

No. **21-6399**

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.

FILED

OCT 25 2021

OFFICE OF THE CLERK

David W Anderson — PETITIONER
(Your Name)

VS.

Roger Lee Stacy — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court of Virginia
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

David Wayne Anderson 11/9/12
(Your Name)

Pocahontas Corr Ctr P O Box 518
(Address)

Pocahontas, VA 24635
(City, State, Zip Code)

(Phone Number)

QUESTIONS PRESENTED

I. Did trial court err when granted judgment to Respondent in unlawful detainer proceedings which Petitioner appeared case # 210159 CR19-1599 and proved to court that Respondent rented residence to other party and mislead Petitioner, be it noted that Respondent never in time of Petitioner residing in home alleged in writing or otherwise notify Petitioner in any manner that he was behind or in default of contract during six half years Petitioner owned residence, only after Petitioner got arrested did this occur, and only after Petitioner filed civil action against Respondent.

Be it further noted that due to facts Respondent in writing gave full possession of residence back to Petitioner on March 9th, verifies he clearly was not delinquent on payments. That courts should have done more as Petitioner proved altercations and deceptive actions of Respondent to attempt to receive double payments from multiple individuals during some time period, court failed to exercise laws established to protect Petitioner during appeal process.

II. Coupling case CL19-48 Petitioner should have been awarded continuance per his request as it was his right and action he was pursuing as pertinent witness was not present and court failed to subpoena, court failed to allow Petitioner due process under constitution as recorded jail phone calls between Petitioner and Respondent would clearly show deception by Respondent, and his

UNLAWFUL ACTS TO RE-ENTER, OBTAIN POSSESSION OF RESIDENCE WHICH WE HAD NO RIGHT TO DO. RESPONDENT FURTHER ADMITS UNDER OATH WHEN ASK IF HE DID RE-ENTER RESIDENCE WITH ALL PETITIONERS POSSESSIONS IN FACT HIS ANSWER WAS "YES". WHAT MORE DID COURT NEED WHEN RESPONDENT TESTIFIED HE DID IT, TO RENDER JUDGMENT IN FAVOR OF PETITIONER? COURT DISREGARDED ARGUMENT! Did IN FACT COURT VIOLATE PETITIONERS DUE PROCESS RIGHTS? RULE NOT TO ISSUE JUDGMENT DUE TO FACT RESPONDENT WAS ARRESTED UNLAWFUL DETENTION? Did court deny due process when Petitioner had actual recorded phone calls between Respondent and himself where Respondent repeatedly stated "you have 15 years, you have nothing to worry about." "Keep making payments"

A) The Petitioner proved to court beyond reasonable doubt that due to FACT Respondent gave residence back on March 9, 2019 he owed no back payments and resided before arrest for 6½ yrs, not once, was anything mentioned as such.

B) Respondent failed to prove payments NOT paid and contract violated, only after arrest of Petitioner was anything mentioned.

C) Respondent was given payments (receipts verified) even while Petitioner continued shows residence still Petitioner's and NOT Respondent's?

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:

RELATED CASES

David Anderson v Roger Lee Stacy
Wash Co Circuit Court CL-1998

Roger Lee Stacy v David Anderson
Wash Co Circuit Court Appeal General Dist Court case CL 19-1599

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APPENDIX D	Ruling of Circuit Court Appeal Unconfined detention (original) case CL19-98 wrong case #
APPENDIX E	Ruling CL19-98 Civil Action Against Mr. Stracy CL19-98 Court appeals case # 0429-20-3
APPENDIX F	Supreme Ct. Corrected Copy Ruling Aug 3, 2021 case 0534-20-3 Record No: 201449
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TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

STATUTES AND RULES

OTHER

Common of LA Landlord Tenant laws

Code of LA on abandonment laws 30 days according to code

Unlawful detainer proceedings Code of LA

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 A to the petition and is

- ☒ reported at Supreme Court of VA; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the Supreme Court of VA court appears at Appendix B 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 October 4, 2021.
A copy of that decision appears at Appendix A+B.

☒ A timely petition for rehearing was thereafter denied on the following date:
October 4, 2021, and a copy of the order denying rehearing appears at Appendix A+B.

☐ 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

PETITIONERS DUE PROCESS VIOLATIONS VIOLATED WAS NOT GRANTED CONTINUANCE PER REQUEST AS PERTINENT WITNESS NOT PRESENT AS REQUESTED COURT SUPREMA, WHICH WOULD HAVE PROVIDED RESPONDENT SIGNED CONSENT TO RENT AND RESIDENCE WAS PETITIONERS WITH WITNESS SIGNATURE, THAT PETITIONER WAS NOT BEHIND ON RENTALS AND THAT ASSETS HAD BEEN STORED BY RESPONDENTS RENTERS BETWEEN AUGUST 25, 2018 AND FEBRUARY 2019.

THAT PETITIONER WAS NOT AFFORDED A FAIR TRIAL AS HE WAS NOT ALLOWED TO PRODUCE RECORDED PHONE CALLS BETWEEN HIMSELF AND RESPONDENT WHICH VERIFIED RESIDENCE WAS PETITIONERS AND HE WAS BEING DELIBERATELY MIS-LEAD BY RESPONDENT TELLING HIM AS SUCH IN ORDER TO KEEP RECEIVING FUNDS FOR SAME TIME FRAME HE RENTED TO OTHER PARTIES.

THAT AFTER TRIAL COURT HEAR RESPONDENTS TESTIMONY UNDER OATH HE DID IN FACT RENT DWELLING WITH ALL CONTENTS OF PETITIONER AND ASSUMED POSSESSION DURING APPEAL PROCESS COURT FAILED TO RECOGNIZE AND ACKNOWLEDGE RESPONDENTS ADMISSION OF GUILT AND IN HIS INVOLVEMENT BY ACQUIRING UNAUTHORIZED POSSESSION.

CONSTITUTIONAL & STATUTORY PROVISIONS (cont)

THE COURT FAILED TO SANCTION RESPONDENT ON OBTAINING POSSESSION DURING APPEAL PROCESS AND RENTING DWELLING WHICH DID CONTAIN PLAINTIFFS POSSESSIONS, WHICH HE HAD NO LEGAL RIGHT TO DO SO. COURT ADDITIONALLY ALLOWED JUDGEMENT ON PLAINTIFF AND RESPONDENTS RENTERS FOR SAME ALLEGATIONS DURING SOME TIME FRAMES IN ADDITION TO DAMAGES, AND METAL CARPENT WHICH DID NOT BELONG TO RESPONDENT BUT APPELLANT (PETITIONER) AS COURT DOCUMENTS SHOW. PETITIONER CLEARLY SHOWED CREDITS BURDEN OF PROOF AND JUDGEMENT SHOULD BE AWARDED PETITIONER.

STATEMENT OF CASE

THAT IN CASE NUMBER 210159 CIRCUIT COURT RECORD NO: CL19-1599 THE RESPONDENT SOLD PETITIONER RESIDENCE IN QUESTION AND RESPONDENT ON DAY OF ARREST WHERE AT HIS RESIDENCE IN TEXAS BY PHONE TOOK POSSESSION UNLAWFULLY AND RENTED FROM AUGUST 25, 2018 TIL FEBRUARY 2019, THEN IN MARCH 9, 2019 GAVE POSSESSION BACK TO PETITIONER. THE PETITIONER HAD RESIDENCE RENTED AND FILED CIVIL ACTION AGAINST RESPONDENT FOR VIOLATION OF CONTRACTUAL AGREEMENT. ON OR ABOUT JULY 2019 RESPONDENT TOOK UNLAWFUL DETAINER OUT ON PETITIONER ALLEGING OVER 2 YRS BACK PAYMENTS, DAMAGES WHICH RESPONDENTS REATERS DID AS HE RECEIVED PRIOR JUDGEMENT AGAINST THEM FOR. THE TRIAL COURT GRANTED JUDGEMENT FOR MONY ALLEGED OWED, DAMAGES ET THE PETITIONER APPEALED COURT DECISION, STILL MADE PAYMENTS. THE TRIAL COURT (CIRCUIT) DID NOT ALLOW POSSESSION TO RESPONDENT UNTIL DEC 2019. RESPONDENT EVICTED PETITIONERS TENANTS BY CONVERSION SO PETITIONER COULD NOT PAY. BY LAW THE RESIDENCE BELONGED TO PETITIONER UNTIL DEC 2019, HOWEVER NOT ONLY ONCE BUT TWO TIMES RESPONDENT TOOK UNLAWFUL POSSESSION. THE RESPONDENT RECEIVED MULTIPLE JUDGEMENTS AGAINST MULTIPLE PARTIES FOR SAME ALLEGATIONS, DURING SAME TIME FRAME, THE TRIAL COURT FAILED TO ACKNOWLEDGE

STATEMENT OF CASE (CONT)

THIS FURTHER WITH COURT DOCUMENTATION. THE PETITIONER DENIES OWING ANY BACK PAYMENTS DUE TO FACT HE HAD RESIDED IN RESIDENCE FOR SIX HALF YEARS, AND RESPONDENT HAD BEEN TO RESIDENCE IN EARLY MAY OF THAT YEAR NOTHING SOLD. IN ADDITION RESPONDENT GAVE POSSESSION BACK TO PETITIONER IN MARCH 2019 AFTER HE EVICTED HIS TENANTS IN WHICH HE UNLAWFULLY RENTED TO.

IF PETITIONER OWED PAYMENTS WHY WOULD HE SURRENDER RESIDENCE BACK TO PETITIONER ON MARCH 9, 2019? SHOWS IN FACT HE WASN'T BEHIND!

PETITIONER REQUESTED TRIAL COURT GRANT AND ALLOW RECORDED JAIL PHONE CALLS IN WHICH CLEARLY PROVES PETITIONER WAS NOT BEHIND, AND RESPONDENT KNEW ALL PETITIONER'S ASSETS WERE THEIR AS RESPONDENT TOLD ON PHONE CALLS PETITIONER WAS DENIED AS SUCH WOULD HAVE IMPACTED OUTCOME OF TRIAL.

THE LAWS OF APPEAL IN UNLAWFUL DETAINER STATES POSSESSION SHALL REMAIN IN PETITIONER, PAYMENTS WAS MADE ACCORDINGLY AND RESPONDENT NEVER STATED OTHERWISE... RESPONDENT VIOLATED RULES OF PROCEDURES WHICH CLEARLY STATED SUCH

THEREFORE JUDGMENT AWARDED TO RESPONDENT BY COURT SHOULD BE REVERSED.

THE IT FURTHER NOTED RESPONDENT FAILED TO FILE ANY

STATEMENT OF CASE (cont)

OPPOSITIONS, MOTIONS, REbuttALS TO PETITIONERS ALLEGATIONS
TO COURTS AND TO PETITIONER AS LAWYERS AND AFFORDS
RIGHT TO DO SO, AS REQUIRED UNDER RULES OF CIVIL
PROCEDURE.

STATEMENT OF CASE

THAT IN CASE NUMBER 201449 CL19-98 The Petitioner
presented to court by sworn testimony of Respondent That from August 25, 2018
to February 2019, and according to court documents The Respondent did
not reside to parties during time frame. However The Residence in
question was in possession and ownership of Petitioner and contained all
his personal possessions, pets, assets, etc.

That Respondent testified under oath in validated detainer
proceedings against his renters as submitted as evidence and by letter
he rented also between period Aug 2018 to Feb 2019.

Due to fact Respondent violated Landlord Tenant laws
he was responsible for Petitioner's contents at residence, and by renting
accessing and acquiring possession he was responsible for safe
keeping and following laws as required however he failed to do so
which cost Petitioner to lose everything he owned. As parties Respondent
wanted to sell, give away, destroyed everything!!

The Respondent attempted to receive monies from (2) different
parties during same time frame for same residence, (1) One sold to
Petitioner One to his tenants.

Petitioner proved to court by Respondent's own admission he did do this what more would court need? The trial court stated that the renters whom Respondent rented to "whipped Petitioner Over", Therefore under laws of Landlord Tenant Respondent should be liable for following:

- a) To reimburse Petitioner for equity acquired (accumulated) by Petitioner in purchase of home from June 2012 to August 2018 approximately (\$30,000.00) Thirty-Thousand Dollars, and
- b) Be held liable for compensation of loss of all Petitioner assets, pets, monies, etc which his tenants stole, sold, destroy during time from he rented to them which was day of Petitioner arrest as evidence shows. Petitioner should be allotted additionally "\$70,000.00) Seventy-Thousand Dollars due to loss of all his assets, pets, valuables, and virtually all he owned. Petitioner request reimbursement for all costs associated with filing, service as law allows.

WHEREFORE PETITIONER REQUEST AFTER COURT'S CAREFUL REVIEW OF EVIDENCE, PHOTOGRAPHS, CONTRACTS, COURT DOCUMENTS THAT HE BE GRANTED RELIEF ACCORDINGLY AS LAW WOULD ALLOW, AND COURT WOULD SET APPROPRIATE ORDER GRANTING AS SUCH TO COURTS ACCORDINGLY.

REASONS FOR GRANTING PETITION

I. CL 19-1599 & CL 19-98 THE TRIAL COURT AND APPELLAS COURT GOT INCORRECT CASE NUMBERS ON CASES AND COURT FILINGS GOT CROSSED. PETITIONER ASKED COURT TO ALLOW TIME TO FILE AMENDED FILINGS FOR EACH APPROPRIATE CASE, WAS DENIED. THE PETITIONER'S CASES IN QUESTION GOT CROSSED FROM CIRCUIT COURT TO APPEALS COURT TO VA SUPREME WAS NEVER CORRECTED. PETITIONER ATTEMPTED TO CORRECT HIMSELF BUT TO NO AVAIL, THEREFORE PETITIONER WAS NOT AFFORDED RIGHT TO DUE PROCESS AS ALLOWED BY CONSTITUTION.

II. Concerning case CL 19-1599 "UNLAWFUL DETAINER" & APPEAL PETITIONER SHOULD BE GRANTED PETITION DUE TO HIS RIGHTS AFFORDED UNDER THE CONSTITUTION TO FAIR TRIAL WERE VIOLATED AS HE WAS NOT ALLOWED CONTINUANCE AND ALLOWED TO PRODUCE WITNESS TESTIMONY FROM KEY WITNESSES AND RECORDED JAIL PHONE CONVERSATIONS WHICH CLEARLY SHOW ALIBI AND FABRICATED MOTIVE BY RESPONDENT TO UNLAWFULLY OBTAIN POSSESSION OF RESIDENCE FOR PERSONAL GAIN. THAT RESPONDENT KNEW WAS WRONG AS PETITIONER WAS MAKING PAYMENTS AND PROTECTED BY APPEAL PROCESS.

Reasons for Granting Petition (cont)

III. THAT TRIAL COURT ERRED BY ALLOWING JUDGMENT TO BE AWARDED AFTER INITIAL JUDGMENT WAS AWARDED PRIOR TO RESPONDENT'S REMOVAL FROM AUGUST 2018 TIL FEBRUARY 2019, ATTEMPTING TO COLLECT DOUBLE PAYMENTS WHILE HIS LEAVING PETITIONER, BY RESPONDENT RENTING DWELLING WHICH HE KNOWINGLY EVICTED ALL PETITIONER'S PERSONAL POSSESSIONS, PETITIONER LOST LITERALLY EVERYTHING HE OWNED. THAT TRIAL COURT ALLOWED JUDGMENT TO BE ENTERED AFTER BEING NOTICED AS SUCH. AND RESPONDENT TESTIFIED UNDER OATH DURING APPEAL THAT HE DID IN FACT RE-ENTER RESIDENCE KNOWING PETITIONER'S BELONGINGS WERE THERE AND HE BROKE CONTRACTUAL AGREEMENTS THAT THE FABRICATED STORY OF PETITIONER BEING OVER TWO YEARS BEHIND ON PAYMENTS AND PETITIONER BEING CONFINED AT JAIL COURTS FAILED TO ACKNOWLEDGE. PETITIONER PROVED HE DID NOT OWE BACK PAYMENTS AND THAT HE PROVED RESPONDENT DID RE-ENTER RESIDENCE OUT TO OTHER PARTIES.

IV. CONCERNING CASE 201449 Circuit Court No. CL 19-98 CASE NO 0534-20-3, THE PETITIONER ALLEGES TRIAL COURT ERRED IN NOT AWARDED JUDGMENT TO ^{RESPONDENT} PETITIONER EVEN AFTER

Reasons for Granting Petition (cont)

FACT RESPONDENT ADMITTED UNDER OATH "HE REJECTED DURING ON AUGUST 25, 2018" AFTER PETITIONER'S ARREST KNOWING ALL OF PETITIONER'S ASSETS INTACT? HIS ANSWER WAS "YES".

FURTHERMORE PETITIONER HAD NUMEROUS WITNESSES STATING SUCH WHICH TESTIFIED THEY COULD NOT ENTER PROPERTY DUE TO FACT. THEREFORE PETITIONER LOST EVERYTHING! PETITIONER FURTHER SUBMITTED PHOTOGRAPHS WHICH RESPONDENT VERIFIED WAS HIS "RETIERS" WHICH SHOW PETITIONER'S BELONGINGS BEING SOLD ON LINE.

PETITIONER FURTHER SUBMITTED RECEIPTS WHICH SHOW PAYMENTS, TAXES ETC WAS BEING PAID EVEN DURING CONFINEMENT THIS WAS DUE TO FACT PETITIONER WAS TOLD BY RESPONDENT "HOME IS STILL YOURS" "YOU WON'T LOSE IT", RESPONDENT KNEW PETITIONER HAD SOMEONE TO RESIDE AT RESIDENCE, AND PAY EXPENSES BUT HAD OTHER PLANS.

HYPOTHETICALLY IF PETITIONER GOT HOSPITALIZED OR HAD ACCIDENT DOESN'T GIVE BANK OR FINANCE COMPANY LEGAL RIGHT TO ENTER AND TAKE POSSESSION JUST BECAUSE THEY WANT TO, THE LAW HAS PROCEDURES TO PROTECT TENANTS, THEIR POSSESSIONS AND CLEARLY THIS DID NOT OCCUR IN EITHER OF CASES MENTIONED.

THE PETITIONER DUE TO HIS CONFINEMENT WAS LOCKED DOWN 400, AND RESPONDENT BEING FROM OUT OF STATE WAS ACKNOWLEDGED, BUT THE LAW IS THE LAW AND CLEARLY STEPS WERE NOT FOLLOWED.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: 10-28-21