-6th-2011 Order Dismissing
Petitioner(s) Habeas Corpus Appeal (Review Appendix/Exhibit H-H (1))
from the Virginia Supreme Court

Lorenzo Gerald Ferabee No. 379922 v. Bryan Watson, Warden
in record num: CL09-3407 from August-2nd-2010 Order Denying
and Dismissing "Petitioner(s)" initial Habeas Corpus Petition (Review
Appendix/Exhibit G-G (6)) from Chesapeake Circuit Court

Lorenza Gerald Ferebee Jr. v. Commonwealth of Virginia in record num: 081651 from February-3rd-2009 Order the Refusal of Direct Appeal (See Appendix/Exhibit E(33)) by the Virginia Supreme Court

Lorenza Gerald Ferebee Jr. v. Commonwealth of Virginia in record num: 2490-07-1 from July-24th-2008 Denial of "Petitioner(s)" Direct Appeal (See Appeal/Exhibit E(29-32)) by the Virginia Court of Appeals; and from February-5th-2008 Denial of Public Defender Kathleen A. Ortiz Motion To Withdraw (See Appendix/Exhibit E(4)) by the Virginia Court of Appeals in record num: 2490-07-1

Commonwealth of Virginia v. Lorenza Gerald Ferebee in record num: CR06-119, CR06-127, and CR06-152 from August-22nd-2006 Jury Trial and Recommendation(s) of 25 Year(s) for Violation(s) of Virginia Statutes and October-5th-2007 Judge Imposing 25 Year Sentence by Jury and additional 5 Year Probation Violation for these Virginia Statutory Violation(s) (See Appendix/Exhibit C(1)(i) C(2)(ii)) by the Chesapeake Circuit Court; and from June-12th-2006 denial and dismissal of Petitioner(s) Motion To Suppress the Identification of Petitioner by Chesapeake Circuit Court Judge Steven B. Goodwyn in record num: CR06-119, CR06-125, CR06-126, CR06-127, and CR06-152 (See Appendix/Exhibit B(1)(iii)) by the Chesapeake Circuit Court

Commonwealth of Virginia v. Lorenza Gerald Ferebee in record num: 06-152 from January-3rd-2006 Grand Jury

Indictment (See Appendix / Exhibit A(u) - A(u)(i) by Chesapeake Circuit Court Judge - Frederick W. Crookmore).

Commonwealth of Virginia v. Lorenzo Forbes in record num: 05-8421, 05-8422, 05-8423, and 05-8424 from December-16th-2005 Finding of Probable Cause by Chesapeake General District Court to further this Criminal Proceeding to the Chesapeake Circuit Court, (See Appendix / Exhibit B(u)(vii - viii) by Chesapeake General District Court

Chesapeake Magistrate Judge - R. J. Shaffer Issuance of Felony Arrest Warrant(s) for "Petitioner" on October-22nd-2005 at 1:26 pm base on the "Sworn Statement(s)" by Chesapeake Police Detective - Thomas R. Downing for Violation(s) of Virginia Statutory Code(s) §§§§ 18.2-308.2 Possession of a firearm after being convicted of a Felony; 18.2-58 Robbery; 18.2-53.1 Use of Firearm; and 18.2-51 Malicious Wounding.

STATEMENT(S) OF JURISDICTION

"Petitioner" hereby seek(s) reviewing by this Honorable Supreme Court of the United States of America from the judgment(s) and opinion of the Virginia Supreme Court on November-19th-2018 (See Appendix / Exhibit R from the Virginia Supreme Court in record num: 171762).

"Petitioner" also states(s) that this Honorable Supreme Court has "ORIGINAL JURISDICTION" over this precedent under United State(s) Constitutional

"ARTICLE(S)" III § 2 and VI; and under 28 U.S.C. §§§§§§

1251 (b)(2), 1651 (a), 2101 (c) and (d), 2102, 2104, and 2106;

but also pursuant United State(s) Supreme Court "RULE(S)" 10. (c), 12. (2) and (4), 20. (1), 39. (2) and Rule 47.; as well as under Federal Rule 302 of Evidence.

CONSTITUTIONAL PROVISION(S), STATUTORY ENACTMENT(S) And Rule Regulation(s) Involved

The following Constitutional Provision(s), Statutory Enactment(s), and Rule Regulation(s) involved in this case is:

CONSTITUTIONAL PROVISION(S)

United States Constitutional "Article" III § 2 states(s): The judicial power "SHALL" extend to all case(s) in law and equity arising under this Constitutional law(s) of the United States and treaties made or which "SHALL" be made under their authority - to all case(s) between a State or citizen thereof.

United States Constitutional "Article" VI states: This Constitution and the law(s) of the United States which "SHALL" be made in pursuance thereof; and ~~every~~ ^{the} judge(s) in every State "SHALL" be bound thereby anything in the Constitution or law(s) of any State to the contrary notwithstanding.

United States Constitutional 1st "AMENDMENT" states: To Petition the Government for a redress of grievance(s).

United States Constitutional 4th "AMENDMENT" states(s): The Right of the people to be secured against Unreasonable Searches and Seizures that "SHALL NOT" be violated and no warrants(s) "SHALL BE ISSUED" but upon probable-cause "SUPPORTED BY OATH OR AFFIRMATION".

United States Constitutional 5th "AMENDMENT" states: No person "SHALL" be deprived of life, liberty, or property without due process of law.

United States Constitutional 6th "AMENDMENT" states: In all criminal prosecution(s) the accused "SHALL" enjoy the right to have the assistance of counselor for his defense.

United States Constitutional 9th "AMENDMENT" states: The enumeration in the Constitution of certain right(s) "SHALL NOT" be construed to deny.

United States Constitutional 14th "AMENDMENT" § 1 states: No State "SHALL NOT" deprive any person of life, liberty, or property without due-process of law, nor deny to any person within its jurisdiction the equal protection(s) of law.

STATUTORY ENACTMENT(S)

United States Supreme Court "ORIGINAL JURISDICTION" pursuant to 28 U.S.C. § 1251 (b)(2) states: The Supreme Court "SHALL" have original but not exclusive jurisdiction of All controversies between the United States and a State.

United States "All Writ(s) Act" pursuant to 28 U.S.C. § 1651 (a) states: The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdiction and agreeable to the usages

and principles of law.

United States Supreme Court "TIME FOR CERTIORARI" pursuant to 28 U.S.C. § 2101 ~~states~~ (c) and (d) states: (c) Any writ of certiorari intended to bring any judgment or decree in a civil action or proceeding before the Supreme Court for review "SHALL" be taken or applied within ninety day(s) after the entry of such decree or judgment; and (d) The time for a writ of certiorari to review the judgment of a "State Court" in a criminal case "SHALL" be as prescribed by rules of the Supreme Court.

United States Supreme Court "PRIORITY OF CRIMINAL CASE ON APPEAL FROM STATE COURT" pursuant to 28 U.S.C. § 2102 states: Criminal cases on review from State Courts "SHALL" have priority on the docket of the Supreme Court over all cases except such other cases as the court may decide to be "PUBLIC IMPORTANCE".

United States Supreme Court "REVIEW(S) OF STATE COURT DECISION(S)" pursuant to 28 U.S.C. § 2104 states: A review by the Supreme Court of a judgment or decree of a State Court "SHALL" be conducted in the same manner and under the same regulations and "SHALL" have the same effect as if the judgment or decree reviewed had been rendered in a Court of the United States.

United States Supreme Court "DETERMINATION" pursuant to 28 U.S.C. § 2106 states: The Supreme Court or any other court of appellate jurisdiction may affirm, modify, vacate,

set aside or reverse any judgment, decree, or order of a court lawfully brought before it for review, and may remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as maybe just under the circumstances.

SUPPLEMENTAL STATE STATUTORY ENACTMENT(S)

Virginia Statutory Code § 8.01-428 (A)(ii) "SETTING ASIDE DEFAULT JUDGMENT(S)" states: (A) Upon motion of the plaintiff the court may set aside a judgment by default or a decree pro confesso upon the following ground(s): (ii) "A VOID JUDGMENT".

Virginia Statutory Code § 8.01-428 (D) "INDEPENDENT ACTION(S) TO BELIEVE A PART FROM JUDGMENT OR PROCEEDING(S)" states: (D) This section "Does Not" limit the power of the court to Entertain at any Time an Independent Action to "BELIEVE" a party from any judgment or proceeding.

Virginia Statutory Code § 8.01-690 "APPLICABILITY PROVISION(S)" states: The provisions of this chapter "shall" apply to all 'Pro-Se Civil Actions' for "Injunction(s)", "Disparaging", or mandamus "BELIEF" brought by a prisoner incarcerated on any State or Local Correctional Facility, pursuant to the Correctional(s) Private Management Act (§ 53.1-261 et. seq.)

Virginia Statutory Code § 19.2-390.02 "POLICIES And PROCEDURES For Law Enforcement To Conduct In-Person And Photo LINEUP(S)"

states: The Department of State Police and each local police department and Sheriff's office "SHALL" establish a written policy and procedure for conducting in-person and photographic lineup(s).

On July-1st-2017 William M. Stanley Jr. Criminal Justice Law went into effect pursuant to SB 853 "~~CRIMINAL CASE(S)~~ DELAYED APPEAL(S), AND ASSIGNMENT OF ERROR(S) DISMISSED IN PART state(s): Provides that an appellant may file a Motion For Leave to pursue a delayed appeal for those assignment of error(s) that were dismissed because they did not adhere to a proper form, even if other assignments of error were refused on the merits. This "Bill" is a recommendation of the Judicial Council of Virginia.

Virginia Statutory Code § 18.2-308.2 "POSSESSION OF FIREARM BY CONVICTED FELON"

Virginia Statutory Code § 18.2-~~51~~ 52 "MALICIOUS WOUNDING"

Virginia Statutory Code § 18.2-53.1 "USE OF FIREARM IN THE COMMISSION OF A FELONY"

FEDERAL RULE(S) OF EVIDENCE RULE(S)

Federal Rule 302 of Evidence "APPLYING STATE LAW TO PRESUMPTION(S) IN CIVIL CASE(S)" states: In a Civil Case, state law governs the effect of a presumption regarding a claim or defense for which state law supplies the rule of decision.

SUPPLEMENTAL STATE COURT RULE REGULATION(S)

Virginia Supreme Court Rule 1:4 "GENERAL PROVISION(S) AS TO PLEADING(S)" (d) and (g) states: (d) Every pleading "SHALL" state the facts on which the party relies in numbered paragraphs, and it "SHALL" be sufficient if it clearly informs the opposite party of the 'True Nature of a Claim or Defense'; and (g) Requirements of pleadings applicable to legal defenses "SHALL" apply to 'Equitable Defenses'.

Virginia Supreme Court Rule 3A:2 "PURPOSE AND INTERPRETATION DEFINITION(S)" (a) states: 'Purpose and Interpretation' -- These Rules are intended to provide for "JUST DETERMINATION(S)" in criminal proceedings. They "SHALL" be interpreted so as to promote 'Uniformity and Simplicity in Procedure, Fairness in Administration, and the Elimination of Unjustifiable Expense and Delay(s), Error(s), Defect(s), Irregularities or Variances' that do not "AFFECT SUBSTANTIVE RIGHT(S)" "SHALL" not constitute reversible error.

Virginia Supreme Court Rule 3A:3 "THE COMPLAINT PROCESS" The Complaint "SHALL" consist of "SWORN STATEMENT(S)" of a person or persons(s) of fact(s) relating to the commission of an alleged offense. The Statements "SHALL" be made upon 'Oath' before a 'Magistrate Empowered to Issue Arrest Warrant(s)'. The magistrate may require the 'Sworn Statement(s)' to be reduced to writing and signed.

Virginia Supreme Court Rule 3:5 "THE SUMMON(S)" (a) states: (a) 'Form of Process'. The process of the Court(s) in 'Civil Action(s)'

"SHALL" be a Summen(s) in Substantially this form:

COMMONWEALTH OF VIRGINIA

In The Court of The of

SUMMEN(S)

Civil Action No.

The party upon whom this "Summen(s)" and the attached complaint are served is hereby notified that unless within "21 DAY(S) AFTER" such service(s) response is made by filing in the Clerk's Office of this court a pleading in writing, in proper legal form, the allegations and charge(s) maybe taken as admitted and the Court may enter an order, judgment, or decree against such party either by default or after hearing evidence.

Virginia Supreme Court Rule 3:8 "ANSWER(S), PLEA(S), DEMURRER, And Motion(s)" (a) states: (a) 'Response Requirement'. A defendant "SHALL" file pleading(s) in response within "21 DAY(S) AFTER" service of the summon(s) and complaint upon that defendant.

Virginia Supreme Court Rule 3:19 "DEFAULT" (a), ^{(c)(1) and (d)(2)} ~~states~~ states: (a) 'Failure Timely to Respond'. A defendant who fails timely to file a responsive pleading as prescribed in Rule 3:8 "IS IN DEFAULT". A defendant in default is not entitled to notice of any further proceedings in the case, including notice to take deposition, except that written notice of any further proceeding(s) "SHALL" be given to counsel of record, if any. The defendant in

"Default Is Deemed To Have Occurred" any right to trial of issue(s) by jury; (c) -- 'Default Judgment and Damage(s)'; (1) The Court "Shall" on motion of the plaintiff enter 'Judgment For Relief' appearing to the court(s) to be due; and (d) 'Relief From A Default Judgment'; (2) "AFTER 21 DAYS", A final judgment no longer within the jurisdiction of the trial court under Rule 2:1 may not be vacated by that court "EXCEPT AS PROVIDED IN Virginia Code(s) §§ 8.01-428 and 8.01-633"

Virginia Supreme Court Rule 5A:16 "PERFECTION OF APPEAL"
(a) states(s): (a) 'Appeal As A Matter of Right', In case(s) when an Appeal lies(s) as a Matter of Right to the Court of Appeals, such "APPEAL SHALL BE PERFECTED BY THE TIMELY FILING OF A NOTICE OF APPEAL" pursuant to Rule 5A:6.

Virginia Supreme Court Rule 5:17 "PERFECTION OF APPEAL"
(a)(1), (c)(1)(iii), and (c)(2)(ii) states(s): (a) 'When The Petition Must Be Filed', Unless otherwise provided by rule or statute, in every case in which the appellate jurisdiction of this Court is invoked, a petition for appeal "Must" be filed with the Clerk of this Court within the following time period(s): (1) In the case of an APPEAL DIRECTLY FROM A Trial COURT not more than three month(s) after entry of the order appealed from; (c) What The Petition "Must" Contain', A petition for appeal "Must" contain the following: (i) 'Assignment of Error(s)', Under a heading entitled 'Assignment of Error(s)', the petition "Shall" list clearly and concisely and without extraneous argument, the specific error(s) in the ruling(s) below upon which the party intend(s) to rely, or the

specific case law that should be overruled, extended, modified, or reversed. An exact reference to the page(s) of the transcripts, written statement of fact(s), or record where the alleged error has been preserved in the trial court or other tribunal from which the appeal is taken "SHALL" be included with each Assignment of Error; (iii) 'Insufficient Assignment of Error': An Assignment of Error that does not address the findings or rulings in the trial court from which an appeal is taken, or which merely states that the judgment is contrary to law and evidence "Is Not Sufficient". If the Assignment of Error(s) are insufficient, then the petition for appeal "SHALL" be dismissed; and (c)(2) 'Required Statements When The Appeal Is From The Court of Appeals(s)'. When appeal(s) is taken from a judgment of the Court of Appeals(s) in a case in which judgment is made final under Code § 17.1-410, the Petition For Appeal "SHALL" contain a statement setting forth ~~what~~ in what respect the decision of the Court of Appeals(s) involves the following: (iii) Matter(s) of significant precedential value. If the petition for appeal "Does Not" contain such a statement then the appeal will be dismissed.

Virginia Supreme Court Rule 5:23 "PERFECTION OF APPEAL" (c) states: (a) 'Grant Of Petition For Appeal'. Promptly after a petition for appeal has been granted, the clerk of this Court "SHALL" certify this action to counsel for the appellant, counsel for the appellee, and the tribunal from which the appeal is taken. The case "SHALL" be considered mature for purpose(s) of further proceeding(s) from the date of such certificate.

Virginia Supreme Court Rule 5:25 "PRESERVATION OF ISSUE(S) FOR APPELLANT REVIEW". No ruling of the trial court, disciplinary board, or commission before which the case was initially heard will be considered as a basis for reversal unless an Objection was stated with reasonable certainty at the time of the ruling, except for "Good Cause Shown" or to enable this Court to "ATTAIN THE END(S) OF JUSTICE".

Virginia Supreme Court Rules of Professional Conduct Rule 2.7
"CONFLICT OF INTEREST" General Rule ^{(a)(2)} ~~and~~ states: (a) Except as provided in paragraph (b), a lawyer "SHALL NOT" represent a client if the representation involves a concurrent conflict of interest.
A "CONCURRENT CONFLICT OF INTEREST" exist if: (2) There is a significant risk that the representation of one client will be materially limited by the lawyer(s) responsibility(s) to another by a "PERSONAL INTEREST" of the lawyer.

Virginia Supreme Court Rules of Professional Conduct Rule 2.8
"CONFLICT OF INTEREST" Prohibited Transaction(s) (b) states: A lawyer "SHALL NOT" use information relating to representation of a client for the advantage(s) of the lawyer or to the disadvantages of the client.

Virginia Supreme Court Rules of Professional Conduct Rule 3.4
"FAIRNESS TO OPPOSING PARTY AND COUNSEL" ~~states~~ A Lawyer "SHALL NOT": (g) Intentionally or habitually violate any established rule of procedure or of evidence where such conduct is disruptive of the proceeding(s).

Virginia Supreme Court Rules of Professional Conduct Rule 3.8(a)
"ADDITIONAL RESPONSIBILITIES OF A PROSECUTOR": A Lawyer
Engaged in a Prosecutorial Function "SHALL" (a): "Not" Fail or
maintain a charge that the Prosecutor knows is "Not Supported
By Probable Cause".

STATEMENT(S) OF THIS CASE

Pursuant to this United States Supreme Court Rule 10. (c) where the State
of Virginia Court(s) has decide to refuse petitioner(s) appeal when Petitioners claim(s)
involve(s) important question(s) of Federal Law by "STATE CREATED
A LEGAL INTEREST" that has not been, but should be settled by
this Supreme Court in a way where the entire Virginia Court(s) are in
conflict with the "FEDERAL COURT(S)" preexisting decision(s) for the
following reason(s):

"Petitioner was allegedly accused of "SWAGGING And ROBBERING" insure victim -
Alvin Bombing on September-24th-2005 from "Word On The Street(s)",
(See Appendix / Exhibit B(4)(iii) from September-25th-2005, Chesapeake
Police Detective - Thomas R. Downing 'Summary Worksheet' lines 28-33).

"As a result, on October-22nd-2005 Chesapeake Magistrate Judge - R. J.
Shaffer Authorized the Issuance of (4) Felony Arrest Warrants of: (1)
Possession of a Firearm after being a Convicted Felon, (2) Robbery, (3) Use of a
Firearm in Commission of a Felony, and (4) Maliciously Wounding victim - Alvin
Bombing on September-24th-2005 from the "SWORN STATEMENT(S)" by
Chesapeake Police Detective - Thomas R. Downing", (See Appendix(s) / Exhibit(s)
A - A(3) from October-22nd-2005 at 1:26pm Issuance of (4) Felony Arrest

Identities by Chesapeake Magistrate Judge - R. J. Shaffer).

While in Chesapeake General District Court for Preliminary Hearing on December-16th-2005, Victim-Alvin Bambury stated that he "Told Detective-Thomas R. Downing he wasn't sure and didn't want "Fendee Jr." to go to jail who hadn't committed a crime, because he wasn't sure and had no idea who "Fendee Jr." was because if he had known "Fendee Jr(s)" face then he would had told the policeman who shot him", (See Appendix(s) / Exhibit(s) B(4) and B(4)(i) from Preliminary Hearing Transcript(s) page(s) 18 line 6-10 and pg. 17 line-16-17).

Then, on January-3rd-2006 Chesapeake Circuit Court Judge-Fredrick H. Creekmore Ordered A Direct Indictment for another count of: "Use of Firearm in the Commission of a Felony", (See Appendix / Exhibit A(4) from January-3rd-2006 Order and Direct Indictment).

An that(s) when Chesapeake Police Detective-Thomas R. Downing "Admitted" in Suppression Trial held on June-12th-2006, and Jury Trial held on August-22nd-2006 while in Chesapeake Circuit Court that: "Victim-Alvin Bambury "Did Not" make the positive identification, was unable to, and would not commit to a positive identification, so that(s) my handwriting right there on the 1st Photo Array", (See Appendix(s) / Exhibit(s) B-B(2) from Suppression Trial Transcript(s) page 16 line(s) 12-15, and pg. 15 line 16); and "Yes, I wrote up there that I'm 60% certain on the 1st photo spread, and deliberately put only "Fendee Jr(s)" photo in the 2nd spread because he was the suspect, as there was no weapon recovered where I "Don't" have any physical evidence linking this gentleman to the crime", (See Appendix(s) / Exhibit(s) B(2), B(3) and C from Jury Trial Transcript(s) Page. (16)

page(s) 93 line 12-14; pg. 99 line 14-17; pg. 98 line 11; and page 98-99 line(s) 24-2).

Commonwealth Assistant Prosecuting Attorney - Stephanie P. Pass was the "Only Sole" prosecuting attorney for the City of Chesapeake who "MAINTAINED" CHARGE(S) in: (1) Preliminary Hearing held on December-16th-2005; (2) Suppression Trial held on June-12th-2006; (3) Jury Trial held on August-22nd-2006; (4) Forebee Jr.(s) Sentencing and Motion Filing held on October-5th-2007; (5) Direct Appeal to the Virginia Court of Appeals held on July-24th-2008; And (6) Petition for Appeal to a Direct Appeal in the Virginia Supreme Court held on February-3rd-2009", (See Appendix(es)/ Exhibit(s) B(4)(viii) from Preliminary Hearing Transcript(s) page 26 line 18-20 in Chesapeake General District Court docket num: 05-8421, 05-8422, 05-8423 and 05-8424 from December-16th-2005; B(4)(iv) from Suppression Trial held on June-12th-2006 from Transcript(s) pg. 12 line 6 in record num: CRC6-119, CRC6-125, CRC6-126, CRC6-127, and CRC6-152; C(2)(ii) from Jury Trial Transcript(s) pg. 90 line 22-23 in record num: CRC6-119, CRC6-127, and CRC6-152 from August-22nd-2006; B(3) from Virginia Court of Appeals held on July-24th-2008 in record num: 2490-07-1; and F(1) from Virginia Supreme Court held on February-3rd-2009 in record num: 081651).

Chesapeake Deputy Public Defender - Ashley Robinson Winn was "Forebee Jr.(s)" Suppression Trial Counselor on June-12-2006, Jury Trial Counselor on August-22nd-2006, and Sentencing Trial Counselor on October-5th-2007. In which counselor filed a "SUBPOENA DUCES TECUM" on May-17th-2006 pursuant to Virginia Supreme Court Rule 3A:12(B) for the Chesapeake Police Department to deliver to him no later than June-2nd-of-2006 at 10:00am, it(s) Chesapeake Police Department Photo Array Policy and Procedure(s) so that Counselor, and

Page. (17)

"Fendee Jr." and the Court(s) could review it in order to "SUPPRESS IT" on June-12th-2006, when such discovery pleading was to the Custodian for Chesapeake Police Department Police Operation Record(s) was "COMPLETED" with (See Appendix / Exhibit D from May-17th-2006 from Counselor(s) Subpoena Duces Tecum Discovery Request). Instead, such photo array policy and procedure entirely was needed to show, prove, and present on June-12th-2006 at it(s) Suppression of Identification Hearing to present those investigated, mitigating, and material circumstance(s) and evidence to the Suppression Trial Court(s), esp. . . . when Chesapeake Police Detective - Thomas R. Downing "ADMITTED" to it(s) Suppression Trial Court to: (1) Signing (60% sure on it(s) 1st Photo Array, and (2) Deliberately putting only "Fendee Jr.(s)" photo into his 2nd Photo Array. Whereafter, the Suppression Trial Court "DISMISSED" such pleading and "Fendee Jr." was eventually convicted for violation(s) in record num: CRO6-119, CRO6-117, and CRO6-152 and sentenced to serve a total of 25 Years(s) Imprisoned, when counselor "FAILED" to present to Judge then, but Justice now Steven B. Goodwyn "SUPPRESSION TRIAL COURT" such mitigating, material, impeached, and/or exculpatory evidence to the Chesapeake Circuit Court(s).

Then on February-8th-2008, after both, Public Defender - Kathleen A. Ortiz and "Fendee Jr." both notified the Virginia Court of Appeals(s) of a preexisting "CONFLICT OF INTEREST" on January-23rd-2008 and June-3rd-2008, the Virginia Court of Appeals(s) Deputy Clerk - Cynthia L. McCoy "DENIED" Chesapeake Public Defender(s) - Kathleen A. Ortiz "Motion To Withdraw" and allowed counselor to proceed in filing "Fendee Jr.(s)" "DIRECT APPEAL INEFFECTIVELY". (See Appendix(s) / Exhibit(s) E - E(4) of the Virginia Court of Appeals(s) 'Motion To Withdraw' in record num: 2490-07-1)

As a result from the "DENIAL" of a "Motion To Withdraw" on
Page. (28)

February - 29th - 2008, Chesapeake Public Defender - Kathleen A. Ortiz filed his/ "Fendee Jr.(s)" "DIRECT APPEAL" to the Virginia Court of Appeals "INEFFECTIVELY" when the Petition was not perfected by her failing to state and address to the Court of Appeals the "Main Fact(s)" from the "Appetition(s)" by Chesapeake Police Detective - Thomas R. Downing that he: (1) Signed 60% sure by 'Fendee Jr.(s)' photo in his 1st Photo Array, and (2) Deliberately put only "Fendee Jr.(s)" photo in his 2nd Photo Array because "Ward One The Street" is that "Fendee Jr." was the suspect. In which, such "Adequate Appellate Process" to both, the Virginia Court of Appeals in record nui:2490-07-1 and the Virginia Supreme Court in record nui:081651 was needed when Challenging the States Only and Suggestive Evidence "ENTIRELY", wherein both appellate court(s) quoted according to their decision(s) from *McBee v. Commonwealth*, 25 Va. App. 193, 197, 487 S.E.2d 259, 261 (1997) and *Fere v. Commonwealth*, 220 Va. 1007, 1010, 265 S.E.2d 729, 731 (1980) that: "In reviewing a Trial Court(s)' denial of a 'Motion To Suppress', the burden is upon the defendant to show that the ruling when evidence is considered most favorable to the Commonwealth, constitutes Reversible Error(s)". (See Appendix(es)/Exhibit(s) F-F(33) of "Fendee Jr.(s)" Direct Appeal Petition by Chesapeake Public Defender - Kathleen A. Ortiz, and the Decision(s) by both, Virginia Court of Appeals in record nui:2490-07-1, and Virginia Supreme Court in record nui:081651).

Howevermore, This United States Supreme Court made "RETROACTIVE For COLLATERAL REVIEW" in (2012) from *Martinez v. Ryan*, at 132 S.Ct. 1309, 1318-1320, stated that the "EQUITABLE RECTIONS" by contrast permit(s) state(s), such as Virginia, a variety of system(s) for appointing "Fendee Jr." a counsel in his Initial Review of his State Habeas Corpus Collateral Proceeding in Chesapeake Circuit Court.

Furthermore, on August - 2nd - 2010 and "2 YEARS(s) BEFORE" the *Martinez v.*
Page. (19)

Ryan "Buzius", Chesapeake Circuit Court "ORDERED A Dismissal" of his Initial Habeas Corpus Petition because "Ferebee Jr." failed to demonstrate any prejudice under this Supreme Court(s), Strickland v. Washington ruling without providing him a counselor when he's claiming Ineffective Assistance of Suppressors, Trial, and Appellant Counselor(s)", (See Appendixes) / Exhibit(s) G-G(6) from Chesapeake Circuit Court opinion in record number: CL09-3407).

So "Ferebee Jr." filed his Initial Habeas Corpus Appeal to the Virginia Supreme Court, which the States Supreme Court "Dismissed" it on October-6th-2011 pursuant to it Virginia Supreme Court Rule 5:17(c)(1)(iii) when "Ferebee Jr." did not know how to meet this Specific Error Rule Requirement for his appeal. So when he requested this Specific Error Rule from Red Onion State Prison Law Library, he was denied and delivered Rule 5:43 instead of 5:17(c)(1)(iii)" (See Appendixes) / Exhibit(s) H-H(6) from Virginia Supreme Court decision in record number: 101847 and Red Onion State Prison Inmate Return Law Library Material Form, "Stowed" by /o. G. Baker).

Then "Ferebee Jr." filed his Federal Habeas Corpus pursuant to 28 U.S.C. § 2254, and was Ordered on March-20th-2012 to prepay the \$5.00 filing fee, and as a result of governmental interferences, on May-3rd-2012 "Ferebee Jr." was Ordered to have his Petition Dismissed Without Prejudice" (See Appendixes) / Exhibit(s) I(7-12) from United States District Court Record Number: 1:12-cv-283 (LO/JFH) and Red Onion State Prison Business Office \$5.00 Filing Fee withdrawal), approval to the U.S. District Court Tracking No: 3:12-546653 from March-8th-2012).

Thereagain, when "Ferebee Jr." came on June-12th-2017 to Chesapeake

Page (20)

Circuit Court pursuant to Virginia Supreme Court Rule 3:19(c)(1) and (d)(2) and Virginia Statutory Code § 8.01-428(A)(ii) and (D), On November - 6th - 2017 such Court "~~ORDERED And FINALLY ORDERED~~" that it was without Subject Matter Jurisdiction pursuant to both Virginia Supreme Court Rule 2:1 and Virginia Statutory Code § 8.01-654(c)(2) and (b)(2); (See Appendix/Exhibit ~~A~~ from Chesapeake Circuit Court nu: ~~CL17-1951~~).

And when "Fenebee Jr." filed on January - 22nd - 2018 his Petition For Appeal to the Virginia Supreme Court from his Motion To Vacate being dismissed. On November - 14th - 2018, the Virginia Supreme Court reviewed "Fenebee Jr." Petition For Appeal and stated that: "It(s) opinion of this Court is that there(s) "~~No REVERSIBLE ERROR~~" in the judgment complained of, and this Court will refuse the Petition For Appeal, and "Fenebee Jr(s)" Motion For Default Judgment etc., and Motion For Discovery is denied, and on November - 20th - 2018 "Fenebee Jr(s) Motion For Retroactive Change Into Law etc" is moot as the Court found to refused his Petition For Appeal", (See Appendix(s)/Exhibit(s) ~~R-R(1)~~ in Virginia Supreme Court record number: 171762).

SUMMARY OF ARGUMENT(S)

"Petitioner(s)" "Save Purpose" underlying this Petition to the Honorable Supreme Court of the United States(s) of America, is when a Criminal Prosecution has become a Civil Action from the State of Virginia. Wherein, the States(s) decree(s), opinion(s), judgment(s), and adjudication(s) are in question and challenged. When it(s) is Plain Controversy with the United States Constitution and Federal Court(s) interpretation(s) of law, when the usage and principle(s) are being "~~Mis Construed~~" by the State, when the State is finding it(s) own

time and case(s) most beneficial to the State to apply its State Law(s) when denying a cause of action, is to say and prove. . . . The "~~ENTIRE~~" State of Virginia Court(s) order(s) and opinion(s) against "Fenebee Jr." is hereby "~~VOID~~ AR TITUTE"

Especially, when Chesapeake Circuit Court "~~ERRORS~~" in failing to review Virginia Supreme Court Rule 3:19(c)(1) and (d)(2) and Virginia Statutory Code § 8.03-428 (A)(ii) and (d) "~~SUBJECT~~" applies to "Petitioner" when "CHALLENGING SUBJECT MATTER JURISDICTION AFTER 21 DAY(S)" when a final judgment no longer within the Chesapeake Circuit Trial Court under Rule 1:1, in order to enter "JUDGMENT FOR RELIEF", by SETTING ASIDE DEFAULT JUDGMENT(S) UPON VOID JUDGMENT(S), when the "Power of State Courts" "~~Does Not~~" limit at any time to entertain an Independent Action to "RELIEVE" "Fenebee Jr." from any judgment or proceeding.

An Virginia Supreme Court agreeing with Chesapeake Circuit Court is also "PLAIN ERROR" when both State Court(s) incorrectly applied Virginia Supreme Court Rule 1:1 and Virginia Statutory Code § 8.03-654 (a)(2) and (b)(2), wherein such Rule and Statute only applies to: (2) ~~Before the~~ "EXPIRATION" of the "21 DAY PERIOD" the Chesapeake Circuit Trial Court loses jurisdiction to disturb a final judgment, order, or decree; and (2) Habeas Corpus(s), in which this is no Habeas Statute being implied by "Petitioner" "Fenebee Jr." therefore it does not apply in order to be used to deny such pleading(s), by the Virginia Court(s).

Again, filing to this Honorable Supreme Court within its 90 Day(s) for Certiorari is appropriate timing when the "MAJORITY OF VARIOUS VOID AR TITUTE JUDGMENT(S)" by Virginia Court(s) entirely might be decided by this Court to be of "PUBLIC AND/OR NATIONAL IMPORTANCE" when this "EXTRAORDINARY BARENESS" of reviewing judgment(s), decree(s), and

opinion(s) from a Pro-Se State Prisoner by this Supreme Court of America, into the Highest State of Virginia Court(s) for a State Prisoner challenging, petitioning, motioning, or "EXHAUSTING" all available state remedies in order for this Honorable United States Supreme Court to make a adequate determination upon "DUE-PROCESS" by "STATE CREATED LIBERTY INTEREST" pursuant to Federal Constitutional Doctrine of the 14th §1 Amendment. Wherein, such Federal Constitutional Doctrine for "DUE-PROCESS" by "STATE CREATED LIBERTY INTEREST" "SHALL" extend to "Ferebee, Jr." in this present case by the "EQUAL PROTECTION CLAUSE" of the 14th §1 Amendment when the State of Virginia has created law(s) of Statutory and Rule regulation(s) that this United State Supreme Court has case law(s) and "RULING(S)", preexisting to governing Constitutional Authority. In which, applying to this Honorable Supreme Court from the state also affords this Supreme Court to efficiently adjudicate when it(s) visible that the States(s) Provision(s) are being "MISCONSTRUED TO DENY" "Petitioner" his "DUE-PROCESS" by it(s) "STATE CREATED LIBERTY INTEREST" from those "EQUAL PROTECTION(S)" asin the 9th Amendment "PROTEST(S)". Esp. . . . when the State of Virginia Supreme Court Rule(s) and Virginia Statutory Law(s) if not misunderstood nor misinterpreted by the State and only "ENFORCED", then the State will know from this Honorable Supreme Court(s) "RULING" and "DECISION(S)" in part or wholly that their State Statutory Law(s) and Rule(s) that(s) claimed, shown, and proven within this petition has "TRIGGERED" not only a "STATE CREATED LIBERTY INTEREST", but also applying these State Law(s) to preexisting Constitutional Law(s) and Ruling(s) by this Honorable Supreme Court, then the State will see effectively that it(s) Law(s) has to be applied Constitutionally when it(s) questioned or presented before it(s) Court(s) from the 1st, 4th, 5th, 6th and 9th Amendment

Standard, wherein both Constitutional Article VI and 14th Amendment allows the "STATE JUDGE(S)" to be bound thereby anything in the Constitution or Laws of Virginia State to the contrary notwithstanding that shall not deprive Petitioner of liberty without due-process nor deny "Petitioner" within it(s) State of Virginia equal protections of it(s) law(s).

Therefore, the "OPINION(S)" in Lorenzo Gerald Ferebee Jr. v. Harold M. Clarke, Director, Virginia Department of Corrections on November-14th and 20th-2018 in record number: 171762 by the Virginia Supreme Court is "Voto AB INTITO" (See Appendix(s) / Exhibit(s) R-R(1) from the Virginia Supreme Court); and the "DECISION(S)" in Lorenzo Gerald Ferebee Jr. v. Harold M. Clarke, Virginia Department of Corrections Director on November-6th-2017 in record number: CL17-1951 by Chesapeake Circuit Court is "Voto AB INTITO" (See Appendix / Exhibit N-O from Chesapeake Circuit Court).

From these inadequate 'Opinion(s) and Decision(s)' "SHALL, WILL, AND MUST" want Certiorari Granting and Reviewing by this Honorable Supreme Court of United States of America in this Rare Case, where the State Law(s) give(s) "Petitioner" "LIBERTY INTEREST" from Law(s) being either Procedure Due-Process or Substantive Due Process, or both, Procedural and Substantive Due-Process that want the enforcement and interpretation(s) from this Honorable United States Supreme Court to determine if these Law(s) are not followed then do a "STATE LACK(S) JURISDICTION" to proceed in any criminal and civil action when the State Government "MISCEANDEUS(S)" is seen, witnessed, acknowledged, and proven to have a petitioner "CHALLENGE IT(S) SUBJECT MATTER JURISDICTION" "AB INTITO", when these State Law(s) if followed are governed by it(s) jurisdiction over a Subject Matter in order to decide a case or cause of action to make a judgment, decree, opinion, or decision.

REASON(S) FOR GRANTING THIS WRIT OF CERTIORARI

This Honorable United States Supreme Court has "ORIGINAL JURISDICTION" over a controversy with it(s) Federal Government and the State of Virginia pursuant to Constitutional "Article(s)" III § 2 and VI and 28 U.S.C. § 1251 (b)(2), where it(s) necessary and appropriate to issue it(s) "All Writ(s) Act" to aid this Supreme Court(s) "Jurisdiction" pursuant to 28 U.S.C. § 1651(a), for it(s) "90 DAY(S) TIME FOR CERTIORARI REVIEW", to "Review STATE Court(s) Decision(s)" to make a "Just Determination" to the State, pursuant to 28 U.S.C. §§ 2101 (c and d), 2104, and 2106. Which this Supreme Court repeatedly determined to "Grant CERTIORARI JURISDICTION" when a "Petitioner" has demonstrated, (1) A "REASONABLE PROBABILITY" that (4) Justice(s) "Will" consider the issue(s) presented sufficiently meritorious to Grant Certiorari, and (2) A "FAIR PROSPECT" that a Majority "Will" conclude that the decision(s) of the "LOWER COURT(S)" was erroneous, or (3) A likelihood that "IRREPARABLE HARM Will" result from the denial of certiorari jurisdiction, seen at *Indiana State Police Pension Trust v. Chrysler LLC*, 129 S.Ct. 2775, 136 L.Ed.2d 1285 (2009); where State Court(s) are not bound to adhere to federal standing requirements, when they possesses authorities(s), such as Statutory and Rule(s), which is a absent provision from Exclusive Federal Jurisdiction, but they "Must" render binding judicial decision(s) that rest on their own "INTERPRETATION(S) OF FEDERAL LAW(S)" seen at *Abate Inc. v. Kadish*, 490 U.S. 605, 104 L.Ed.2d 296, 109 S.Ct. 2037 (1989).

1ST POINT

The "Petitioner(s)" FIRST QUESTION PRESENTED IS ONE OF EXTRAORDINARY RARITY, WHERE THE 14TH "AMENDMENT" DUE-PROCESS CLAUSE AND EQUAL PROTECTION CLAUSE, EXTENDING TO AFFORD STATE LAW CHALLENGE(S) OF SUBJECT MATTER JURISDICTION BY ITS STATE CREATED LIBERTY INTEREST, WHEN

APPLYING STATE LAW(S) TO CONSTITUTIONAL DOCTRINES OF THE 4TH, 5TH, 6TH, 9TH, AND
14TH "AMENDMENT(S)" FOR CLAIM(S) OF MISCONDUCT(S), INEFFECTIVE ASSISTANCE OF
COUNSELOR(S), FAILURE TO INQUIRE, AND PLAIN ERROR BY THE STATE(S) OWN
MISCHIEF OF JUSTICE FROM ITS MULTIPLE(S) VALID JUDGMENT(S) BEING
VOID AB INITIO, WHEN THE VIRGINIA COURT(S) AND OPINION(S) ARE IN
DIRECT CONFLICT WITH THIS SUPREME COURT(S) RULING(S)

For over a century, the 14TH "AMENDMENT(S)" Due Process Clause and Equal Protection
Clause has been stressed to the State(s) when applying State Law(s). In which, Virginia
Court(s) in both, record number(s): CL17-1951 and 171762 is hereby "VOID AB INITIO"
who refuse(s) to apply both, Virginia Supreme Court Rule 3:19(c)(1) and (d)(2),
and Virginia Statutory Code § 8.01-428(A)(ii) and (D) to "Petitioner" which "SHALL"
involve(s) the "LIBERTY INTEREST" under the due-process clause", see *Youngberg v.*
Reno, 457 U.S. 307 (1982); Also "No State Shall Not" deprive any person of
life, liberty, or property without due-process of law", see *Washington v. Texas*,
388 U.S. 14, 1920 (1967); That "The 14TH AMENDMENT Equal Protection
CLAUSE" extends to anyone, citizen, or alien who(s) subjected to the law(s) of
a "STATE", see *Plyler v. Doe*, 457 U.S. 202, 72 (1982); In which, "Due-
Process is intended to secure citizen(s) against any arbitrary deprivation by
the "STATE GOVERNMENT" of right(s) relating to life, liberty, or property", see
Dent v. West Virginia, 129 U.S. 114, 32 (1889); When "State Law(s)
are being violated so as to . . . deny "Petitioner" his "STATE CREATED
LIBERTY INTEREST", then that(s) in violation(s) of the United States(s)
Constitution", seen at *Clemens v. Mississippi*, 494 U.S. 738 (1990);
Because "The law provide(s) that, once "STATE JURISDICTION HAS BEEN
CHALLENGED", then the State "Must" prove that it does exist", seen at
Mann v. Thiboutot, 100 S.Ct. 2502 (1980); Where "SUBJECT MATTER(S)
OF JURISDICTION" can never be forfeited by anyone or waived, on defects

by anyone including the Court(s), requires(s) connection(s), regardless of whether error(s) raised in any Court, at any time, and in any proceeding," seen at United States v. Cotton, 535 U.S. 625, 630 (2002); Especially For "A "STATE LAW" to be adequate, though it "Must" be applied regularly and consistently", seen at Johnson v. Mississippi, 486 U.S. 578, 587, 108 S.Ct. 1981, 100 L.Ed.2d 575 (1988).

(A). The Federal 11th Circuit Court Correctly Agreed With This United States Supreme Court(s)' Ruling From Johnson v. Mississippi By Rejecting Outright State Court Denial(s) Of Due Process For State Created Liberty Interest

The Eleventh Circuit has decided in Delap v. Dwyer, 890 F.2d 285, 300 (11th Cir. 1989) that "A "STATE LAW AND PROCEDURE RULE" is not independent nor adequate, if the State Court(s) applies the rule in a sporadic or surprisingly harsh manner". In the Virginia Court(s) has in this case by:

(A)(1) The Virginia Court(s) and Decision(s) Is In Direct Conflict With This Supreme Court Precedent(s) and The 4th Circuit Court of Appeal(s) Precedent For "CLAIM(s) Of Police Misconduct" Upon Due Process and From State Created Liberty Interest pursuant to both, 4th and 14th Amendment(s) and Virginia Supreme Court Rule 3A:3, When Chesapeake Police Detective Thomas R. Dearing "Admitted" in this case to (a) Signing 60% Sure On A UnSure Victim(s)' 1st Photo Array, and (b) Deliberately Putting Only "Petitioner(s)" Photo In A 2nd Photo Array, That Resulted In False Felony Arrest Warrant(s)

This Supreme Court "Rule" that a police officer(s)' potentially useful evidence is a denial of due-process right(s) when petitioner is showing "BAD FAITH" on part of the police officer", seen at Arizona v. Youngblood,

488, U.S. 51, 61 (1988); Klheran "The photo line-up procedure in this present case, whereby detective first placed petitioner into his 1st Photo Array with other men, and after there was no positive identification by the UnSure Victim implicating petitioner until detective not only signed the 1st Photo Array saying 60% sure, but also brought the UnSure Victim a 2nd Photo Array with only petitioner being duplicated in both at which time thereafter, the UnSure Victim identified "Petitioner" as his attacker, search auto, being a denial of "Due-Process" from this Unnecessarily Suggestive and Conductive Irreparable Mistaken Identification", seen at Foster v. California, 394 U.S. 440 (1969); In order "To Set Aside" petitioner(s) guilty "Just" verdict, "Petitioner" has shown that impermissible government "Miscarriage" has occurred", seen at both Brady v. United States, 397 U.S. 755 (1970) incorporated with United States v. Fisher, 711 F.3d 460 Hn. 5 (4th Cir. 2013); Especially Klheran, "The complaint process "Sworn" consisted of sworn statement(s) by Detective-Thames made upon oath before Magistrate Judge - R.J. Shaffer was "EMPLOYED To Issue Arrest Warrant", that he signed the 1st Photo Array Saying 60% sure", see Virginia Supreme Court Rule 3A:3

(A)(2) The Virginia Court(s) and Decision(s) Is In Direct Conflict With This Supreme Court Precedent(s) and the 4th Circuit Court of Appeal(s) Precedent For "CLAIM(s) Of MAGISTRATE JUDGE Miscarriage" Upon Due Process and From State Created Liberty Interest pursuant to both, 4th and 14th Amendment(s) and Virginia Supreme Court Rule 3A:2(a), When Chesapeake Magistrate Judge - R.J. Shaffer "ADMITTED" To Issuing Four Felony Arrest Warrant(s) Against "Petitioner" From The Oath and Sworn Statement(s) of Detective-Thames During

This Supreme Court "RULED" that in reviewing the merit(s) of a Court(s)

and "Petitioner", the "Petitioner" "Must" establish upon a Preponderance Of Evidence that the false sworn statements by Detective Thomas R. Downing in this present case was included into evidence by the detective knowingly and intentionally admitted to signing 60% sure on a Unsworn Victim(s) 1st Photo Array and detective admitting to deliberately putting only "Petitioner(s)" photo into his 2nd Photo Array, or with "Reckless Disregard" for the truth that Unsworn Victim - Alvin Bonabury never did say nor sign the 1st Photo Array saying 60% sure in this present case, and the "False Statements" that the Unsworn Victim had identified "Petitioner" as his assailant to the Magistrate Judge - R. J. Shaffer for finding 'Probable Cause', then these "ARREST WARRANT(S) Must" be considered "Void Ab Initio" where the fruits of this Unnecessarily Suggestive and Conclusive Improbable Mistaken Identification, and Misrepresentation of Justice "APPLIES", also the same extent, as if Probable Cause was lacking on the face of the complaining detective(s) affidavit, complaint, or sworn testimony made under oath, therefore, "Petitioner" is entitled to a "EXTRAJUDICIAL HEARING", see both, Franklin v. Delaware, 438 U.S. 155, 98 S.Ct. 2676 (1978) incorporated with United States v. Fisher, 731 F.3d 460 (4th Cir. 2013); Especially "Where the Magistrate Judge - R. J. Shaffer "Purport And Interpretation" of this criminal proceeding "SHALL NOT" affect "Petitioner(s)" substantive due-process rights to be free by a "Just DETERMINATION", see Virginia Supreme Court Rule 3A:2(c); Since "Petitioner" was arrested on the basis of arrest warrant(s) which applying the "Totality Of Circumstance Test" shows that it was insufficient to demonstrate a substantial basis for its issuance, seen at Illinois v. Gates, 462 U.S. 213 (1983).

(A)(3). The Virginia Court and Decision(s) Is In Direct Conflict With This Supreme Court(s) Precedent For "CLAIM(S) OF PROSECUTORIAL MISCONDUCT" Upon

Due Process and From State Created Liberty Interest pursuant to both, 4th, 6th, and 14th Amendments(s) and Virginia Supreme Court Rules of Professional Conduct Rule 3.8(c), When Prosecuting Attorney-Stephanie P. Pass "MAINTAINED" Five Felony Arrest Warrant Against "Petitioner" Without Probable-Cause

This Supreme Court "RULED" that, "Whenever any "Prosecutorial Misconduct" has occurred, it thereafter has deprived "Petitioner" of his Constitution Right", seen at Darden v. Wainwright, 477 U.S. 168 (1986); By "Due-Process" being violated when "MAINTAINING" felony arrest warrant(s) without proving each and every element of the crime "Beyond A Reasonable Doubt", see Fiere v. White, 531 U.S. 225, 228-29 (2001); Especially "When Detective-Thomas R. Dawson "ADMITTED" to having absolutely "No Physical EVIDENCE" linking "Petitioner" to this crime, then the prosecuting attorney "SHALL NOT" maintain charges(s) against "Petitioner" knowing it(s) not supported by probable-cause", see Virginia Supreme Court Rules of Professional Conduct Rule 3.8(c).

(A)(4) The Virginia Court(s) and Decision(s) Is In Direct Conflict With This Court(s) Precedent For "CLAIM(S) OF INEFFECTIVE ASSISTANCE OF SUPPRESSION AND TOTAL COUNSELOR" Upon Due-Process and From State Created Liberty Interest pursuant to both, 6th and 14th Amendment and Virginia Supreme Court Rules of Professional Conduct Rule 3.4(g), When Chesapeake Deputy Public Defender-Ashley R. Winn "FAILED" To Present Mitigating Suggestive Photographic Line-Up Procedure(s) To The Suppression Trial Court(s) When Challenging The States Suggestive Photographic Line-Up Procedure Entirely and "Petitioner" Was Convicted and Sentenced As A Result

This United State Supreme Court "RULED" that Whenever any Counselor

has failed to "Investigate And Present" mitigating circumstances and evidence to any Court, it(s) what thereafter or inaction, has deprived a "Petitioner" of the Effective Assistance of Counsel obligation(s)", seen at Higgin(s) v. Smith, 539 U.S. 510, 523, 123 S.Ct. 2527, 156 L.Ed.2d 471 (2003); Especially, "Where a lawyer "Swear Off" intentionally or habitually violate any established Rule of Procedure or Evidence where such conduct is disruptive to the Suppression Proceeding to obtain such Photographic Line-Up Procedure, and not use such admissible evidence ~~to~~ the Suppression Trial Court(s), when challenging the States only evidence it has against "Petitioner", see Virginia Supreme Court Rules of Professional Conduct Rule 3.4(g).

(A)(s). The Virginia Court(s) and Decision(s) Is In Direct Conflict With This Court(s) Precedent for "CLAIM(s) FAILURE To INQUIRE INTO A KNOWN CONFLICT OF INTEREST AND PLEIN ERROR" Upon Due Process and From State Created Liberty Interest pursuant to all, Article III and the 6th and 14th Amendment(s) and Virginia Supreme Court Rule 5A:16(c) and Virginia Supreme Court Rules of Professional Conduct Rule 1.7(a)(2) When Virginia Court of Appeals(s) Deputy Clerk - Cynthia L. McCoy "Dismissed" Appellant Counselor(s)' Motion To Withdraw After Pretrial Hearing From Appellant Counselor and "Petitioner" that Resulted In The Denial Of "Petitioner(s)" Direct Appeal

This Supreme Court "Ruled" that "When a Court has "Failed To Inquire Into A Known Conflict Of Interest" after appellant counselor and "Petitioner(s)" pretrial warning of such conflict, it thereafter violates the Right to Effective Assistance of Counsel, because the Court(s) has a "Sworn Duty" to avoid known potential conflict(s)", seen at

Holloway v. Arkansas, 435 U.S. 475, 484-85 (1978); Especially "When the 'Petitioner(s)' 'DIRECT APPEAL(S)' SHALL BE PERFECTED", but was not to both, Virginia Court of Appeals and Virginia Supreme Court, See Virginia Supreme Court Rule 5A:16(c); When "Chesapeake Public Defender - Kathleen A. Ortiz Motioned To Withdraw because she, and Suppression and Trial Counselor - Ashley Robinson Hunt are member(s) of the same 'CHESAPEAKE PUBLIC DEFENDER(S)' OFFICE", and it would require these two counselor(s) to be in conflict with each other because "Petitioner" wrote her demanding for her to allege Ineffective Assistance of Suppression and Trial Counselor in his direct appeal," See Virginia Supreme Court Rule(s) of Professional Conduct Rule 1.7 (a)(2).

(A)(c) The Virginia Court(s) and Decision(s) Is In Direct Conflict With This Court(s) Precedent For "CRIMES OF A KNOWN CONFLICT OF INTEREST RESULTED INTO INEFFECTIVE ASSISTANCE OF APPELLANT COUNSELOR"

Upon Due-Process And From State Created Liberty Interest, pursuant to all 6th and 14th Amendment(s) and Virginia Supreme Court Rule(s) of Professional Conduct Rule(s) 1.7(a)(2) and 1.8(b), and Virginia Supreme Court Rule(s) 5:17(c)(1)(iii), 5:17(c)(2) and 5:23. When Chesapeake Public Defender - Kathleen A. Ortiz "FAILED TO PERFECT 'Petitioner(s)' DIRECT APPEAL(S)"

This Supreme Court "Ruled" that, "A 'Petitioner(s)' direct appellant counselor was laboring under a 'KNOWN PREJUDICIAL CONFLICT OF INTEREST'", see Kibbet v. United States, 486 U.S. 153 (1988); When "Petitioner(s)" conviction was upheld as a result from her "INEFFECTIVENESS OF COUNSELOR on his direct appeal", see Smith v. Robbins, 528 U.S. 259 (2000); When "Petitioner(s)" was denied the right to present his version of the Suggestive Photographic Line-Up Procedure(s) in his direct appeal by his appellant counselor See Chambers(s) v. Mississippi, 410 U.S. 284 (1973); Especially "When
Page. (32)

Direct Appellant Counselor - Kathleen A. Ortiz "SHALL" represent "Petitioner" when her representation involved a "CONCURRENT CONFLICT OF INTEREST" by her "PERSONAL INTEREST" to Deputy Public Defender - Ashley R. Kinn, when she "SHALL" use information from "Petitioner" demanding Ineffective Assistance of Suppression and Trial Counselor to the disadvantage(s) of "Petitioner", see Virginia Supreme Court Rule(s) of Professional Conduct Rule(s) 1.7(a)(2) and 1.8(b); When "She" "FAILED TO PERFECT PETITIONER(S) DIRECT APPEAL(S)", When the petition "Must" contain "ASSIGNMENT(S) OF ERROR(S)" that "SHALL" list clearly and concisely the specific Virginia Court of Appeals error(s) when appealing the Suggestive Photographic Line-Up Procedure(s) "ENTIRELY" when the detective "ADMITTED" to signing 60% sure on the 1st Photo Array by "Petitioner(s)" photo and "ADMITTED" to deliberately putting only "Petitioner" into his 2nd Photo Array. And due to the petition not being perfected that "SHALL" contain such statements then the petition "Must" be dismissed as(s) "NOT SUFFICIENT" see Virginia Supreme Court Rule(s) 5:17(c)(1)(iii), 5:17(c)(2) and Rule 5:23(a) for Perfection(s) of Appeal(s).

2nd POINT

The "Petitioner(s)" Second Question Presented Is For Initial Habeas Corpus(s) Being Void As Issued By The State, When "Petitioner" CLAIM(S) Ineffective Assistance Of Suppression, Trial, And Appellant Counselor(s) An Wasn't Afforded Counselor In His Initial Habeas Corpus Pursuant To Martinez v. Ryan Retrospective Rulings, When "Petitioner" Waivered No Constitutional Right To Counselor Pursuant To Johnson v. Zschist That STAND(S) As A Jurisdictional Bar Rulings, Asin The State Of Virginia Will Not Further Analyze "Petitioner(s)" 1st, 6th, and 14th "AMENDMENT(S)" (Proc-S) Rights To Petition Asking Request For Counselor Demand(s) Due Process, But State Say Martinez v. Ryan Only Applies To Feder

This Honorable Supreme Court has "Ruled" after centuries of evaluation(s) upon
Page. (33)

this issue for appointment of counselor in (Pre-Se) post-conviction(s) when needing counselor in claim(s) of ineffective assistance of counselor.

~~Idheras much~~, This Court "Ruled" that the "Equitable Rights" by contrast permit(s) "States", such as Virginia in this present case, a variety of system(s) for appointing "Petitioner" counselor in his 'Initial Review for Collateral Proceeding' in Chesapeake Circuit Court in this present case, as "RETROACTIVE FOR COLLATERAL REVIEW IN HABEAS CORPUS(S)" when "Petitioner" ~~was~~ is either inadequate assistance of pro-se counselor at his initial review on first stage of State Court Collateral Proceeding(s) and it may establish "Cause" for "Petitioner(s)" procedural default of a Ineffective Assistance of Counselor "CLAIM" and the (A.E.D.P.A. / Antiterrorism and Effective Death Penalty Act) "Does Not Bar"

"Petitioner" from using ineffectiveness of his (Pre-Se Postconviction Counselor in this present case) to establish this cause for his procedural default in Chesapeake Circuit Court Record No: C09-3407, because "Petitioner" did needed the adequate assistance of counselor when he first filed his original State habeas corpus and such "VOID JUDGMENT AB INITIO" will be required upon his habeas corpus procedure in Chesapeake Circuit Court to determine whether "Petitioner(s) Pro-Se Counseling" in his first stage of collateral proceeding was ineffective, and whether the underlying Ineffective Assistance of Suppression, Trial, and Appellant Counselor(s) "CLAIM(S)" was substantial, and whether "Petitioner" was prejudice, seen at Martinez v. Ryan, 132 S.Ct. 1309, 1318-1320 (2012); Especially "Idhere" "Petitioner" was not represented by adequate counselor(s) at his Suppression, Trial, and Direct Appeal and wherein he waived "No CONSTITUTIONAL RIGHT" as the 6th Amendment stands as a "JUDICIAL BAR" to a valid conviction, sentence, and direct appeal of depriving "Petitioner" of his life or liberty. In which a Court(s) Jurisdiction at the "INITIAL HABEAS

Corpus" in this present case, maybe lost by failing to complete this Supreme Court(s) Ruling from Martinez v. Ryan for "~~Retrospective Review~~" wherein the 14th Amendment applies to the State, and that(s) to say, if the 6th and 14th Amendment Retrospective Ruling from Martinez v. Ryan is not complied with by the State in "Petitioner(s) Initial Habeas Corpus Review" in record number: C109-3407 where the State Circuit Court Ruled that "Petitioner" has failed to satisfy this Supreme Court Ruling in Stachland v. Washington(s) "~~PREJUDICE PRONG~~", without providing "Petitioner" counsel, then that Circuit Court was "~~Unlawful Jurisdiction~~" to proceed and it(s) judgment, decree, and opinion is "~~Void Ab Initio~~", seen at Johnson v. Zerbst, 304 U.S. 458, 58 S. Ct. 1025 (1938).

3rd POINT

The "Petitioner(s)" THIRD AND FINAL QUESTION PRESENTED IS ONE OF BLUNT OBVIOUSLY, WHERE THE VIRGINIA COURT(S) REFUSAL TO FURTHER ANALYZE HAS CAME INTO DIRECT CONFLICT WITH THIS SUPREME COURT(S) PRECEDENT(S) AND THE FEDERAL DISTRICT COURT(S) PRECEDENT FROM "Petitioner" CLAIM(S) OF DENIAL OF (PRO-S.) ACCESS TO THE COURT(S) BY RED ONION STATE PRISON GOVERNMENTAL INTERFERENCE(S) DEPRIVING "Petitioner" HIS 1st, 5th, 6th, and 14th "~~AMENDMENT(S)~~" FROM IT(S) INADEQUATE LAW LIBRARY AND CENSORING HIS OUT-GOING LEGAL MAIL WHEN THE VIRGINIA SUPREME COURT(S) PETITION FOR HABEAS CORPUS APPEAL WAS DENIED AND FEDERAL DISTRICT COURT PETITION FOR HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2254 WAS DISMISSED, THEREBY MAKING THESE JUDGMENT(S) "~~VOID AB INITIO~~"

(A). In which, "~~DECADE(S)~~" before the passing on July-1st-of 2017 from the Virginia Legislative(s) "~~BILL~~" S.B. 853 for Assignment of Error(s) Dismissed because they did not adhere to the/a Specific

Page, (35)

Virginia Supreme Court Rule; This Honorable Supreme Court has been misled and clarified the issue that the "~~FUNDAMENTAL CONSTITUTIONAL~~ RIGHT OF ACCESS TO THE COURT(S)" was held to require Red Onion State Prison authorities to assist "Petitioner" in the preparation and filing of meaningful Habeas Corpus Petition for Appeals, by providing "Petitioner" with either adequate law library access or adequate assistance from a person trained in the law, which is "~~UPHELD PER-CURIAM~~" that such service(s) are "~~CONSTITUTIONALLY~~ MANDATED", seen at Younger v. Gilmore, 404 U.S. 15, 821-833 (1971); Especially in this present case wherein "Petitioner" is "~~SHOWING ACTUAL~~ INJURY(ES)" pursuant to Federal Constitutional Doctrine of Standing, which vindicates that he "~~MUST~~" demonstrate to this Supreme Court that the alleged Short-Coming in Red Onion State Prison Law Library or Legal Assistance Program has hindered his effort(s) to pursue a "LEGAL CLAIM" by showing:

(1) "Petitioner(s)", Petition for Habeas Corpus Appeal in record number: 101847 was prepared but "~~DISMISSED FOR FAILURE~~" to satisfy Virginia Supreme Court Court Rule 5:17(c)(i)(iii) "~~TECHNICAL REQUIREMENTS(ES)~~" which "Petitioner" could not have known of this specific error rule requirement because of the deference(s) in Red Onion State Prison Law Library, and (2) "Petitioner" suffered arguable actual harm by the Virginia Supreme Court dismissing his State Habeas Corpus Appeal, that "Petitioner" had wished to bring before its Court, but was stymied by the "~~INADEQUATE(ES)~~" of Red Onion State Prison Law Library System that "Petitioner" was unable to even file a hearing or etc., to the State(s) Supreme Court Dismissal of his Petition For Habeas Corpus Appeal", see Beaudet v. Smith, 430 U.S. 817, 52 (1976); Because "At Red Onion State Prison where lockdown prisoner(s), such as "Petitioner", who are routinely "DENIED PHYSICAL ACCESS" to its law library and experience

severe interference(s) with their "Access To The Courts" because of this "ONGOING GOVERNMENTAL INTERFERENCE(S)" with "Petitioner(s)" access to the court(s) and "Petitioner" was prejudice as a result", see Lewis v. Casey, 518 U.S. 348 and 343 (1996).

(D). As This Supreme Court "Ruled", where a prisoner "Does Not" shed such basic 1st Amendment Right at the prison gate", see Lamont v. Postmaster General, 381 U.S. 302, 305 (1965); When "The use of the "MAILING SYSTEM" is almost as much as a part of "FREE SPEECH" as the natural right to use our tongue", seen at Milwaukee Social Democratic Publishing Co. v. Burleson, 255 U.S. 407, 352 (1921); Which herein, "Censorship of "Petitioner(s)" mail is justified if the following criteria(s) are met:

(1st) The regulation or practice in question "Must" further an important or substantial governmental interest "UNRELATED" to the suppression of Legal Expression(s) because Red Owen State Prison Officials "May-Not" censor "Petitioner(s)" outgoing legal mail, # 5.00 Filing Fee(s), simply to eliminate unflattering or unwelcome opinion(s) or factually inaccurate statement(s). Rather, they "Must" show that a Penological Interest Regulation Exist to Authorizing Outgoing Legal Mail "Censorship" that further(s) one or more of the substantial governmental interest(s) in security, order, and rehabilitation(s), and (2nd) The limitation(s) of the 1st Amendment Freedom(s) "Must" be not greater than necessary or essential to the protection(s) of the particular governmental interest involved. Thus . . . a restriction of "Petitioner(s)" outgoing legal mail filing fee in this present case that further(s) an important or substantial interest of penal administration "Itself" nevertheless be "INVALID" where it(s) sweep is unnecessarily broad", see

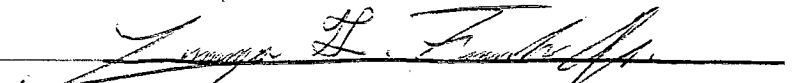
Procunier v. Martinez, 416 U.S. 398, 1800 (1974); Especially, when prison officials practice of opening and removing "Petitioner(s)" money order Sec(s) to the Court when "Petitioner(s)" legal mail "CLEARLY MARKED" as such, but ~~shall~~ ^{"SHALL"} be meeting the exact language specified of prison special mail standard, it still thereafter violates(s) "Petitioner(s) Constitutionally Protected Right" for "Access To The Court(s)" and his (Prison) assistance of counseling", see Burt v. Carlson, 752 F.Supp. 346 (C.D., Cal. 1990).

C O N C L U S I O N (S)

This Honorable United States Supreme Court should "GRANT CERTIORARI" pursuant to it(s) 28 U.S.C. § 1251(b)(2) "ORIGINAL JURISDICTION" to resolve a Controversy between the United States Government and State of Virginia according to Constitutional "ARTICLE(S)" III § 2 and VI and the 1st, 4th, 5th, 6th, 9th, and 14th "AMENDMENT(S)". Where the "All Rights Act" will be necessary to aid this Supreme Court "JURISDICTION" where the usage and principles of law pursuant to 28 U.S.C. § 1651(a) are being misconstrued by the State of Virginia in order to deny "Petitioner(s)" from Challenging it(s) ruling(s) entirely pursuant to 28 U.S.C. § 2204, where this Supreme Court has Subject Matter Jurisdiction to "DETERMINE" what(s) just pursuant to 28 U.S.C. § 2206, as "Petitioner" time for filing "CERTIORARI REVIEW" within it(s) appropriate 90 Day, pursuant to 28 U.S.C. § 2201(c and d); when "ADJUDICATING STATE LAW" to it(s) presumption according to Federal Rule 302 of Evidence; for "DUE PROCESS AND EQUAL PROTECTION CLAUSE EXTENDING TO STATE CREATED LIBERTY INTEREST" for "CHALLENGE(S) OF SUBJECT MATTER JURISDICTION" from "VOID JUDGMENT(S) AS INTER" has been made and reinforced against "Petitioner"

wherein this Honorable Supreme Court has "~~ORIGINAL JURISDICTION~~"
to "~~VACATE~~", and grant "Petitioner" a "~~EXTRAORDINARY HEARING~~" and
any and all other relief this Court deem just and appropriate
where the 4th and 11th Circuit Court(s) of Appeal agree(s) and the
Federal District Court for Central District Court of California also
agree(s) with this Honorable Supreme Court Ruling(s) and Decision to
"~~GRANT PETITIONER(S)~~" Certiorari to the Virginia Supreme Court and Federal
District Court with directions and instruction(s) to "~~VACATE~~" it(s) arrest warrant(s) and orders
"Petitioner" request counselor, discovery, retroactive, injunction, and all other relief.

RESPECTFULLY SUBMITTED BY,


(Indigent Pro-Se Petitioner) Lorenzo Gerald Ferber Jr.

DATE FILED:

Red Onion State Prison

P.O. Box 1900-970

Pound, VA. 24279

"SWORN AND SUBSCRIBED" before

me: 

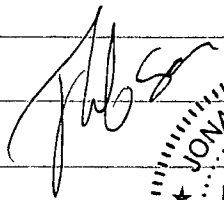
on this 27th day, in this December

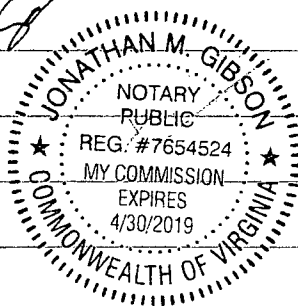
Prisoner State Number: 1077698

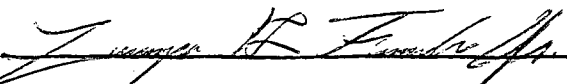
month, within this 2018th year, Last (4) Digest in Petitioner(s) S.S. No. 7628

as my Commission Expires on: 4-30-2019

PUBLIC NOTARY SEAL HERE





I, the undersigned  certify that the
above "PUBLIC NOTARY" is not a party to this action