

OCT 08 2021

OFFICE OF THE CLERK

No. _____

21-6023

IN THE

SUPREME COURT OF THE UNITED STATES

Dina Guardado — PETITIONER

(Your Name)

VS.

State of VA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

The Supreme Court of VA

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Dina Guardado

(Your Name)

FCCW P.O. Box 1000

(Address)

Troy, VA 22974

(City, State, Zip Code)

NA

(Phone Number)

ORIGINAL

QUESTION(S) PRESENTED

- 1 Why did Mr. Price Koch State at sentencing TR. 71, that I'd done these allegations?
- 2 How is it that he was assigned to be my court appointed Lawyer? when Rule 1.10 of VA Rules of Professional conduct states: (See Attached b(1))
- 3 Why did Mr. Price Koch Not question further regarding TR. 172 lines 1-3?
Was it Mr. Divelbliss the Lead investigator who took down the cameras 2 weeks before the crime?
- 4 Why did he interject Stoev at TR. 414 Line 1?
when Stoev was admitting to having written the letters at TR. 413. Lines 20-21

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Commonwealth of Spotsylvania
Mr. Travis D. Bird
P.O. Box 2629
Spotsylvania, VA 22553

Office of the Attorney General
202 North Ninth St.
Richmond, VA 23219

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STATUTES AND RULES

Strickland v. Washington

OTHER

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

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

OPINIONS BELOW

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix E to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___ A _____.

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

For cases from **state courts**:

The date on which the highest state court decided my case was July 8, 2021.
A copy of that decision appears at Appendix E.

A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___ A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Claim:

Ineffective assistance of counsel violates the right to an effective counsel (& thus a fair trial), as guaranteed by the Sixth Amendment to the United States Constitution.

Therefore, I respectfully urge that these convictions be overturned.

STATEMENT OF THE CASE

I'm Not Guilty of the following offenses imposed on me by the circuit court of the County of Spotsylvania, 9107 Judicial Center Lane, Spotsylvania, VA 22553

- 1 Arson, in violation of code 18.2-77 (CR 17-1427-00) (R. 69, 403-04)
- 2 Possession of Explosive materials, in violation of code 18.2-85 (CR 17-1428-00) (R. 70, 403-04)
- 3 Statutory Burglary with a deadly weapon in violation of code 18.2-90 (CR 17-1659-00) (R. 71, 403-04)
- 4 Attempted 1st degree Murder in violation of code 18.2-26 & 32 (CR 17-1661-00) (R. 74, 403-04)
- 5 Attempted 1st degree Murder in violation of code 18.2-26 & 32 (CR 17-1662-00) (R. 75, 403-04)

6 Attempted 1st degree Murder
in Violation of Code 18.2-26 & -32
(CR 17-1663-00) (R. 76, 403-04)

7 Attempted 1st degree Murder
in Violation of Code 18.2-26 & -32
(CR 17-1664-00) (R. 77, 403-04)

8 Attempted 1st degree Murder
in Violation of Code 18.2-26 & -32
(CR 17-1660-00) (R. 73, 403-04)

9 Attempted Malicious Wounding
in Violation of Code 18.2-26 & -51
(CR 17-1923-00) (R. 147, 403-04)

10 Attempted Malicious Wounding
in Violation of Code 18.2-26 & -51
(CR 17-1924-00) (R. 149, 403-04)

11 Attempted Malicious Wounding
in Violation of Code 18.2-26 & -51
(CR 17-1925-00) (R. 150, 403-04)

12 Attempted Malicious Wounding
in Violation of Code 18.2-26 & -51
(CR 17-1926-00) (R. 151, 403-04)

13 Attempted Malicious Wounding
in Violation of Code 18.2-26 & -51
(CR. ~~152, 40~~ 17-1927-00) (R. 152, 403-04)

REASONS FOR GRANTING THE PETITION

I'm Not Guilty

&

my defense Lawyer
was Ineffective:

1 TR 71 (Jan. 16, 2019) (Sentencing)

Lines 5 & 6

My defense Lawyer stated,
that I did the allegations.

2 TR 93 (Oct. 26, 2018) (trial)

Lines 18 - 20 The court corrected
Mr. Koch at TR. 93 line 21 to
TR 94 line 1

3 TR 412 - 414 (Oct. 26, 2018) (trial)

Mr. Koch didn't ask Vasil Stoev:
Was MS. Guardado with you
on the night in question?
In Fairfax?

4 TR. 172 Lines 1-6 (Oct. 26, 2018) (trial)

Mr. Koch didn't ask: Who took down
the cameras?
Was it Mr. Divelbliss??

5 TR 47 Lines 13-14

(Jan 16, 2019) (sentencing)

Mr. Koch gave me the
Facebook messages 2 months
after the trial.

This is also at TR 51

Lines 7-9 (Jan 16, 2019) (sentencing)

6 Imputed disqualification:

General rule

Mr. Koch was prohibited
from being my lawyer,
cause Ms. Favret was
my previous lawyer.

7 TR 50 line 11 (Oct 26, 2018)

(trial) Lawyers r supposed
to know, Not guess, &
he didn't state what his
previous argument was.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Dina Guardado

Date: _____