

No. 180747

In The Supreme Court of the United States

Senol Yilmaz - Petitioner

VS

Harold W. Clark Director - Respondent

Virginia Dept. of Corrections

Petition for Writ of Certiorari Out-of-Time

Petitioner requests this court to re-hear his Writ of Certiorari, which was denied on time lapsed by 7 days.

Reasons for such are as follows

- Petitioner exercised due diligence, and tried my best to meet the deadline. Every opportunity was taken to draft the writ but language and lack of access to legal resources.

The ends of Justice require a re-hearing because of the obstacles put in front of the petitioner caused a late filing even after due diligence.

- Language constraints; marginally understand and speak English -

Lack of local and legal resources -

Only one day a week for attending the law library.

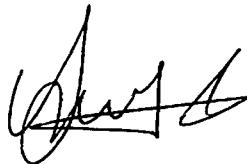
- Any action requires request forms, even to make copies -

- Lock Down- no communication and/or movement.

Wherefore, petitioner requests this court grant this petition for writ of certiorari out-of-time and hear his writ of certiorari here to fore filed previously.

Respectfully Submitted

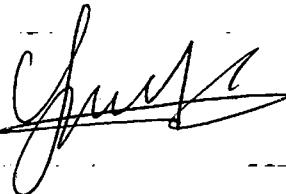
Senol Yilmaz -



Certificate of Service.

I hereby certify a true copy of this Petition was sent to the Attorney General of Virginia at 202 North 9th St. Richmond, VA 23219 on this the 28th day of August 2019

Senol Yilmaz.



Appendix A

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Friday the 8th day of March, 2019.

Senol Yilmaz, No. 1615765, Petitioner,

against Record No. 180747

Harold W. Clarke, Director, Virginia Department of Corrections, Respondent.

Upon a Petition for a Writ of Habeas Corpus

Upon consideration of the petition for a writ of habeas corpus filed June 8, 2018, the rule to show cause, the respondent's motion to dismiss, and petitioner's reply, the Court is of the opinion that the motion should be granted and the writ should not issue.

Petitioner was convicted, pursuant to his guilty pleas, in the Circuit Court of Rockingham County of attempted indecent liberties with a child younger than fifteen, electronic solicitation of a child younger than fifteen, and failure to appear and was sentenced, in accordance with his written plea agreement, to thirty years' incarceration with twenty-three years suspended. Petitioner did not appeal, and he now challenges the legality of his detention pursuant to these convictions.

In his sole claim, petitioner contends he was denied the effective assistance of counsel because counsel convinced petitioner to return to the United States and turn himself in by promising petitioner he would receive a sentence of five to six years of active incarceration. Petitioner would not have returned or pled guilty had he known he would receive an active sentence of seven years.

The Court rejects this claim because petitioner failed to offer a valid reason why he should not be bound by his representation at trial that his counsel's performance was adequate, that he was pleading guilty because he was, in fact, guilty, that he understood the agreed disposition plea agreement called for an active sentence of seven years, that he understood this was slightly above his guidelines range, and that his guilty pleas were voluntary and there is no evidence identified by petitioner that would support the contrary conclusion that the pleas were involuntary. *Anderson v. Warden*, 222 Va. 511, 516 (1981).

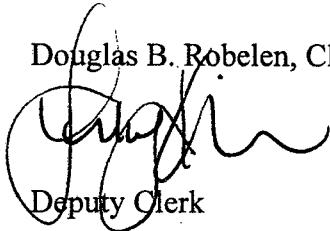
Accordingly, the petition is dismissed and the rule is discharged.

A Copy,

Teste:

Douglas B. Robelen, Clerk

By:


Deputy Clerk

**Additional material
from this filing is
available in the
Clerk's Office.**