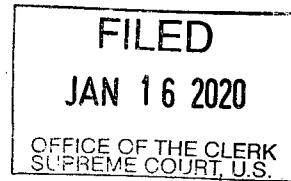


ORIGINAL

19-7509
No.



IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF HABEAS CORPUS
TO THE SUPREME COURT OF Virginia

In Re: LAWRENCE E. MATTISON; Petitioner

vs.

BOB McCABE (former superintendent); Respondent

Petition for Writ of Habeas Corpus

Lawrence E. Mattison
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QUESTIONS PRESENTED

Plaintiff was convicted in the State of Virginia courts for Stalking and Annoying calls under State law for alleged conduct committed on Department of Veterans Affairs property ("the HVAMC" located in Hampton Virginia). The HVAMC is a pre-1940 federal enclave. Petitioner served six months incarceration.

While incarcerated, Petitioner filed a Writ of Habeas Corpus to the Virginia Supreme Court, which was not ruled upon until after petitioner was released from incarceration and a 42 U.S.C. §1983/§1985 federal case was pending. Now, Being released from incarceration since November 2016, Petitioner seeks the instant writ from this Court in effort to REVERSE / VACATE the Virginia conviction under the ends of Justice exception, or it's Manifest injustice rule, or it's void ab initio doctrine, or a Supremacy clause violation.

THE QUESTION IS:

1. Whether 28 U.S.C. §1651 (the All writs Act") allows this court authority to issue a Writ of Habeas Corpus when a clear interference with a Federal process is proven and apply the Ends of Justice Exception or it's Manifest injustice rule or it's void ab initio doctrine or a Supremacy clause violation to a State court conviction after release from incarceration since November 2016 whether or not a Habeas corpus petition was filed in Federal district court.
2. Whether counsel performed so ineffectively that it deprived petitioner his 6th Amendment right to effective assistance of counsel to warrant Habeas relief.

RELATED CASES

Lawrence Mattison v. Commonwealth of Virginia, U.S. S. Ct. case No. 17-8868

Lawrence Mattison v. Bob McCabe (former Superintendent) Va. case No. 161511

LIST OF PARTIES

1. **Petitioner** is Lawrence E. Mattison, represented *pro se* and lives in Virginia @ 466 Fort Worth Street. Hampton, Virginia 23669. (757) 265-8788

Respondent(s):

2. The Commonwealth of Virginia through the Solicitor General in the Office of the Virginia Attorney General (Mark Herring), @ 202 North Ninth Street. Richmond, Virginia 23219. (804) 786-2071 As interested party for Virginia.
3. Attorney John C. Johnson (for Bob McCabe; former Superintendent of the Hampton Roads Regional Jail located in Portsmouth, Virginia) ; Firth, Anderson & Peake, P.C., 29 Franklin Road, SW. P.O. Box 1240, Roanoke, Virginia 24006-1240.

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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF HABEAS CORPUS

OPINIONS BELOW

The Order of the Virginia Supreme Court Denying Habeas relief (App. 1a infra) is
Unpublished/ Unreported.

JURISDICTION

The Jurisdiction of this Court is invoked under 28 U.S.C. §1651; 28 U.S.C. §2242; U.S. Sup Ct. R. 20.1

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Pertinent Constitutional and statutory provisions are:

(1) Article I, §8, Cl 17/18 of the Federal Constitution states:

"Congress shall have the power.....

[Cl. 17] to exercise exclusive legislative authority in all cases whatsoever, over such District (not exceeding ten miles square) as may, by cession of particular States, and the Acceptance of Congress, become the seat of the Government Of The United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of Forts, Magazines, Arsenals, docks-yards, and other needful buildings."

U.S. Const. Art. I §8, Cl. 17 (June 21, 1788).

[Cl. 18] to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any Department or office thereof."

U.S. Const. Art. I §8, Cl. 18 (June 21, 1788).

(2) Article VI, §2 of the federal constitution states in relevant part:

Section 2----This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

U.S. Const. Art VI, §2, (June 21, 1788)

(3) Sixth Amendment to the Federal Constitution states in relevant part:

Sixth Amend.----- In all criminal prosecutions, 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 obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

U.S. Const. Amend. VI (December 15, 1791)

(4) 18 U.S.C. §7 Special maritime and territorial jurisdiction of the United States §

7(3) States in relevant part:

§7(3) ---- Any lands reserved or acquired for the use of the United States, and under the exclusive or concurrent jurisdiction thereof, or any place purchased or otherwise acquired by the United States by consent of the legislature of the State in which the same shall be, for the erection of a fort, magazine, arsenal, dockyard, or other needful building.

Enacted June 25, 1948, ch. 645, 62 Stat. 685

Amended Oct. 26, 2001, 115 Stat. 377.)

(5) 1869-70 Acts of the Virginia General Assembly c. 325, pgs. 479-80 states:

"CHAP. 325. – An ACT in Relation to the Establishment, in the State of Virginia, of a Branch of the National Asylum for Disabled Volunteer Soldiers, and to Cede Jurisdiction to the United States over a tract of Land in the State of Virginia, not exceeding Five Hundred Acres, for that purpose.

Approved July 11, 1870

Whereas, the board of managers of the National asylum for disabled soldiers look with favor upon the state of Virginia as possessing such advantages of climate and easy access as rendered it desirable to locate within her borders a branch asylum; and whereas, the necessary expenditures for buildings and other improvements can be made by said board of managers only upon property under the control of the national government: therefore,

1. Be it enacted by the general assembly, that the consent of the legislator of this state is hereby given to the board of managers of the National asylum for disabled volunteer soldiers, to locate a branch of that establishment in the state of Virginia; and such jurisdiction is hereby ceded to the United States over a tract of land, not exceeding five hundred acres, to be selected by the board of managers, for the purpose of locating thereon such branch asylum, a full description of which tract shall be filed in the office of the secretary of the Commonwealth, as is within the contemplation of the seventeenth clause of the United States. But this cession is made subject to the following terms and conditions:

First---- That the state retains concurrent jurisdiction with the United States over the same pieces of parcel of land, so that the courts, magistrates, and officers of this state, may take such cognizance, execute such process, and discharge such other legal functions within the same, as may not be incompatible with the consent hereby given.

Second---- That if said branch asylum be not erected on said land within five years from the passage of this act, or though it should be erected within that time, if, by reason of its falling into decay, or otherwise, there should be a failure to use it for that purpose for five years, then the consent hereby given shall cease and determine: provided, however, that no inmate of any institution erect in this commonwealth, under the provisions of this act or of the act of congress therein referred to, shall vote or hold office within this state.

2. This act shall be in force from its passage."

Id.; see App. 23a; 1869-70 Act of Virginia General Assembly c. 325 (July 11, 1870). This document can be found in the Wolf Law Library on the campus of William & Mary college in Williamsburg, Virginia, see Fed R. Evid 901(a)(b)(7)

STATEMENT OF THE CASE

This Court may take judicial notice that the Hampton Veterans Affairs Medical Center ("HVAMC") is a pre-1940 Federal enclave within the territorial jurisdiction of the United States under 18 U.S.C. §7(3), *supra*. *see Fed R. Evid. 201(b)(2)*. Petitioner previously supplied this Court with a summation of trial Judge B. Jones's (defendant) findings in *Mattison v. Virginia*, U.S. Sup Ct. case No. 17-8868 (138 S. Ct. 2689 (Cert Denied)). Not only is the Department of Veterans Affairs a sovereign federal agency, it was also given enclave status by the State of Virginia to operate the HVAMC.

The following facts are not in dispute.

1. On or About February 26, 2015 a staff nurse filed a written complaint against petitioner related to alleged conduct on HVAMC property. On or About March 2015 a federal police officer (defendant Janie Willis) started an administrative investigation. On March 9, 2015 J. Willis turned over preliminary findings to HVAMC Human Resources ("HR"). J. Willis has documented these actions in a federal computer program used by DVA police. At some point in March 2015, HR started a preliminary investigation by changing petitioner's working hours until more facts were provided. At some time in March 2015 J. Willis initiated Virginia criminal charges where the same warrants were reused to reattach bonding and processing.¹
2. On May 25, 2016 Petitioner was in a trial *de novo* in the Virginia Circuit Court on Stalking (code of Va. §18.2-60.3), Annoying calls (code of Va. §18.2-429) for alleged

¹ The issues in Virginia's General District court are identical and are part of petitioner's §1983/§1985 filing.

conduct which occurred on HVAMC property. Petitioner was convicted and sentenced to serve 12 mo. In Virginia, petitioner served the maximum six (6) months incarceration. There is no other sentence(s) or time incarcerated pending. Petitioner was initially assigned a Public Defender ("PD") but after Notice and the filing of the Habeas corpus petition in the Virginia Supreme court the PD withdrew from the case and petitioner was appointed counsel to appeal to the Virginia Court of Appeals which was filed October 25, 2016 and denied June 28, 2017. *see Mattison v. Commonwealth, U.S. Sup. Ct. case No. 17-8868 @ exhibit A-1.*

3. While incarcerated Petitioner filed the PETITION FOR HABEAS CORPUS in the Virginia Supreme Court On October 19, 2016. The Habeas Petition raised the following Grounds:

- A. Count one: Ineffective Assistance of Counsel under the 6th Amendment to the federal constitution
- B. Count two: Violation of the enclave clause and the enclave doctrine in violation of the 14th Amendment to the federal constitution
 - (i) Petitioner DID NOT receive a hearing on the merits of these claims
 - (ii) the Petition was REFUSED almost one year later on July 25, 2018

4. After release from incarceration, with the Habeas petition pending, petitioner discharged his appointed counsel and filed a pro se petition (direct Appeal) to the Virginia Supreme Court on July 31, 2017, Va. case No. 171012. The Grounds raise to the Virginia Court were:

- A. Initial Petition: sufficiency of evidence, lower court error in their review

B. Leave to Amend: ends of justice exception to review whether Virginia had subject-matter jurisdiction over federal enclave HVAMC.

C. Petition for Rehearing: whether criminal / judicial jurisdiction is solely in the hands of the federal enclave under §18 U.S.C. 13. Also questioned whether State law § 15.2-1726 was violated.

- (i) Petitioner DID NOT receive a hearing on the merits of these claims.
- (ii) Petitioner DID NOT reassign the Ineffective Assistance of counsel claim because it was pending in the Habeas petition.
- (iii) On December 12, 2017 the direct appeal petition for rehearing was DENIED without opinion and was uncited.

5. On January 24, 2018, while the Habeas corpus petition was pending the Virginia court, petitioner filed a Writ of Certiorari to this court in reference to the denials of his direct appeals in State court. *see U.S. Sup ct. case No. 17-8868.*

The question(s) presented on Writ to this Court in S. Ct. case 17-8868 were:

- A. Federal Question: Does the State of Virginia have criminal jurisdiction over Department of Veterans Affairs property, specifically the Hampton Veterans Medical Center located in Hampton Virginia?
- B. Federal Questions: Does the Special Maritime and Territorial Jurisdiction of the United States as codified under 18 U.S.C. §7(3) place the Federal Department of Veterans Affairs Medical Center in Hampton, Virginia under sole (exclusive) federal criminal jurisdiction of the United States?
- C. Was it ERROR for the Virginia Supreme Judicial Court to REFUSE petitioner's written petition, petition for rehearing and petition to submit supporting documents when in fact petitioner was attempting to verify or clarify whether this

State or the Federal Government has criminal Jurisdiction over the Federal Department of Veterans Medical Center property?

- D. Was it ERROR for Virginia's Supreme Judicial Court to REFUSE to answer Questions that pose the possibility of a voided verdict based on warrants that were filed in State court in violation of Federal law 38 U.S.C. §902 as applied a Federal Department of Veterans Affairs Police Officers?
- E. Was it ERROR for Virginia's Supreme Judicial Court to REFUSE to answer Questions that pose the possibility of a voided verdict based on warrants that were filed in State court in violation of the plain language in Code of Virginia §15.2-1726 which forbids a federal law enforcement police officer from enforcing state law?
- F. Was it ERROR for Virginia's Supreme Judicial Court to REFUSE to answer Questions that pose the possibility of a voided verdict based on usage of previously repealed portions of a Virginia statue in reference to criminal jurisdiction as applied to Federal Property?
 - (i) Petitioner DID NOT raise the Ineffective Assistance of counsel claim to this court because the claim was pending in the Habeas corpus petition.
 - (ii) On June 25, 2018 this court DENIED the Writ (direct appeal petition) and cited as 138 S. Ct. 2689(Mem), 201 L. Ed. 2d 1082, *see S. Ct. case No. 17-8868*
Id, see U.S. S. ct. case 17-8868

On November 13, 2017, while the Habeas petition was pending, petitioner filed in the E.D. Va. federal court a 42 U.S.C. §1983/ §1985 complaint against eight persons acting under color of State law in E.D. Va. case 4:17-CV-134. On May 09, 2018 the E.D. Va. authorized Amendment. *see Id. @ ECF No. 61.* On May 18, 2018 Petitioner filed an Amended complaint ("ECF No. 63"), *Id @ ECF No. 63.*

- (i) Petitioner DID NOT raise the Ineffective Assistance claim because it was pending in the Virginia Habeas petition and it's not an element in a §1983/ § 1985 complaint.

On July 25, 2018 the Virginia Supreme Court DENIED Habeas corpus relief. On December 28, 2018 the E.D. Va. Dismissed petitioners civil complaint and the fourth circuit Affirmed and denied reconsideration on November 25, 2019.

REASON(S) WHY PETITIONER DID NOT FILE FOR HABEAS RELIEF IN FEDERAL DISTRICT COURT

Under 28 U.S.C. §2242 Application--- states in relevant part:

§2242 ---- If addressed to the Supreme Court, a justice thereof or a Circuit judge it shall state the reasons for not making application to the District court of the district in which the application is held. *Id. see 28 U.S.C §2242 (June 25, 1948, Ch. 646, 62 Stat. 965)*

Within Petitioner's Habeas Corpus Application is the issue on the jurisdiction of Virginia over the HVAMC and the authority of the federal police officer. This issue was previously decided in Petitioner's civil case by the E.D. Va. court and the Federal Fourth Circuit appellate court related to the Maritime and territorial jurisdiction of the HVAMC under Art. I, § 8 Cl. 17 of the Federal Constitution. The issues in the civil case, which Petitioner believes were wrongly decided by the lower courts, will be the subject of a separate filing in this Court. In effort to not have the lower courts re-address their previous rulings, Petitioner files this Habeas corpus application to this Court. Also, Petitioner respectfully raises to this court that it is settled that vacating/reversing a State conviction in a Habeas corpus petition (under a supremacy clause violation, a manifest

injustice or a voided verdict) need not always precede a §1983/ §1985 complaint. Vacating/ reversing is warranted.

REASON(S) FOR GRANTING HABEAS RELIEF

Being that judgment of petitioners conviction became final over one year ago, petitioner respectfully submits the following reason(s) why the one-year statute of limitations as contained in 28 U.S.C. § 2244(d) does not bar this petition:

This petition, coming under exceptional and compelling circumstance under the Federal Constitution Article I,§8, Cl.17 and federal statutes 18 U.S.C. §13 and 38 CFR § 14.560 and §14.561 makes clear that this Courts Supervisory powers are warranted to address whether the Virginia Supreme Court condoned a supremacy clause violation and manifest injustice by individual persons acting under color of State and Federal law, allowing a gross Interference with a Federal Administrative processes by Affirming the use of a State criminal processes to criminalize employee-to-employee issues and lawful duties while on HVAMC property, issues the HVAMC or the federal government did not consider criminal. THEREFORE, the fact Virginia may share "limited jurisdictional authority" with the HVAMC, Virginia's use of their criminal process --- with or without criminal jurisdiction ---- is a gross interference with Federal Administrative processes and are pre-empted.

ARGUMENT

1. A Gross And Clear Interference Of Federal Processes Should Allow This Court Authority, Under 28 U.S.C. §1651, To Apply The Ends Of Justice Exception Or It's Manifest Injustice Rule, Or It's Void Ab Initio Doctrine, Or A Supremacy Clause Violation To Issue A Writ Of Habeas Corpus Of A State Court Conviction After Release From Incarceration Since November 2016 Whether Or Not A Habeas Corpus Petition Was Filed In Federal Court.

28 U.S.C. §1651. Writs

§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 jurisdictions and agreeable to the usage and principles of law. *Id. see 28 U.S.C. §1651 (June 25, 1948, ch.646, 62 Stat. 944; May 24, 1949, ch. 139, §90,63 Stat. 102)*

Habeas Relief is warranted. This Petition should be GRANTED to protect the legislative and judicial authority of a United States Government Agency --- The Department of Veterans Affairs ("DVA")----- and make clear that a violation of a federal administrative process is a violation of the intent of Art. I, §8, Cl. 17/18 of the federal constitution by way of Art. 6 of the federal constitution ("the supremacy clause").

The HVAMC was in the process of an administrative action and that action was in effect prior to the filing of criminal warrants. Federal and State laws are in place to prevent a federal DVA police officer from enforcing the Laws of the Commonwealth unless authorized. see Code of Virginia §15.2-1726. see 38 CFR §§14.560 and .561 supra.

This Court has always maintained that federal enclaves are covered under an 'interference clause', meaning: the authority of state laws or their administration may not interfere with the carrying out of a national purpose, see *Atkinson v. State Tax Commission*, 303 U.S. 20, 23, 58 S.Ct. 419, 420, 82 L.Ed. 621; *James v. Dravo Contracting Co.*, 302 U.S. 134, 147, 161, 58 S.Ct. 208, 215, 221, 82 L.Ed. 155, 114 A.L.R. 318; *United States v. Unzeuta*, 281 U.S. 138, 142, 50 S.Ct. 284, 285, 74 L.Ed. 761; *State of Ohio v. Thomas*, 173 U.S. 761; *Fort Leavenworth R. Co. v. Lowe*, 114 U.S. 525, 531, 5 S.Ct. 995, 998, 29 L.Ed. 264; *Kohl v. United States*, 91 U.S. 367, 371, 372, 23 L.Ed. 449; *Thomson v. Union Pacific R.R.*, 9 Wall. 579, 591, 19 L.Ed. 792; *United States v. Martin Daniel SCHUSTER*, 220 F. Supp. @ 64 (The practice which exists in this area with respect to crimes committed on lands 'acquired' in any manner by the United States is to permit— indeed, to require— the federal government to prosecute. The state adopts a 'hands off' policy.) Where enforcement of the state law would handicap efforts to carry out the plans of the United States, the state enactment must, of course, give way. see *Anderson v. Chicago & N.W. Ry.*, 102 Neb. 578, 168 N.W. 196, (as commented upon in *United States v. Unzeuta*, 281 U.S. 138, 144, 50 S.Ct. 284, 285, 74 L.Ed. 761.)

Petitioner maintains that Employee-to-employee issues on HVAMC property, whether criminal or Administrative, is solely in the Hands of the Federal Government.

A. The Ends Of Justice Exception Is Applicable To This Case And Warrants Its Use In This Habeas Corpus Petition.

In *R.H. Kuhlmann (Superintendent) v. Joseph Allan Wilson*, 106 S. Ct. 2616, 2626 (1986) is Court GRANTED a petition for Habeas corpus: "The prisoner may have a vital

interest in having a second chance to test the fundamental justice of his incarceration. Even where, as here, the many judges who have reviewed the prisoner's claims in several proceedings provided by the State and on his first petition for federal habeas corpus have determined that his trial was free from constitutional error, a prisoner retains a powerful and legitimate interest in obtaining his release from custody if he is innocent of the charge for which he was incarcerated." *Id* @ 2626

This court then went on...."The prisoner may make the requisite showing by establishing that under the probative evidence he has a colorable claim of factual innocence. The prisoner must make his evidentiary showing even though— as argued in this case— the evidence of guilt may have been unlawfully admitted." *ibid*

B. The Manifest Injustice Rule Is Applicable To This Case And Warrants Its Use In This Habeas Corpus Petition.

"A manifest error of law or fact must be one 'that is plain and indisputable, and that amounts to a complete disregard of the controlling law or the credible evidence in the record.' " *In re Wahlin*, No. 10-20479-TLM, 2011 WL 10633196, at *2 (Bankr.D.Idaho March 21, 2011) (quoting *In re Oak Park Calabasas Condo. Ass'n*, 302 B.R. 682, 683 (Bankr.C.D.Cal.2003)).

C. The Void Ab Initio Exception Is Applicable To This Case And Warrants Its Use In This Habeas Corpus Petition.

Void ab initio exception to the Roker Feldman doctrine. "Where it is pellucidly clear that there is a total lack or want of subject matter jurisdiction for a state court judgment; such judgments are void ab initio and do not warrant the benefit of the

Rooker-Feldman doctrine. See, e.g., *In re James*, 940 F.2d 46, 52 (3d Cir.1991). But see *Ark. Chronicle v. Easley*, 321 F. Supp. 2d 776, 789 (E.D. Va. 2004) (applying the exception outside bankruptcy where "the absence of state court jurisdiction [was] pellucidly clear").

D. Fed. Const. Supremacy Clause Under Expressed And Or Field Preemption Is Applicable To This Case And Warrants Its Use In This Habeas Corpus Petition.

Federal law may preempt state law under the Supremacy Clause by express preemption, by field preemption, or by conflict preemption. *U.S.C.A. Const. Art. 6, cl. 2*. "The first two types of preemption turn on the intent of Congress, which either may be explicitly apparent (express preemption) or inferred from a comprehensive federal regulatory scheme (field preemption)." *Peal v. N.C. Farm Bureau Mut. Ins. Co.*, 212 F.Supp.2d 508, 513 (E.D.N.C.2002) (citing *Worm v. Am. Cyanamid Co.*, 970 F.2d 1301, 1304 (4th Cir.1992)).

DVA federal policy 38 CFR §14.560, §14.561--tailored specifically to the DVA-- says in relevant part:

§14.560--- PROCEDURE WHERE THE VIOLATION OF PENAL STATUE IS INVOLVED
INCLUDING THOSE OFFENSES COMING WITHIN THE PREVIEW OF THE
ASSIMILATIVE CRIME ACT (18 U.S.C. §13)

The Department of justice or the U.S. Attorney, are charged with the duty and responsibility of interpreting and enforcing criminal statutes, and the final determination as to whether the evidence in any case is sufficient to warrant prosecution is a matter solely for their determination. *Id.* 38 CFR §14.560 [42 FR 41413, Aug 17, 1977]

DVA federal policy 38 CFR §14.561---Also tailored specifically to the DVA-- says in relevant part:

§14.561-- ADMINISTRATIVE ACTION PRIOR TO SUBMISSION

Before submission is made to the U.S. Attorney in cases involving personnel or claims.....the Regional counsel at the regional office, hospital or center, if the file is in the regional office or other field facility, will first ascertain that necessary administrative or adjudicatory (forfeiture (see pub. L. 86-222; 73 Stat. 452); ect.)action has been taken; except in urgent cases such as breaches of the peace, disorderly conduct, trespass, robbery, or where the evidence may be lost by delay, or prosecution barred by the statute of limitations, submission to the U.S. Attorney will be made immediately. *Id.* 38 U.S.C. §14.561 [42 FR 41413, Aug 17, 1977]

Petitioner maintains that under §14.560 and §.561 it was the expressed reservation of Congress that the DOJ or U.S. Attorney find probable cause for alleged crimes on DVA property, Not a State magistrate.²

2. Counsel performed so ineffectively that it deprived petitioner his 6th Amendment right to effective assistance of counsel to warrant Habeas relief.

The facts and circumstances are not in dispute. *see APP 10a; S. Ct. case No. 17-8868 @ exhibits A-1 thru A-6 and B-1 thru B-6;*

The issues raised in the trial court and specifically in the summation make clear the alleged conduct took place on HVAMC property and shows that alleged conduct was clearly Administrative, not criminal, would have never been an element of a criminal act

² expressed and/or field pre-emption is applicable regardless of the enclave status of a federal agency. The enclave statute in this case makes it more compelling for this Court to use it's supervisory powers.

by the DOJ or U.S. Attorney, and never used by any competent court to convict. see Lawrence Mattison v. Virginia. see U.S. S. Ct. case 17-8868; see App infra 10a

In no filing in Any court did a U.S. Attorney or Department of Justice officer allege, provide evidence of or claim that petitioner "being at [h]is desk, or being in the hallways, or "being in the ICU, or being on HVAMC property violated federal or State stalking laws. Petitioner supplied enough evidence in the penalty phase merit system protection board hearing that the allegations were "patently false". Not only does the trial court summation make this fact clear, but also the trial court transcript will make clear that Ineffective Assistance of Counsel should have been allowed Habeas corpus review:

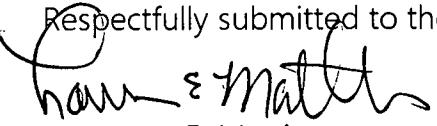
At trial the PD never raised the question whether Virginia had jurisdiction to adjudge alleged conduct on HVAMC property as criminal. The PD never raised a question on the federal police officer's authority to initiate criminal charges even though Virginia law covers this issue, at trial he simply asked "Are you a police officer". The PD stipulated to text message conversation he knew nothing about and never asked me about them. The prosecutor was attempting to use a text conversation as an element of Stalking. During testimony a witness was asked about one text message, asked if "I" (petitioner) sent it, the witness responded "No. After the witness testimony the PD never raised the question on the reliability of the text messages. The PD raised two mistrial motions, but never renewed either motion, the trial court never ruled on the 2nd mistrial motion. After ALL

testimony the PD never argued interference with the federal DVA employment process. PD raised the issue that [he] may have committed ineffective assistance. These Issues Are in The Trial Transcript and available to the Virginia court for a Habeas review (emphasis).

CONCLUSION

GRANTING this Petition under the "ends of Justice exception" and or the manifest injustice rule, and or a void ab initio exception and or the Supremacy clause violation is warranted.

Respectfully submitted to the United States Supreme Court by,


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