ORIGINAL

No. 18-8883

IN THE

SUPREME COURT OF THE UNITED STATES

JAMES JESSUP--PETITIONER

vs.

MARK HERRING ATTORNEY GENERAL Respondent

ON PETITION FOR WRIT OF CERTIORARI

FROM THE FOURTH CIRCUIT

UNITED STATES COURT OF APPEALS

James Jessup pro se
#1367971
Buckingham Correctional Center
P.O. Box 430
Dillwyn, Virginia 23936

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CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Amendment VI

In all criminal prosecution, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtraining witnesses in his favor, and to have the Assistance of Counsel for his defense.

Amendment XIX

Section 1. All persons born or naturalized in the United States, and subject the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No 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, not deny to any person within its jurisdiction the equal protection of the laws.

LIST OF ALL PARTIES

JAMES JESSUP Petitioner
1367971

MARK HERRING VIRGINIA ATTORNEY GENERAL

JURISDICTION

The date on which the United States Court of Appeal for the 4th Circuit decided my case was January 4, 2019.

The jurisdiction of this Court is invoked under 28 U.S.C. & 1254(1).

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

STATEMENT OF THE CASE

1. The petitioner is confined pursuant to a judgment of the Circuit Court of nelson County Virginia. A jury convicted petitioner of Aggravated Sexual Battery in 2009 (CR13-12); Aggravated Sexual Battery in 2010 (CR13-28); Aggravated sexual Battery in 2011 (CR13-29); Forcible Sodomy in 2010 (CR-13-28), and Object Sexual Penetration in 2010 (CR13-43); and fixed the punishment at a total of 120 years in prison.

2. Petitioner appealed the judgment to the Court of Appeals of Virginia and challenged the Sufficiency of Evidence. The Court denied the petition for appeal June 24, 2016. Petitioner appeal to the Vriginia Supreme Court and that Court denied the appeal (record No: 160001).

3. Based on the the representation defense counsel during the Commonwealth's (Motion in limine) petitioner requested defense counsel to subpoena petitioner's medical records' and his wifes' medical records in support petitioner did not have or contracted a sexually transmitted disease nor passed a sexually transmitted disease to his wife, and that neither ever received medical treatment of having a sexually transmitted disease.

4. The day of trial before the jury was empanelled of a Motion in limine counsel proffer in pertinent parts:

Defense Counsel: "There is a sexually transmitted disease in the record from 2011. There is also, we submit, that there will be evidence that during the time when supposely she was having sex with petitioner every other day and petitioner's wife will testify, yes, we knew she had Chlamydia, I never had Chlamydia, I didn't get it transmitted to me, we were continuing to have sex."

June 6, 2013, TT.pg. 12,13...

The Commonwealth Stated:

"Unless they're going to have a doctor to come in here to say that petitioner didn't have Chlamydia or

whatever it was, I mean, how we know that she didn't get it from him."

June 6, 2013, TT. pg. 16, 17...

The Court:

"Well at this stage I'm going to allow you to produce evidence, ask questions on that issue.

June 6, 2013 TT. pg. 12, 13....

5. Direct Examination of Erin Thompson (petitioner's wife)...

What is your relationship to Jimmy Jessup?

My Husband..

How long have you been married?

Since 2008..

Throughout your marriage to Jimmy have you had regular unprotected sex with him?

Yes..

And that continued, you know, throughout?

Yes...

This whole incident?

Yeah, ever since we've been together...

Okay, have you had Chlamydia?

No...

Since you've been married to Jimmy?

No..

Has Jimmy had Chlamydia?

No...

CROSS EXAMINATION
BY THE COMMONWEALTH

Ms. Thompson, do you have any medical recors that says that you didn't have Chlamydia?

I have medical records.

Do you have them with you?

No.

Why didn't you bring them?

I didn't know I neded them.

Do you think that would be important

Yeah.

June 7, 2013, TT. Pg. 294 through 296.

Petitioner has exhausted his claims and respectfully raise the following allegations:

QUESTIONS PRESENTED

A. Whether the lower courts failed to determine if defense counsel failed to conduct the necessary pre-trial investigations and further failed to subpeona petitioner's medical records to support the physical evidence petitioner did not have a sexually transmitted disease

B. Whether the lower courts failed to determine if defense counsel failed to investigate the relevance of and introduce into evidence petitioner's wife's (Erin Jessup Thompson) medical records' she did not have a sexually transmitted disease

C. Whether the lower courts failed to determine if defense counsel denied petitioner of the opportunity to receive a hearing before a state court to request state funded assistance for an expert witness to fairly present his claim

REASON FOR GRANTING

Strickland v. Washington, 466 U.S. 668, 80 L.ed 2d 674, 104 S.Ct. 2052 (1984), the Court of Appeals agreed that the Sixth Amendment imposes on counsel a duty to investigate, because reasonably effective assistance must be based on professional decisions and informed legal choices can be made only after investigation of options. The court observed that counsel's investigatory decisions must be assessed in light of the information known at the time of the decisions, not in hinhsight, and the amount of pretrial investigation that is reasonable defies precise measurement.

The Sixth Amendment recognizes the right to the assistance of counsel because it envisions counsel's playing a role that is critical to the ability of the adversarial system of produce just results. An accused is entitled to be assisted by an attorney, whether retained or appointed who plays the role necessary to ensure that the trial is fair, for that reason, the Court has recognized that the right to counsel is the right to the effective assistance counsel, McMann v. Richardson, 397 U.S. 759 90 S.Ct. 1441, 1449, 25 L.Ed 2d 763 (1970).

A convicted defenddant 's claim that counsel's assistance was so defective as to require reversal of a conviction or death sentence has two components. First the defendant must show that counsel's performance was deficient. This requires showing that counsel made errors so serious that counsel was not functioning as the counsel guraanteed the defendantr by the Sixth Amendment. Second, the defendant must show that the deficient performance prejudiced the defense. This requires showing that counsel's error were so serious as to deprive the defendant of a fair trial, a trial whose result is reliable. Unless a defendant makes both showings it cannot be said that the conviction or death sentence resulted from

a breakdown in the adversary process that renders the result unreliable. The proper measure ofattorney performance remains simply reasonableness under prevailing professional norms.

Counsel has a duty to make reasonable investigations or to make a reasonable decision that makes particular investigations unnecessary. In any ineffectivesness case a particular decision not to investigate must be directly assessed for reasonableness in all the circumstances, applying a heavy measure of deference to counsel's judgments. any error even if professionally unreasonable, does not warrant setting aside the judgment of a criminal proceeding if the error had no effect on the judgment, Cf United States v. Morrison, 449 U.S. 361, 364-365, 101 S.Ct. 6645, 667, 668,66 L.Ed 2d 564 (1981). the purpose of the Sixth Amendment guarantee of counsel is to ensure that a defendant has the assistance necessary to justify reliance on the outcome of the proceeding.

A Court deciding an actual ineffectiveness calim must judge the reasonablness of counsel's conduct on the facts of the particular case, viewed as of the time of counsel's conduct. A convicted defendant making a claim of effective assistance must identify the acts or omissions of counsel that are alleged not to have the result of of reasonable professional judgment. The court must then determine whether, in light of all circumstances , the idetified act or omissions were outside the wide range of professional competent assistance. the court should recognize that counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.

It is not enough for the defendant to show that the errors had some conceivable effect on the outcome of the proceeding. Virtually

every act or omission of counsel would meet that test, cf. United States v. Valenzuela-Bernal, 458 U.S. 858, 866 (982), and not every error that conceivable could have influenced the outcome undermines the reliability of the result of the proceeding.

Accordingly, the appropriate test for prejudice finds its roots in the test for materiality of exculoatory information not disclosed to the defense by the prosecution, United States v. Agurs, 427 U.S. 104, 112-113, 96 S.Ct. 2397, 2401; and in the test for materiality of testimony made unavailable to the defense by Government deportation of a witness, United States v. Valenzuela-Bernal, supra, 458., at 872. The defendant must show that there is a reasonable probability that but for counsel's unprofessional errors, the result of the proceeding would have been different, a reasonable probability is a probability sufficient to undermine confidence in the outcome.

The lower courts reached their decision to invoke the Anititerrism and Effective Death Penalty Act of 1996, 28 U.S. C. & 2254(d), which provides:

an application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted with respect ato any claim that was adjudicated on the merits in State court unless the adjudication of the claim-- (1) resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States; or 11 Fed.Appx. 480... (2) resulted in a decision that was based upon an unreasonable determination of facts in light of the evidence presented in the State court proceeding in interpreting AEDPA's unreasonable application directive, the district court utilzied the then prevailing Sixth Circuit standard: The writ will issue if

the unreasonableness of the State court's application of clearly established precedent is not debatable among reasonable jurist. The unreasonableness of the application will not be debatable if it is so offensive to the precedent, so devoid of record support, or so arbitrary, as to indicate that it is outside the universe of plausible credible outcome, Tucker v. Prelesnike, 181 F.3d 747, 753 (6th Cir. 1999). Since the district court rendered its decision, however, this standard has been renounced by Williams v. Taylor, 529 U.S. 362, 407 120 S.Ct. 1495, 146 L.Ed.2d 389 (2000), in which the Supreme Court held that an unreasonable application of clearly established federal law occurs if the State court identified the correct governing legal principle from the Supreme Court's decisions bu unreasonably applies that principle to the facts of the prisoner's case. 120 S.Ct. at 1523. Thus a federal habeas court making the unreasonable application inquiry should ask whether the state court's application of clearly established federal law was objectively unreasonable. id at 1521. The change in the prevailing standard, however, does not affect the result in this case, because the district court declined to overturn the state court decisions based on its determination that petitioner's claims do not contravene constitutional law.

In the instant case before trial petitioner informed defense counsel his medical records would prove the truthfulness of his contentions he was not performing sexual acts or having sexual intercourse with his daughter in veiw of her sexual transmitted disease; and that his medical records would clearly demonstrate his daughter was lying. Despite being informed by petitioner that such remarkable physical evidence existed, defense counsel failed to investigate its relevance or to introduce the requested medical records into evidence. Defense

Counsel simply presented his trial strategy at the pre-trial hearing to present such remarkable evidence but failed to provide any evidentiary support or physical evidence to support the defense petitioner was not performing or having sexual relation or having sexual intercourse with his daughter.

Likewise prior to trial petitioner informed defense counsel he was married to Erin Thompson Jessup August 5, 2008 and he had continouus sexual intercourse with his wife around the time his daugther claim petitioner was having sexual relations and intercourse with her. That further prosecution introduced exhibits Hope Jessup was diagnosed with having Chlamydia a sexual transmitted disease at the same time she alleged she was having sexual relations and sexual intercourse with petitioner. Petitioner advised defense counsel if the sexaul allegation were true petitioner would have passed the sexual transmitted disease to his wife. That further petitioner instructed counsel to subpoena Erin Thompson Jessup's medical records to demonstrate she did not have Chlamydia or ever recevied treatment for the disease. Counsel agreed the evidence would discredit the prosecution evidence and he would pursue and obtain the medical records, however, counsel did nothing to prepare for the trial.

Pet Petitioner argued if hope Jessup's allegations were true she would have passed her sexual tranmitted disease to him and he would have passed the disease to his wife and that both petitioner's and his wife's medical could been introduced to impeach her statements. In both complaint (A) and (B) supra., petitioner was deprived of the effective assistance of counsel by virtue of his counsel's failure to obtain both his and Erin thompson Jessup's medical records before trial.

Interperting 28 U.S.C. & 2254(d) in the manner outlined by the United States of Appeals for the Fifth Circuit in Drinkard v. Johnson, 97 F.ed 751, 767-68 (1996), cert. denied, 520 U.S. 1107, 137 L.Ed.2d 315 117 S.S.Ct 1114 (1997), the district court concluded that a reasonable trier of fact-jury or judge could find differently than the state court trial judge. As the Nevers v. Killinger, 169 F.3d 352 (6th Cir. 1999) noted the lack of agreement among the circuits with regard to the meaning and application of the term "unreasonable application is sharp, id at. 361. All the cases appear to agree that the unreasonable application clause does not empower a habeas court to grant the writ merely because it disagree with the state court's decision or because left to its own devices, it would have reached a different result, (quoting O'Brien v. Dubois, 145 F.3d 16, 25 (1st Cir. 1998)). The Nevers court noted that the various circuit courts that have considered the meaning of the unreasonable application phrase do not agree upon what a distirct court must find in order to issue the writ, at. Nevers 361. Notwithstanding the Nevers court settled on the standard enunciated by the First Circuit O'Brien. Pursuant to that standard, a district court may issue the writ under the unreasonable application phrase of 28 U.S. C. & 2254 (d)(1) if it concludes that the state court decision was so offensive to existing precedent, so devoid of record support or so arbitrary as to indicate that it is outside the universe of plausible credible outcome, Nevers, 169 F.3d at 361. The Nevers court observed however, that in Herbert v. Billy, 160 F.3d 1131 (6th Cir. 1998), another panel of this court expressed its agreement with the reasonable jurist approach taken by the Fifth Circuit in Drinkard v. Johnson, intra.

The Strickland Court confirmed that the proper standard for attorney performance is that of reasonably effective assistance. the defendant

bear the burden of overcoming the presumption that the challenged action might be considered sound trial strategy, (citing Michel v. louisiana, 350 U.S. 91, 101, 100 L.Ed 83, 76 S.Ct. 158 (1955). The must determine whether in light of the circumstances as they existed at the time of counsel's actions, the identified acts or omissions were outside the wide range of professionally competent assistance. Even if the court determines that counsel's performance was outside that range, the defendant is not entitled to relief if counsel's error had no effect on the judgment. The purpose of the Sixth Amendment guarantee of counsel is to ensure that a defendant has the assistance necessary to justify reliance on the outcome of the proceeding. According any ddeficiencies in counsel's performance must be prejudicial to the defense in order to constitute ineffective assistance.

In the information filed Hope Jessup claim her father sexually abused her for years. At trial the prosecution relied primarily on H.Jessup testimony. At a pre-trial mition in limine, counsel argued the victim had a sexually transmitted disease called Chlamydia. The court at that motion hearing advised defense counsel to produce evidence as to whether the victim passed the disease to petitioner and whether he transferred the same to his wife, see, June 6, 2013, TT. pg.12; 13; TT. 16, 17; June 7 2013, TT. pg. 294 through 296; also Petition for Writ of Habeas pgs, 1,2,3,4,5,6,7,8,9,10, in support.
The respondent argued the two charges that involved the kind of sexual contact where a sexually transmitted infection might occurred were rape and sodomy both of which the jury later dismissed, however, petitioner was convicted under the sexual battery statute Va. Code 18.2-67.4 read in conjunction with Va. Code 18.2-67.10(5) which state in part

The complaining witness's prior sexual conduct mean any sexual conduct on the part of the complaining witnes which took place before the conclusion of trial.

Here the prosecution's primary witness H.Jessup who testified she was having sexual intercourse with petitioner during 2010 and 2011. Counsel called petitioner's wife to the witness stand. She testified without any supporting evidence that she had unprotected sex with her husband in the years of 2010 and 2011 and did not contract Chlamydia. Counsel was unprepared and had not obtained critical medical record evidence of which he was aware, and therefore could not be considered representation within the wide range of reasonable professional assistance under the Strickland pronge, 466 U.S. at. 688.

A lawyer who fail adequately to investigate and to introduce into evidence that demonstrates clients factual innocence or that raise sufficient doubt as to that question to undermine conconfidence in the verdict, renders deficient performance. The medical evidence, if believed by the jury would have demonstrated the truthfulness of her testimony and established that in light of H.Jessup's testimony during the time period set forth in the information or at the least that the sexual activities as charged in the information had not been proved beyond a reasonable doubt. Rather than investigate the relevance of medical records and introducing them to corrorate petitioner and his wife's contention and subsequence testimony counsel actions fell outside the wide of range of reasonable professional assistance.

When faced with lower court rulings with similar examples of defense counsel's failures see, Tucker v. Prelesnik, 181 F.3d 747; 1999 U.S. App. LEXIS 11925; 1999 FED. App. 0211P (6th Cir.); Sanders

v. Ratelle, 21 F.3d 1446 (9th Cir. 1994); Baylor v. Estelle, 94 F.3d 1321 (9th Cir. 1996); United States v. Burrows, 872 F.2d 915, 918 (9th Cir. 1989); also Evans v. Lewis, 855 F.2d 631 (9th Cir. 1988) (holding that a failure to investigate possible evidence could not be deemed a trial tactic where the lawyer did not view relevant documents that were available.

Petitioner suffere extreme prejudice in that the medical records would served to refute that the sex charges occurred during the period charged in the information. there is no reasonable strategy that could account for defense counsel's failure to introduce or subpoena them and introduce them. The decsion to place petitioner's wife on the stand in support of the defense and have her testify to the fact that she was having sexual intercourse with petitioner at or near the same time H.Jessup claim petitioner was having sexual intercourse or conducting sexual activities without evideniary support was unreasonable. Counsel made ther strategic decision to rely on the a ssertion that was having sexual intercourse with his wife. having chosen to pursue this line of defesne it is simply inconceivable that defense counsel's decision not introduce documentary medical evidence fully corroborati ng petititoner's plea of not guilty was a strategic one. When counsel who failed to adequately to investigate and introduce into evidence medical records that demonstrate petitioner's factual innocence or that raise sufficent doubt as to that question to undermine confidence in the verdict, petitioner trial became fundamentally unfair and it prejudiced petitioner's defense.

2. With reference to Complaint (C).

In Ake v. Oklahoma, 470 U.S. 78, 84 L.Ed.2d 53, 105 S.Ct. 1087 (1985) the court said meaning access to justice has been the consistent theme of many of our cases. the court recognize long ago that mere access to the courthouse doors does not by itself assure a proper functioning of the adversary process, and that criminal trial is fundamentally unfair if the State proceeds against an indigent defendant without making certain that the access to the raw materials integral to the building of an effective defense. Thus, while the Court has not held that a State must purchase for the indigent defendant all the assistance that his wealthier counter part might buy, see, Ross v. Moffit, 417 U.S. 600, 94 S.Ct. 2437.. it has often reaffirmed that fundamental fairness entitle indigent defendants to "an adequate opportunity to present their claims fairly within the adversary system. id., at. 612, 94 S.Ct. at 2444. Virginia highest Court in Husske v. Commonwealth, 252 Va. 203, 476 S.E.2d 920 (1996) also state that an indigent defendant is not constitutionally entitled at the state's expense to all the expert that a non-indigent defendant might afford. id. at 211, 476 S.E.2d at. 925; however, all that is required is that defendants have an adequate opportunity to present his claims fairly within the adversary system Ross v. Moffitt, supra.

Prior to trial petitioner ask counsel was he prepared to represent to the court whether he knew the incubation period for Chlamydia before the disease became transmittable or if a person can live with the disease without being treated or whether it can be be determine if a person has ever being treated for the disease?? Counsel could not answer the question, therefore, petitioner requested counsel petition for an expert witness to assist with the defense. Counsel advised he

was paid attorney and any subsequent claim of being indigent and reuesting state funds for an expert would fail. However, petitioner instructed counsel to talk with his wife about their financial situation and further she would submit a proposed expenditure to demonstrate attorney fees has made him indigent for the purpose of paying for an expert. That further petitioner advised counsel whether appointed or retained if petitioner cannot afford the cost for an expert who is legitimately needed, should should move the court to authorize the funds. Counsel failed to file pre-trial motion on behalf of petiitoner to receive an adequate opportunity to present his claim.

The lower court held because petitioner was acquitted of rape and sodomy in 2011 there was no need for counsel to make the request to receive an adequate opportunity to present. this argument ignor both the Husske and Mffitt holdings which held that the equal protection clause focuses upon disparity in treatment by a State between classes of individuals whose situations are arguably indistinguishable. It does not require a state court to accord absolute equality or precisely equal advantages to all individuals, San Antonio School District v. Rodriguiez, 411 U.S. 1, 24 (1973). It is clear the State is not required to make available to an indigent defendant in a criminal prse-cution every service at the election of a non-digent defendant, however, equal protection consideration arise only where a right or service is provided by the State and the defendant is unable to obtain that right or service merely because of the inability to pay.

Petitioner's request was well within the State Federal, and the U.S.S Constitutional authority. the lower courts determine because of the current verdict (which counsel had no prior knowledge of) would defeat the claim counsel denied petitioner of the adequate opportunity

to a Hearing to present his claim fairly within the adversary system. In addition the opprotunity to request free expert and investigative services in which a right or service is provided by the State and since petitioner was unable to obtain that right or service merely because of his inability to pay.

Counsel deprived petitioner of his Due Process and Equal Protection Rights prejudicing the defense and thus deprived petitioner of his opportunity to prove his innocence or at least raise a reasonable doubt to all of the charges against him, making his trial fundamentally unfair.

CONCLUSION

Petitioner trial was fundamentally unfair because his defense attorney failed to present and subpeona key medical evidence that would have cast reasonable doubt on Hope Jessup's entire testimony. The evidence presented by the prosecution indicated the victim was intimidated to for a number of years to perform various sex acts as name in the indictment including intercourse. Although she agreed to be a participant to get the act over with or because she was afraid the jury found she was not raped, notwithstanding she was having sex intercourse, among other sexual acts. The prosecution charged under Va. Code 18.2-67.(10) which states in pertinent parts (any sexual conduct on the part of the complaining witness which took place before the conclusion of trial) which therefore demonstrate petitioner was involved in some kind of sexual performance. The evidence the victim was infected with a sexually transmitted disease during this period she claim petitioner and her were performing these sex acts went to the veracity of her story as the prosecution introduced the victims medical records. Notwithstanding defense counsel was

instructed to subpeona both petitioner's and his current wife's medical records to demonstrate that neither of them did not have the disease in question or ever received treatment for the diesase. This evidence was crucial because it would discredited the victims overall testimony and served to support petitioner's claim of innocent. Since the case came down to he said she said evidence and know physical evidence to support a conviction counsel's failure to secure this defensive evidence was unreasonable and prejudicial to the defense. The State argued well petitioner was not convicted of rape and therefore sexual transmitted disease was not an issue. This argument is flawed because the state statute governing the charges included or encompass all sexual activities and since she testified she willing participated in some of all acts the failure to secure an rape conviction does not rule out the facts sexual intercourse did not take place.

Finally, the prosecution argued against defense counsel's strategy to argue the victim had a sexually transmitted disease chlamydia at a pre-trial hearing, however, the trial judge advised counsel he could argue the evidence but admonish counsel to do so counsel much introduce physical evidence in support. Counsel proceeded to trial and petitioner's wife on the witness stand. She testified she had enjoyed continuous sexual relations including intercourse with petitioner throughout the time period the victim claim she had chlamydia. The prosecution asked Mrs. Erin Jessup Thomas where was her physical evidence she did not have the disease or ever had the disease. She responded I did not know I was required to bring the evidence. Defense counsel failed to inform his witness of the probative value of the medical evidence nor did he request a subpeona for the medical evidence in-spite of the fact it was the defense strategy to

to introduce the medical evidence. As it stood petitioer wife testimony was left to testify without evidentiary support and made out to appear as a wife trying to save her husband by saying anything..

This failure placed petitioner case and strategy at a severe disadvantage and made the overall trial fundamentally unfair. After the jury determine there was no rape it did not rule out sexual intercourse did not take place.Notwithstanding, petitioner requested defense counsel for the opportunity to argue the fact could a person walk around with this disease for years and not be treated and not experience genital warts in the their mucous membranes or even blindness, and therefore, wanted to present expert testimony on this subject matter. Since the victim testified her disease occurred 2008 well into 2009 and the sexual abuse continued til 2013 by petitioner, it is simply not possible fo petitioner or his wife to have be walking around with this disease without any visible sympton of this disease. Counsel continued his ineffectiveness and personally denied petitioner of the opportunity to request an expert assistance. These failures are consistent with the violation of petitioner's constitutional rights and equal protection under the law.

Respectfully Submitted
/s/ James Jessup
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R T CALL NOTARY PUBLIC REG. #350432 MY COMMISSION EXPIRES 8/31/2021 COMMONWEALTH OF VIRGINIA

CERTIFICATE OF SERVICE

I hereby certify on this___day a copy of this Petition For Writ of Certiorari was mailed to Attorney General Mark Herring, April, 2019 Office of the Virginia Attorney General, 202 North 9th St. Richmond, Va. 23219

/s/ RT Call 350432 ~~County of~~ Buckingham State of Virginia