

No. 21-6867

ORIGINAL

Supreme Court, U.S.
FILED

DEC 04 2021

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Gwendolyn Thorpe — PETITIONER
(Your Name)

vs.

One Main Financial — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO
General District Court of Virginia Beach
Circuit Court of Virginia Beach
Court of appeals of Virginia
Supreme Courts of Virginia

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

PETITION FOR WRIT OF CERTIORARI

Gwendolyn Thorpe
(Your Name)

1009 Bryce Lane
(Address)

Virginia Beach Virginia 23464
(City, State, Zip Code)

(757) 376-8181
(Phone Number)

QUESTION(S) PRESENTED

1. Can a judge reverse a case no: to a different case no: or can the judge oversee the plaintiff motion to dismiss the counter claim with the same case no: invoked the Fourteenth Amendment.
2. Can the defendant attorney violate rule 8 disbarment and disciplinary action by filing their counter claim on the same case no: of the plaintiff invoked the Fourteenth Amendment?
3. Can the defendant attorney violate rule 8 disbarment and disciplinary action by filing for notice of hearing if the plaintiff told them No, she weather keep the original date?
4. Can the defendant attorney violates rule 8 disbarment and disciplinary action who filled the briefing two days after the vehicle was sold.
5. Can the defendant violates the rule announced in Skeeter V Commonwealth by selling the vehicle while the case is still pending and sell the vehicle under assumed name? invoked the Fourth Amendment.
6. Can the defendant violate the rule announced in Skeeter V Commonwealth by they didn't return my property from the truck invoked the Fourth Amendment?
7. Can the defendant violate the rule announced in Skeeter V Commonwealth by they came and took my truck? Nov 5 2019
Invoked the Fourth Amendment
8. Can the defendant violates the rule announced United Stated V Good by I was still paying 809.49 thru 11-2019
9. Can the defendant attorney violates rule 8 disbarment and disciplinary action by filing a notice to hear if we still corresponding with each other.
10. Can defendant attorney violate rule 8 disbarment and disciplinary action by the case of notice of hearing be heard if plaintiff didn't hear back from clerk 8.01-332 calling current docket.

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

Thorpe Gwendolyn

V

One Main Financial

No. GV19034322-00

Virginia Beach General District Court

Judgment enter 2-21-2020

Gwendolyn Thorpe

V

One Main Financial

No: CL 20002026-00

Circuit Court Virginia Beach

Judgment enter 10-02-2020

Related Case

Gwendolyn Thorpe

v

One main Financial

No1302-20-1

Court of appeals of Virginia

Judgment enter 4-02-2021

Gwendolyn Thorpe

v

One Main Financial

No: 210372

Supreme court of Virginia

Judgment enter 7-19-2021

Gwendolyn Thorpe

V

One Main Financial

No: 210372 Supreme court of Virginia

Judgment enter 10-08-2021

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TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Skeeter V Commonwealth	18.2-95
United States V Good	18.2-111
Berryman V Moore	18.2-95
Detinue action filed to recover possession of a motor vehicle	8.01-114
Callin Current docket.	8.01-332

STATUTES AND RULES

United States Constitution Amendment XIV:

All person born or naturalized in the United States, and subject to the jurisdiction thereof, are citizen 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, nor deny to any person within it jurisdiction the equal protection of the law.

United States Constitution Amendment IV: the right of the people to be secure in their person, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated and no warrants shall issue, but upon probable cause, supported by oath or affirmation and particularly describing the place to be searched, and the persons or things to be seized

OTHER

Rule 8 Disbarment and Disciplinary Action

Rule 6 filing counter claim

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 C to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[X] 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 D to the petition and is

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

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

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

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was April 2, 2021.

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 19 2021. A copy of that decision appears at Appendix D.

A timely petition for rehearing was thereafter denied on the following date: October, 08,2021, and a copy of the order denying rehearing appears at Appendix E.

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

United States Constitution, Amendment XIV: all person born or naturalized in the united states, and subject to the jurisdiction states and subject to the jurisdiction thereof are citizen of the united states and of the state where in they reside no stat 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, without due process of law, nor deny to any person within it jurisdiction the equal protection of the law.

United States Constitution, Amendment IV: the right of the people to be secure in their person, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to seized.

United States Constitution, Amendment IV: the right of the people to be secure in their person, houses, papers, and effects against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation and particularly describing the place to be searched, and the persons or things to be seized.

STATEMENT OF THE CASE

Over years ago, the court held in Skeeter V Commonwealth that law larceny and receiving stolen good 18.2-95 Grand larceny defined: How published.

Nov5, 2019 One main financial repossessed my truck from my home. I file a warrant in detinue a detinue action filed to recover possession of a motor vehicle- see Va code 8.01-114, et seq. (describing the detinue cause of action). 11-2019 where the court date was set 12-6-2019 were both parties had to file a bill of particulars, the plaintiff was due 12-27-2019 and the defendant was due 1-21-2020 the trial was for 2-21-2020. The defendant calls me 2-3-2020 asking for payment plan for both loans to receive your truck or we going to file a counter claim and I told her then I will see you in court The defendant attorney filed their counter claim to case no; GV19034322-00 on 2-3-2020 On 2-06-2020 I file a motion to dismiss the counter claim stating that new evidence shouldn't come in with the case no: GV19034322-00 because it is already set for trial, the counter claim which doesn't have no cause, they had 90 days to get their act together. and the courts should rule in my favor and award me my damage and my truck with court fee on my bill of particular of a sum of 25,000.00. On 2-21-2020 the judge reverses the counter claim from case No: GV19034322-00 to case no: GV20004834-00. invoke detinue action filed to recover possession of a motor vehicle see Va code 801-114, et seq. (describing the detinue cause of action).

I appeal the warrant in detinue a detinue action filed to recover possession of a motor vehicle see Va code 801-114, et seq. (describing the detinue cause of action). 2-21-2020. Due to covid 19 the trial was set for 1-25-2021 in the Circuit court of the city of Virginia Beach.

On May 29,2020 the defendant attorney called me threaten to sell my truck they asked if there is anything else we can do to resolve this matter I informed the lady on the phone there is disability insurance on the contract, she agrees to me filing a claim. I filed the claim 6-19-2020 the insurance company came back with a response stating my claim was denied 7-1-2020 it was stated that due to the insurance being cancelled 6-10-2016 that I received refund checks My payment is 809.49 with insurance and 726.99 without I responded back to them on 8-4-2020 replying why was I still paying 809.49 if the insurance is cancelled I have yet to hear back from them.

18.2-111 Embezzlement United States V. Good. 326 f 3d 589 2003 U.S. app lexis 7543 (4th Cir Apr22. 2003). As of this day I never heard back from them. When I was supposed to receive checks it was supposed to change my payments from 809.49 to 726.99. United States V Good.

On 8-17-2020 I wanting to settle with them, 9-1-2020 they responded as a settle does not seem likely at this juncture, we are preparing to schedule one main previously filed plea in bar I responded 9-3-2020 through email then you leave me no choice to go and file a criminal case against your client for corruption, larceny, and embezzlement. with the civil case I need more time to ger a court reporter. 9-3-2020 through email they respond more than two weeks is enough time to retain a court reporter other than that do you have any other conflict with the proposed hearing dates on September 18, 2020 or September 25,2020 and alternatively we can agree to schedule it for 10-02-2020, if that is more convenient for you. 9-4-2020 through email I propose we keep the schedule trial date 1-25-2021 at 9:30 in fairness of my case, enjoy your holiday weekend. because my request didn't matter to them 9-10-2020 they filed the notice of hearing for 10-02-2020.

invoke detinue action filed to recover possession of a motor vehicle- see Va code 8.01-114, et seq (describing the detinue cause of action).

18.2-111 Embezzlement united stated V Good. 326 F 3d 589
2003 U.S. app lexis 7543 (4th Cir Apr.22.2003).

9-11-2020 I sent the Circuit court all the evidence and certificate of service to the defendant. Stating that I would like to file a criminal case against one main financial for: corruption, Larceny, and embezzlement. And that this case has put me into post-traumatic stress disorders. See references 1. The denied letter 7-1-2020 2. The letter responds back 8-4-2020 3. Notice of cancelation 4. The loan contact with and without ins 5. All the receipt payment made from 6-10-2016 thru 11-2019 settlement 8-17-2020 7. Sept 1 respond back to settlement. 8. Email on early dates 9. Nov 5, they came and took my truck. They came in retrieved my truck from the payment of 809.49 instead of 726.99 as of 6-2016 I was still paying 809.49 thru 11-2019. and I would like for the courts to award my truck back in the condition it left my house and award my compensatory damages of 10,000,000.00.

9-28-2020 I email the defendant back and stated, allision there is no word from the courts whether this case is going to be heard, on 10-02-2020, on 1-25-2021 I will be adding perpetrate a fraud, committed as fraud under false pretense and committed perjury Next week oct,5 will be 11 months since they had my truck.

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on 9-28-2020 they reply please see the attached notice of hearing we've confirmed that the court has One main's motion on the docket for Oct.2nd at 9:30am.

9-28-2020 I file a motion to stop the notice of hearing certificate of service to the defendant stating if the plaintiff can show that she didn't get a fair hearing, that would cause the defendant plea in bar to be dismissed there was no cause why this case should be heard. Saying notice of firm name change is not cause to be heard. I will present why the plea in bar should be this dismiss 1-25-2021 so there for the motion to be heard on Oct 02-2020 should be dismissed.

I file my brief to the court of appeal of Virginia Nov 2, 2020, they received it Nov 18, 2020. My brief states that on October 2, 2020 the defendant was granted the final order, and I pressured the wrong case wherefor I didn't pressured the wrong case attorney file the counter claim to case no GV19034322-00 Rule 6A states that a counter claim according to the defendant against the plaintiff either before or after the filing of the suit, but before the defendant has delivered his defense or before the time limited for delivering his defense has expired. The defendant made negotiations with me on May 29-2020 and that the contract was breached, insurance in which was cancelled back in 2016 and that the defendant won their counter claim on a breached contract and that I paid

809.49 for three years, and they came to retrieve my truck Nov 5,2019. One Main financial intentionally acknowledged wrongdoing and in return removed my vehicle and I would like for the court to review my case with the new evidence which prove the contract was breached and there was no new contract put in its place.

on 4-2-2021, the court of appeal of Virginia stated it appeal that this court does not have jurisdiction over this case see code §§17.1-405 and 17.1-406 accordingly the case here by is transferred to the supreme court of Virginia pursuant to code \$8.01-677.1.

On 4-02-2021 while on the supreme court of Virginia to make their decision on the case I was filing motion on 5-3-2021 stating that the defendant sold the vehicle which there was no decision made. The status limitation has not run out. The defendant sold my truck while the case is still on going, so there for the plea in bar should be dismiss I'm also adding to my conclusion: punitive damages post-traumatic stress disorder, My truck had personal property attach to it: car insurance that I'm still paying license plates, my DoD cac card, floor mats, all of my paper work was in the back seat, all item that was in the trunk of the truck; paper towel, bucket spray bottle that clean tires, all paper work in the arm rest console, a gospel cd that was in the cd player, all paper work in the dash board including

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lottery tickets, my steering wheel cover, my iPhone charger, my iPhone hvd cord.

I file a motion to amend on 6-4, basic on all the fact and exhibits to the conclusion the counter claim was won in default, the defendant attorney lied, and never disclosure to me when the truck was sold and just violated my right to a fair hearing, the plea in bar should be dismissed.

And 6-28-2021. the defendant sold the vehicle 4-21-2021 on the purchase order under an assumed named Springleaf financial service. One main became the owner of all debts of the former Springleaf financial company in 2016 Springleaf changed its name to one main financial of America, Inc. In 2018 one main financial of America inc. merged with one main financial group LLC with the surviving entity being one main financial.

On 7-29-2021 I file for a reconsideration stating the petition for appeal is in a perfected manner provided by law and the defendant illegally sold the vehicle while the case was still pending their decision on said case. What made matters worse the defendants attorney filed the briefing two days after the vehicle was sold therefore, how can the courts rely on the containment of error as required 5:17(C)(1)(i). the courts are

unable to consider all evidence the plaintiff has submitted on 5/3/2021 amendment to add more to the conclusion. 5/3/2021 states that, the defendant sold the vehicle when there was no decision made. On 4/2/2021, the supreme court of Virginia received the case. On 4/21/2021 the defendant sold the vehicle; the defendants attorney filed a brief in opposition to petition for appeal 4/23/2021.two days prior

REASONS FOR GRANTING THE PETITION

Skeeter V Commonwealth 217 Va 722,232 S.E. 2d 756 (1977) this court adopted a set of prophylactic measures to protect the Fourth Amendment the right of the people to be secure in their person, houses, papers, and effects against unreasonable searches and seizures, and a detinue action filed to recover possession of a motor vehicle-see Va code 8.01- 114, et seq (describing the detinue cause of action).

General District court of Virginia Beach.

The plaintiff files a motion 2-06-2020 stating that new evidence shouldn't come in with the case No: GV19034322-00 I sent a certificate of service to the defendant, because it is already set for trial 2-21-2020 the counter claim which doesn't have no cause they had 90 days to get their act together the trial was set for 2-21-2020 the courts are unable to consider all evidence the plaintiff has submitted on 2-06-2020 and then reverse the counter claim from case no: GV19034322-00 to case no: GV20004834-00 invoke a detinue action filed to recover possession of a motor vehicle-see Va code 8.01-114,et seq (describing the detinue cause of action).

Circuit court of Virginia Beach

Due to covid-19 the trial was set for 1-25-2021 there wasn't no disposition file before she filed the notice of hearing 9-10-2020 for 10-2-2020, nor did the defendant attorney disclosed to the courts that we were correspondence with each other, on 9-4-2020 I disagree with the notice of hearing stating I propose we keep the schedule trial date 1-25-2021, on 9-28-2020 when they replied from the email said please see attachment of notice of hearing we've confirmed that the court has one main motion on the docket for oct 2nd at 9:30am I didn't receive anything from the clerk of court of a notice of docket call for 10-02-2020 invoke a detinue action filed to recover possession of a motor vehicle- see Va code 8.01-114, et seq. (describing the detinue cause of action).

I file a motion 9-28-2020 stating if the plaintiff didn't get a fair hearing, then the defendant plea in bar should be dismiss. there is no show cause why this case should be heard. saying notice of firm name change is not caused to be heard. I will present why the plea in bar should be this dismiss 1-25-2021 so there for the motion to be heard on Oct 02-2020 should be dismissed.

the courts rely on the notice of hearing, which I did not receive anything from the clerk of court of a notice of docket call for 10-02-2020 and was unable to consider all evidence the plaintiff has submitted on 9-11-2020 and the motion 9-28-2020.

Berryman V Moore, 619 F supp. 853 (E.D. VA 1985) this court concluded. the file a warrant in detinue as detinue action filed to recover possession of a motor vehicle-see Va code 8.01-114, et seq (describing the detinue cause of action).

Supreme court of Virginia

Due to them selling the truck if the defendant sold the vehicle on 4-21-2021 while the case was still pending the supreme court of Virginia the petition containment of error as required by rule 5:17(c)(1) (i) shouldn't be consider, and they sold the vehicle under assumed name Springleaf financial service and they didn't return my property form the truck, and the defendant attorney file a brief in opposition to petition for appeal two days prior 4-23-2021 the court was unable to consider all evidence the plaintiff has submitted on 5-3-2021.

Supreme court of Virginia

regardless weather the petition containment of error as required by rule 5:17 (C)(1)(i) or not the defendant illegally sold the vehicle while the case was still pending the courts are unable to consider all evidence the plaintiff has submitted on 5-3-2021,6-4, and 6-28-2021 motion to amend. and on 4-23-2021 the defendant attorney file a brief in opposition to petition for appeal two days prior,

this case presents this court with an opportunity to clarify the detinue action file to recover possession of a motor vehicle- see VA code 8.01- 114, et seq (describing the detinue cause of action). United States V Good, Skeeter V Commonwealth, Berryman V Moore, invoke fourth amendment

For the foregoing reasons, the plaintiff respectfully requests that this court issue a writ of certiorari to review all judgment involved.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Oliver Chyo

Date: 12-27-2021