

DEC 20 2021

OFFICE OF THE CLERK

No. 21-7022

IN THE
SUPREME COURT OF THE UNITED STATES

Patrick Nilo Gil - PETITIONER
(Your Name)

VS.

Commonwealth of - RESPONDENT(S)
VIRGINIA

ON PETITION FOR A WRIT OF CERTIORARI

SUPREME COURT OF VIRGINIA

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

PETITION FOR WRIT OF CERTIORARI

Patrick Nilo Gil prose #1946928
(Your Name)

110 Wright Street
(Address)

Marion, VA 24354
(City, State, Zip Code)

(Phone Number)

ORIGINAL

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

Vehicle seized by EASTERN Shore of VA by accomack county Sheriff's officer Chris Hargis in the county of Northampton VA EASTERN Shore him having no authority in that territory to do so.

Plea to charges in Virginia beach not entered freely and voluntary Plea entered by court appointed Public defender.

Court appointed counsel waived Preliminary hearing without my consent.

ARREST WARRANTS for malicious wounding are defective actual Attempted malicious wounding.

THE commonwealth violated my due Process rights by withholding dash cam videos and videos of suppose crash in tunnel.

Public defender failure to investigate with other attorney actual events that lead to chase in multiple Jurisdictions.

THE Sentence was excessive because failure to take into account my mental health diagnosis; the fact that no one was injured.

LIST OF PARTIES

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

X] 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:

Deputy commonwealth attorney Tabitha Anderson

VIRGINIA ATTORNEY General mark R. Herring

① Sentence on June 10th, 2019 in Virginia Beach circuit court, case number CR 18-2886, CR 18-2887.

② court of Appeals richmond, Virginia denial on march 9th, 2020 Record number. 1093-19-1.

③ Supreme court of Virginia at richmond, Virginia denial on April 16th, 2021 Record number. 200796.

④ Supreme court of Virginia richmond, Virginia denial of Petition for rehearing on October 7th, 2021 Record number. 200796.

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march 09th, 2020

APPENDIX B VIRGINIA Beach Circuit court sentence
ON June 10th, 2019

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April 16th, 2021

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Petition for re-hearing on October 07th, 2021

APPENDIX E LETTER from exmore Police Dept.
northampton county unlawful seizure

APPENDIX F Letter from Supreme court of
virginia may 14th 2020 granting appointment of
counsel

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 _____ 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 April 16th, 2021.
A copy of that decision appears at Appendix AC.

☒ A timely petition for rehearing was thereafter denied on the following date: October 07, 2021 and a copy of the order denying rehearing appears at Appendix BD.

☐ 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

Now I was Parked on US Route 13 South with engine off Parked there for 3 hours 15 mins I wasn't Pulled over as officer claims as a citizen I'm Protected from unlawful seizures 4th Amendment U.S. CONST. accomack county Eastern Shore VA can not cross into another Jurisdiction unless I'm in motion from accomack to Northampton county. *Coolidge v. New Hampshire*, 403 U.S. 443 (1971).

Now accomack county Issued me an Improper registration Infraction non moving violation I was driving he said I was not he said he stopped me no driving without a license summons ISSed Chris Hargis asked to search and I didn't consent that is when he called the tow driver towed vehicle and made u-TURN to go search behind tow truck this search is unjustified intrusive violation of my constitutional 4th amendment right of unreasonable searches and seizure not incident to arrest. *New York v. Belton*, 453 U.S. 454 (1981).

Now Public defender Promise that will get video and Present it to the court but instead went to circuit court on

CONSTITUTIONAL AND STATUTORY PROVISION INVOLVED

02/20/2019 and went to the holding cell prior to being presented in the court room in front of William O'Brian circuit court Judge VA Beach Public defend was trying to convince me to Plead guilty under Alford for the two attempted malicious wounding and I told her if she got the tape and she just change the subject and and on front of Judge O'Brian he asked me how I Plead and I didn't respond Plead hearing Date 2/20/2019 Transcript Page 3, 2 thru 12. Brookhart v. Jarvis, 384 U.S. 1 (1966).

Now Public defender Plead for me with out me wanting to by force.

Now Public defender waived my Preliminary hearing on 11/02/2018 in Room #2 General District court VA Beach quickly told me to Sign Guilty Pleas for failure to Pay toll and fictitious tags day later on city Jail VA Beach deputy came to have me sign Paperwork for the fines and the Paperwork I signed in court was the Preliminary hearing waiver violated

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED
my right to confront my accusers
6th Amendment confrontation clause.
Pointer v. TEXAS, 380 U.S. 400 (1965).

now the warrants are
defective VA code 18.2-51 MALICIOUS
wounding actual charge attempted
malicious wounding and two times
on the record it was brought up
ON 02/20/2019 Plea hearing transcripts
Page. 2, 1 thru 5 at Sentencing hearing
transcripts Page. 29 16 thru 17.

NOW ON 02/28/2018 Public
defender requested discovery and gave
commonwealth till 03/09/2018 to respond
NO respond in the court file to
that motion of discovery. Brady v.
Maryland, 373 U.S. 83 (1963).

now Public defender didn't
do any Pre-trial Investigation failure
to communicate with my other
counsel in other Jurisdiction of
actual 4th Amendment violation of
illegal search and seizure of my
vehicle didn't give me effective counsel
representation guaranteed by the 6th
Amendment U.S. CONST., Strickland v.
WASHINGTON, 466 U.S. 668 (1984).

STATEMENT OF THE CASE

ON 02/16/2018 I Pulled my car over ON U.S. Route 13 South at 10:45 on my way to Williamsburg VA in Northampton county EXmore eastern shore and at 2:00 AM while sleeping in car I heard a knock and it was deputy Chris Hargis from the Accomack county Sheriff's he directed tow driver to Seize vehicle but deputy had no authority in that territory or Jurisdiction.

ON 2/20/2019 Public defender Plea guilty for me in the VA beach circuit court before Hon. William O'Brien Judge O'Brien directed question to me on Plea and Public defender saw that I didn't respond and told court He Pleads guilty (Plea hearing Page, 3, Lines 3-13.

THE Arrest warrant code of VA. malicious wounding 18.2-51 were Issued on 02/23/2018 actual charge attempt code of VA. 18.2-26 was added on 11/19/2018, Judge O'Brien stated on record malicious wounding (Plea hearing Page, 2, Line 5.

Public defender request discovery on 2/28/2018 commonwealth no response to request.

Public defender waived Preliminary hearing on 11/02/2018 without my consent.

Public defender Failure to Investigate with other counsel in other Jurisdiction.

STATEMENT OF THE CASE

Instead of Producing me in accomack county general district court on improper registration virginia beach city Jail transported me to eastern state hospital on 03/28/2018 the same date that I had to appear also taking me out of system as a discharge and Per VA code 53.1-187 time in hospital counts as custody time on 6/13/2018 reprinted back into virginia beach city Jail in accomack found Guilty in absentia for Improper registration.

now accomack county Sheriff's officer chris hargis told exmore Police Dept chief Angelo Dimartino that he pulled me over on 2/17/2018 on U.S. Route 13 south in Northampton county Parked there for (3) hours (15) min's from 10:45 PM 2/16/2018 till 2:00 AM a Plus that I can Prove by Phone records (347) 772-0003 my chase total checking account Ending 000000858632321 Linked to all my credit card's ending in 9532 freedom unlimited which I bought my I-Phone with on June 1st 2017.

now tow drive at mark's towing 16314 hopetown Rd Parksley VA 23421 (757) 710-9003 the guy that chris hargis

STATEMENT OF THE CASE

directed to tow by force took keys out of my hands at no time did chris request keys and I told chris since he was towing car I would be taking my property out I took out and tow driver as he arrived started to recklessly throw my property back in and took key and chris hargis left me stranded on U.S. Route 13 South Exmore VA northampton county on that highway and chris hargis made u-TURN behind tow driver going north U.S. Route 13 to accomack county Parksley VA 23421 where 6 day later on the 2/23/2018 call marks towing advised him coming to pick up my car and I arrived a impound lot no fence around bunch of crashed up car's and my mercedes benz was hidden I Paid car was running in low gear when I Put the car in drive I opened the hood and radiator mounting broken Plus I came all the way from New York with my mini van and he kept it.

now chief of Police marc marshall cheriton Police dept. was

STATEMENT OF THE CASE

dismissed by the town of Cheriton VA Eastern shore.

Now Chris Hargis Accomack deputy made a comment that I would probably not come back from New York to pick up my car I know that there intent was to keep my car.

Now on 2/16/2018 at about 9:50 PM I stopped at the Sunoco gas station in Oak Hall VA and a guy with the same model car asked what kind of engine is in the truck I ignored him I think he had some thing to do with my car being towed in that Jurisdiction where I parked miles away these are small country towns no cars on the road on a late night easy to become a victim.

Now on the month of November 2020 wrote Police Dept. in Exmore VA for tow report and was told that Accomack is the one that towed wrote late December and no response wrote again in late March 2021 they got back to me in May stating that they have no record of a tow order and they also checked Northampton.

REASONS FOR GRANTING THE PETITION

NOW my argument is and reasons to support the findings of grounds to grant this Petition is as follow my vehicle was towed in a Jurisdiction officer had no authority in that territory (Gerald v. commonwealth, 295 VA. 469 (2018)).

Public defender entered an Alford Plea and Plead guilty for me when question directed to me I remained silent when asked by circuit court Judge how do I Plea at (Page 3, 2 thru 12 (Brookhart v. Janis, 384 U.S. 1 (1966) At Plea hearing transcripts ON 2/20/2019.

NOW ON 11/02/2018 Public defender told me to sign Guilty Pleas for failure to Pay toll and fictitious tags and it was actual waiver of Preliminary hearing that I didn't want to do violated my confrontation clause of 6th Amendment U.S. CONST.

NOW ON 02/23/2018 arrest warrants Issued under VA code 18.2-51 malicious wounding actual charge attempted malicious wounding NO ONE WAS INJURED.

NOW Public defender requested discovery ON 02/28/2018 the commonwealth was given 10 days but NO response

REASONS FOR GRANTING THE PETITION
to motion for discovery was told
by Public defender that she was going
to get the videos from the common
wealth attorney and present them but
she didn't come thru with that promise.
Brady v. Maryland, 373 U.S. 83 (1963).

Now Public defender had enough
time to investigate and communicate
with my other attorney in different
jurisdiction where Chase started the
facts of the actual unlawful seizure
of my vehicle I told Attorney at
Law Marsha Dunning Carter that my
vehicle was seized and it was
unlawful. Public defender in VA Beach
where case ended failed to
advocate for me and find tactical
way to establish a defense in
violation to my 6th Amendment Rights
to effective representation guaranteed
by the 6th Amendment. Strickland
v. Washington, 466 U.S. 668 (1984).

Now for these reasons my
Petition for writ of certiorari should
be granted and charges dismissed.

In conclusion with supporting documents and facts of the case to the best of my knowledge truth and honesty I respectfully ask this court to reverse and dissmis all charges. In the lower court Judgement rendred on the 10th day of June 2019 in the virginia beach circuit court Located in the city of virginia beach 2425 Nimmo Parkway Virginia Beach, VA 23456.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Patricia Lee

Date: 12/17/2021