

NO. 21-7022

IN THE SUPREME COURT
OF THE UNITED STATES

PATRICK NILO GIL- PETITIONER

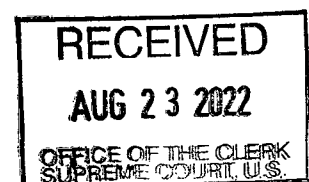
VS.

COMMONWEALTH OF VIRGINIA
ON PETITION FOR WRIT OF CERTIORARI TO
THE SUPREME COURT OF VIRGINIA
PETITION FOR WRIT OF CERTIORARI REHEARING

PATRICK NILO GIL
BUCKINGHAM CORRECTIONAL CENTER
P.O. BOX 430
DILLWYN, VA 23936



J. A. Wehl
08.22



QUESTIONS Presented

Vehicle was seized by eastern shore VA accomack county Sheriff's in exmore VA northampton while car was parked and not in motion in the location on US 13 south bound shoulder from 10:45 Pm till 2AM from 02/16/2018 till 02/17/2018 and during those 3 hours and 15 mins Park on that shoulder no one from exmore Police Dept. Patroled that area and deputy Chris hargis from accomack that above north of that location on U.S. 13 without authority in that Jurisdiction directed mark's towing to unlawfully seize vehicle in northampton exmore him being from accomack county Sheriff's.

Plea to charges in Virginia beach not entered freely and voluntary alford Plea entered on record by Senior trial attorney annette miller without my consent while in Virginia beach circuit court on 02/20/2019 while Hon.

Questions Presented

William R. O'Brian directed while under oath to me question on how do I Plea I remained silent.

Senior trial attorney annette miller while I waited for her on the Preliminary hearing holding cell she never Prior to me entering Preliminary hearing court room #2 General district court never advised me of what was going to happen on that hearing and tricked me into signing guilty Pleas for fictitious Plates and failure to pay toll and Paperwork for fines I didn't sign and next day deputy from general district court room #2 came to Virginia beach city Jail to my cell and sign failure to pay toll and fictitious tags me think in court room that day I was signing for fines and actually signed waiver of Preliminary that I wanted the Virginia beach Police Office Casey Willis to be cross examined violation of my 6th Amew.

Question Presented

THE commonwealth violated my due Process rights by withholding dash cam videos and videos of suppose crash in hampton roads bridge tunnel and upon request by motion of discovery filed on march 28, 2018 and no respond to that motion counsel gave 10 day to respond no response in court file.

Senior trial attorney annette miller failure to investigate with eastern shore of virginia attorney marsha Dunning carter actual events that lead to chase in multiple Jurisdictions.

THE Sentence was excessive because failure to take into account my mental health diagnosis, the facts that no one was injured and events that took place in new york that I was in Prison innocent for a fake case of robbery that I did all the time for and this

Questions Presented

is the reason I left New York and headed to my aunts apartment in 100 Parkview Ct, Williamsburg, VA 23188 there I could Park my car and on 12/19/2017 was ripped off by three New York City QUEENS county Police officers and I reported to New York City Internal affairs and I didn't want any more legal trouble in New York lots of crime and drugs tried to help Police apprehend two robbery suspects that in 2016-2017 for 16 months the couple waited for robbery's and I gave crime Stoppers a tip because I saw the couple jump into a cab I spoke to officer at 877587-TIPS in New York also pointed three officers in a photo array that IAB I met up with.

I've recently have filed motion to have dash cam body camera videos and also videos in Hampton roads bridge tunnel.

List of Parties and Related cases

① TABitha ANDERSON deputy common-
wealth Attorney office of the
Attorney city of VIRGINIA Beach
2425 Nimmo Parkway.
VIRGINIA Beach, VA 23456

② commonwealth of Virginia office
of the Attorney General
202 North 9th Street
Richmond, VA 23219

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CODES AND STATUTES

VA. Code 18.2-51

VA. Code 18.2-26

VA. Code 53.1-187

OPINIONS Below

- ① court of Appeals Virginia, Petition for appeal denial on 03/09/2020 - UNPUBLISHED
- ② Supreme court of Virginia Petition for appeal denial on 04/16/2021 - UNPUBLISHED
- ③ Supreme court of Virginia Petition for appeal rehearing - UNPUBLISHED 10/07/2021

Jurisdiction

- ① february 1, 2022 Placed on docket writ of certiorari
- ② march 28, 2022 writ of certiorari denied
- ③ April 19, 2022 filed writ of certiorari for rehearing
- ④ AUGUST 3, 2022 writ of certiorari rehearing return because failure to comply with rule 44 of the court and given 15 days of letter to comply with rule 44.6 then it will be filed by the clerk.

CONSTITUTIONAL AND STATUTORY PROVISIONS

NOW I WAS PARKED ON US 13 IN THE SHOULDER IN THE DIRECTION GOING SOUTH PARKED THERE AT DATE 02/16/2018 AT 10:45 PM AND AT DATE 02/17/2018 AT 2:00 PM THOSE WHOLE 3 HOURS AND 15 MINS EXMORE POLICE DEPT. NORTHAMPTON JURISDICTION.

NOW AT DATE 02/17/2018 AT 2:00 AM HEAR KNOCK ON WINDOW DRIVERS SIDE IT WAS DEPUTY CHRIS HARGIS ACCOMACK COUNTY EASTERN SHORE OF VIRGINIA POLICE DEPT. IN NORTHAMPTON AND CHRIS HARGIS STATE TO ANGELO DIMARTINO CHIEF OF POLICE EXMORE THRU LETTER I SUBMITTED ON MY DECEMBER 21, 2021 WRITING CERTORARI THAT LETTER I RECEIVED ON DECEMBER 10, 2020 AT GREENSVILLE CORR. CENTER BECAUSE I WROTE THAT JURISDICTION ASKING FOR TOW ORDER AND TOLD THAT ACCOMACK IS THE ONE WHO PULLED ME OVER BY DEPUTY CHRIS HARGIS AND AT TIME MY I-PHONE WAS ON WHEN I PULLED

CONSTITUTIONAL AND Statutory Provisions
over and along with the writ
filed I submitted supporting documents
my chase total checking account
ending in 000000858632321 and on
June 1, 2017 I bought The I-Phone
with my credit card ending in
9532 that is ~~the~~ linked to that
checking account.

Now was ask to search
and I didn't consent and deputy
Chris Hargis told me to leave every
thing in the SUV that he was calling
tow truck I started to pull my
four bags out and the tow driver
arrived and started to throw my
property back in vehicle and I started
to take it out and started to
take stuff out of my center console
and tow driver came from behind and
with force snatched the keys out of
my hands and deputy told me that
I would probably not come back from
New York to my truck. The seizure
and search is an unlawful seizure
and search in violation of the 4th

CONSTITUTIONAL AND STATUTORY PROVISIONS
Amendment not incident to arrest
and I was issued a improper
registration not a moving violation
like he said to chief of Police
exmore northampton and deputy had
no authority in that jurisdiction
to direct to tow ~~Belton~~ New
York V. Belton, 453 U.S. 454 (1981)
Coolidge v. New Hampshire, 403 U.S.
443 (1971).

now Senior trial attorney
Annette Miller promised that she
would get videos and present
it to the court but instead went
to the circuit court on 02/20/
2019 and went to the holding
cell prior to being presented in
the court room on front of
William O'Brian circuit court Judge
Virginia Beach Senior trial attorney
Annette Miller was trying to convince
me to plea guilty under afford
for the two attempted malicious
wounding and I told her if she
got the tape and she just change
the subject.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

I went in court room and under oath by Judge O'Brien and asked me how do I Plea and I remained silent and ms. miller Plead for me guilty for me under Alford. Plea hearing Date 02/20/2019 Transcripts Page 3, 2 thru 12. Brookhart V. JANIS 384 U.S. 1 (1966).

now thru motion to the Virginia beach circuit court on June 14, 2022 I've requested the commonwealth attorney's office to Preserve evidence and requested all body cams dash cam and bridge tunnel chesapeake Bay Bridge and Hampton Roads Bridge tunnel video the freedom of Information act. Brady V. maryland, 373 U.S. 83 (1963).

now senior trial attorney annette miller waived my Preliminary hearing and violated my 6th Amend. U.S. const. Pointer V. TEXAS, 380 U.S. 400 (1965).

CONSTITUTIONAL AND STATUTORY PROVISIONS

now senior trial attorney
plead for me and didn't want
to by force and coercion and
duress in violation of the 5th
amed of U.S. const and violation
of Due Process. JACKSON V.
DENNO, 378 U.S. 368 (1964).

ms. miller failure to
investigate with eastern shore of
Virginia attorney marsha Dunning
carter the actual events that
took place that lead up to
the unlawful seizure and failure
to help me present my defence
in violation of my 6th amend U.S.
const. effective counsel representation.
STRICKLAND V. WASHINGTON, 466 U.S. 668 (1984).

I certify that this Petition for rehearing is Presented because my constitution rights were violated and I'm requesting this court to investigate all my allegation to be true with all my supporting documents of Supervisory authority in other Jurisdiction to advise me that fact that I was in a Jurisdiction that other authorities couldn't direct to seize my vehicle and I communicated with that Jurisdiction and with supporting documents they didn't have tow order.

this Petition isn't for delay this Petition is in and for the trespass of my rights and for my Property rights that I'm guaranteed by the U.S. constitution.

Reason 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

Senior trial attorney annette miller entered an alford Plea and Plead guilty for me when questioned directed to me I remained silent when asked by circuit court Hon. William O'Brian how do I Plea at (Page 3, 2 thru 12 (Brookhart v. Janis, 384 U.S. 1 (1966) at Plea hearing transcripts on 02/20/2019.

Now on 11/02/2018 Senior trial attorney annette miller 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 the 6th amend U.S. const.

Reason for Granting the Petition

Now Senior trial attorney annette miller requested discovery on 02/28/2018 and gave the commonwealth till 03/09/2018 10 days but no response to that discovery motion was told by ms. miller that she was going to get the videos from the commonwealth attorney and present them but she didn't come thru with that promise. (Brady v. Maryland), 373 U.S. 83 (1963).

Now Senior trial attorney annette miller had enough time to investigate and communicate with my other attorney in the eastern shore Eastville marsha Dunning carter where chase started the fact's that chief of Police marc marshall was dismissed and the 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 Virginia

Reason for Granting the Petition
beach where chase ended failed
to advocate for me and find
tactical ways to establish an
defence in violation of my
6th amendment rights to effective
representation guaranteed by the
6th amendment. (Strickland v.
WASHINGTON), 466 U.S. 688 (1984).

conclusion

for these reasons I
Patrick Nilo Gil Submit this
Petition for rehearing and Pray
this court grant Petition and
reverse and dismrss charges
from the lower circuit court
VIRGINIA beach, VIRGINIA that
was rendered on the 10th
day of June 2019 ON front
of circuit court Honorable.
Glenn Croshaw.

respectfully, submitted
Patrick Nilo Gil
Patrick Gil
Dated 08/14/2022