

22-504  
IN THE

Supreme Court of the United States

October Term, 2022

PETER PAUL MITRANO,  
*Petitioner,*

v.

MARCIA MITRANO, *et al.*,  
*Respondents.*

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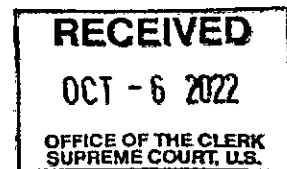
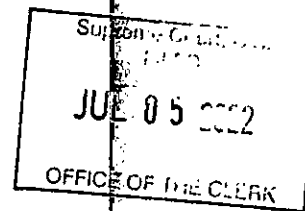
On Petition for a Writ of Certiorari to the  
Supreme Court of Virginia

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Petition for a Writ of Certiorari

Peter Paul Mitrano  
*Pro se*  
10825 Fieldwood Drive  
Fairfax, Virginia 22030  
Petitioner

Dated: July 5, 2022.



### Parties to the Proceeding

The caption of this case in this Supreme Court of the United States contains the name of two of the parties. In addition, Mr. Dennis S. Mitrano is a party; Mrs. Marie Mitrano and Mrs. Karen Snyder may also be parties. No party is a parent, subsidiary or affiliate of any company owning ten percent or more of a publicly own stock of a corporation.

### Related Proceedings

Petitioner, Peter Paul Mitrano, *pro se*, states that the only other proceedings in state and federal trial and appellate courts, including proceedings in this Supreme Court of the United States that is directly related to this case is in the General District Court for Fairfax County, Virginia, Docket Number GIV22007468-00, *Cary Cucinelli v. Peter Paul Mitrano*, judgment entered July 1, 2022.

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Peter Paul Mitrano, *pro se*, respectfully  
petitions for a writ of certiorari to review the  
order declining review of the Supreme Court of  
Virginia.

**Opinion Below**

The Order of the Supreme Court of  
Virginia from which petitioner seeks certiorari  
appears in the Appendix hereto at page A-1.

The Judgment Order of the Fairfax County Circuit Court of Virginia appears in the Appendix hereto at A-2. All lower court decisions are unreported. Note that this petition for a writ of certiorari is being filed as a protective measure because the order by the Supreme Court of Virginia (A-7) does not refer to the Petition for Rehearing *En Banc* filed on December 29, 2021 that the Supreme Court of Virginia extended the time for filing. (A-6) Stated in other words, the Supreme Court of Virginia allowed the petitioner to file a Petition for Rehearing *En Banc* filed on December 29, 2021 and the Supreme Court of Virginia has not yet issued a decision related to the Petition for Rehearing *En Banc* filed on December 29, 2021.

### **Jurisdiction**

The Order of the Supreme Court of Virginia from which petitioner seeks certiorari was entered on November 12, 2021. (A-1) The Order of the Supreme Court of Virginia denying a rehearing was entered February 4, 2022. (A-7) On May 9, 2022, The Chief Justice granted an extension of time until July 4, 2022 to file a petition for writ of certiorari. (See Application No. 21A687) This Court's jurisdiction is invoked under Title 28 United States Code, Section 1257. As stated above, this petition for a writ of certiorari is being filed as a protective

measure because the order by the Supreme Court of Virginia (A-7) does not refer to the Petition for Rehearing *En Banc* filed on December 29, 2021 that the Supreme Court of Virginia extended the time for filing. (A-6)

### Statutes Involved

The Fourteenth Amendment which states in part:

"Section 1.

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens 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 the due process of law; nor deny to any person

within its jurisdiction  
the equal protection of  
the laws."

Title 28 U.S.C. § 1257 which states:

"(a) Final judgments  
or decrees rendered by  
the highest court of a  
State in which a  
decision could be had,  
may be reviewed by the  
Supreme Court by writ  
of certiorari where the  
validity of a treaty or  
statute of the United  
States is drawn in  
question or where the  
validity of a statute of  
any State is drawn in  
question on the ground  
of its being repugnant to  
the Constitution,  
treaties, or laws of the  
United States, or where  
any title, right,  
privilege, or immunity  
is specially set up or  
claimed under the  
Constitution or the  
treaties or statutes of, or

any commission held or  
authority exercised  
under, the United  
States."

Rule 3:5 [of Rules of the Supreme Court of  
Virginia]— The Summons which states in part:

"(b) *Affixing  
summons for service;  
voluntary appearance.*  
—Upon the  
commencement of a civil  
action defendants may  
appear voluntarily and  
file responsive  
pleadings and may  
appear voluntarily and  
waive process, but in  
cases of divorce or  
annulment of marriage  
only in accordance with  
the provisions of the  
controlling statutes.  
With respect to  
defendants who do not  
appear voluntarily or  
file responsive  
pleadings or waive  
service of process, the  
clerk must issue

summonses and  
securely attach one to  
and upon the front of  
each copy of the  
complaint to be served.  
The copies of the  
complaint, with a  
summons so attached,  
must be delivered by the  
clerk for service  
together as the plaintiff  
may direct. . . ."

### Statement of the Case

On October 7, 2020, the Fairfax Circuit Court for the County of Fairfax, Virginia (herein sometimes referred to as the "trial court"), entered judgment in favor of the plaintiffs (or the respondents herein) at a scheduled trial of this action. (A-2) A court reporter was not hired at said trial. On October 23, 2020, the trial court held a hearing on the petitioner's Peter Paul Mitrano's, *pro se*, motion to vacate and/or set aside said judgment of the trial court dated October 7, 2020. On October 23, 2020, the trial court entered an Order dated October 23, 2020 denying the petitioner's Peter Paul Mitrano's, *pro se*, motion to vacate and/or set aside the Judgment Order dated October 7, 2020. (A-4) The Supreme Court of Virginia

"refuse[d] the petition for appeal" of the trial court judgment. (A-2)

On October 23, 2020, the trial court found that the petitioner Peter Paul Mitrano, *pro se*, did not have access to Webex or a telephone and was told by a calendar control judge (which he contacted by telephone) that Peter Paul Mitrano, *pro se*, could not appear in person. The trial court was concerned that the petitioner Peter Paul Mitrano's, *pro se*, right to an opportunity for a hearing may not have been afforded him on October 7, 2020.

In open Court on October 23, 2020, the petitioner, Peter Paul Mitrano, *pro se*, objected to the ruling of this Court and stated in his own hand-written format in writing to the Court prior to any entry of the Court's Order dated October 23, 2020 as follows:

"The defendant, Peter Paul Mitrano, *pro se*, states his objections to this Court's ruling of Friday, October 23, 2020 denying the defendant, Peter Paul Mitrano's, *pro se*, motion to vacate and/or set aside the judgment

order entered on or about October 7, 2020. The Court agreed that the defendant, Peter Paul Mitrano, *pro se*, was denied due process on October 7, 2020 because the defendant, Peter Paul Mitrano, *pro se*, did not have the capability to remotely attend Court on October 7, 2020 because Judge Michael F. Devine would not allow the defendant, Peter Paul Mitrano, *pro se*, to attend the Court hearing on October 7, 2020 in person and because when the defendant, Peter Paul Mitrano, *pro se*, advised Judge Michael F. Devine that the defendant, Peter Paul Mitrano, *pro se*, did not have the capabilities to remotely attend the hearing, Judge Michael F. Devine stated in



essence to go figure it out. Predicated upon the finding that the defendant, Peter Paul Mitrano, *pro se*, did not receive due process as stated above, the defendant, Peter Paul Mitrano, *pro se*, contends that this Court should have granted the defendant, Peter Paul Mitrano's, *pro se*, motion to vacate and/or set aside the judgment order entered on or about October 7, 2020.

The Court, *sua sponte*, then proceeded in the Court's mind to decide the case on the merits. The defendant, Peter Paul Mitrano, *pro se*, objects to this Court's decision to try the case on the merits, *sua sponte*, without prior notice to the defendant, Peter Paul Mitrano, *pro se*. The defendant is

entitled to a trial on the merits with proper notice and with the ability to be heard by this Court. The defendant, Peter Paul Mitrano, *pro se*, respectfully requests that this matter be set for trial. The defendant, Peter Paul Mitrano, *pro se*, objects to the lack of due process under the Constitution of the Commonwealth of Virginia and also under the Constitution of the United States of America in this matter being decided, *sua sponte*, by this Court, today, October 23, 2020, without proper notice to the defendant, Peter Paul Mitrano, *pro se*, that this Court would be deciding the merits of this case today, October 23, 2020.

At this Hearing on

October 23, 2020, the Court stated the Court previously read before October 7, 2020, Defendant's Trial Memorandum and/or Motion for Judgment in Favor of Defendants and/or Motion for a Directed Verdict and/or Motion to Strike Plaintiffs' Case.

*Arguendo*, the defendant, Peter Paul Mitrano, *pro se*, incorporates said Defendant's Trial Memorandum and/or Motion for Judgment in Favor of Defendants and/or Motion for a Directed Verdict and/or Motion to Strike Plaintiffs' Case as though fully set forth herein.

*Arguendo*, the defendant, Peter Paul Mitrano, *pro se*,

incorporates the defendant's, Peter Paul Mitrano, *pro se*, oppositions to the two prior motions for summary judgment that the plaintiffs have previously filed as though fully set forth herein (excluding plaintiffs' motions for summary judgment).

*Arguendo*, the defendant, Peter Paul Mitrano, *pro se*, objects to the ruling that that (sic) the terms of the will allow for only a majority of the children to decide to partition the subject property. The defendant, Peter Paul Mitrano, *pro se*, objects to any interpretation of will that does not require the subject property "to be divided among and between them [the children] as they decide" and the

other language of the will.

*Arguendo*, the defendant, reserves the right to supplement these objections until the defendant, Peter Paul Mitrano, *pro se*, receives a proposed order related to the hearing, today, October 23, 2020[.] The defendant, Peter Paul Mitrano, *pro se*, does not waive his right to endorse and/or object to any order prepared by opposing counsel."

### Reasons for Granting the Writ

Question Numbered 1: Is it repugnant to the Constitution of the United States to allow the Circuit Court of Fairfax County in the Commonwealth of Virginia to enter a judgment against a party when its Courthouse doors are essentially closed to said party?

The trial court found that the petitioner,

Peter Paul Mitrano, *pro se*, did not have access to Webex or a telephone and was told by a calendar control judge (which he contacted by telephone) that Peter Paul Mitrano, *pro se*, could not appear in person. The trial court stated its concern that the petitioner, Peter Paul Mitrano's, *pro se*, right to an opportunity for a hearing may not have been afforded him on October 7, 2020. The trial court stated in its Order dated October 23, 2020 in part that:

"Defendant had notice of the hearing held on October 7 but did not appear. Although the Court is concerned that he may not have had technology that would have allowed him access to the hearing (which was held via WebEx), the Court need not address that issue in more detail as the result would not change even if he had appeared." (Bold emphasis added.)

With all due respect to the trial court, due process is not the trial court speculating after-

the-fact that the result would have been the same if a party had an opportunity to be present for a trial. The trial court committed error in attempting after-the-fact to resurrect its void judgment that was entered on October 7, 2020. This Supreme Court of the United States should reverse this case and remand with direction to the trial court (Fairfax County Circuit Court) as a matter of law. The Fourteenth Amendment to the United States Constitution mandates that the government may not deprive any person "of life, liberty, or property without due process of law." Chief Justice William Howard Taft stated in *Truax v. Corrigan* 257 U.S. 312 (1921) that:

"The due process clause requires that every man shall have the protection of his day in court, and the benefit of the general law, a law which hears before it condemns, which proceeds not arbitrarily or capriciously, but upon inquiry, and renders judgment only after trial, so that every citizen shall hold his life, liberty, property and immunities under

the protection of the general rules which govern society. It, of course, tends to secure equality of law in the sense that it makes a required minimum of protection for every one's right of life, liberty, and property, which the Congress or the Legislature may not withhold."

The denial of due process in this case is nothing less than outrageous. The judgment below is null and void as a matter of law because of a lack of due process. See *Commonwealth v. Coronel*, 33 Va.Cir. 110, 1993 WL 946323, \*1 (Fairfax, Va. 1993) ("It is conceded by all authorities that if a judgment is void it may be assailed anywhere, at anytime, in any way, by anybody. It is immaterial whether the assault be direct or collateral.' *Id.*, at [222 Va. 787,] 793, citing *Beck v. Semones' Admr.*, 145 Va. 429, 441 (1926)"). Because said judgment is void, said judgment may be attacked at any time.

Also see *Goldberg v. Kelly*, 397 U.S. 254 (1970); *Mathews v. Eldridge*, 424 U.S. 319 (1976)



(due process requires an evidentiary hearing); Civil Due Process. Criminal Due Process, 25 Yale L. & Pol'y Rev. 1, 9-10 by Niki Kuckes, Esquire ("Yet the core *Mathews* holding—that the opportunity to be heard is the essence of due process protection—is uncontroversial, at least in civil settings."); *Kerth v. Polestar Entertainment*, 325 S.W.3d 373, 387 (Missouri 2010) ("A judgment that is void from its inception . . . is a nullity"); *J.M. Ford, II v. Willits*, 9 Kan.App.2d 735, 743 (Kansas 1984) ("A judgment that is void for lack of due process of law may be set aside at any time" quoting *Weaver v. Frazee*, 219 Kan. 42, 547 P.2d 1005 (1976)); *Lamoise Group, LLC v. Edgewater South Beach Condominium Association, Inc.*, 278 So.3d 796 (Florida 2019) ("If it is determined that the judgment entered is void, the trial court has no discretion, but is obligated to vacate the judgment . . . As a trial court's ruling on whether a judgment is void presents a question of law, an appellate court reviews the trial court's ruling de novo." (citations omitted); *M.M. and R.F. v. K.J.Z. and E.M.Z.*, 249 So.3d 1144, 1148 (Alabama 2017) ("If the judgment is void, it is to be set aside . . . A judgment is void only if the court which rendered it . . . acted in a manner inconsistent with due process." (citations omitted); *M.H. and D.H. v. JER. W. and Jes. W.*, 51 So.3d 334, 337-338 (Alabama 2010) wherein the court stated in part:

" . . . The rule that a want of due process, so defined, voids a judgment is not redundant with the rule that a want of personal jurisdiction likewise voids a judgment, for a person already effectively made a party to litigation could, on some critical motion or for some critical proceeding within that litigation, be deprived of the 'notice, a hearing according to that notice, and a judgment entered in accordance with such notice and hearing,' required by the Due Process Clause of the Fourteenth Amendment to the United States Constitution. . . .

" . . . In fact one of the most famous and

perhaps the most often quoted definition of due process of law is that of Daniel Webster in his argument in the Dartmouth College case (*Dartmouth College v. Woodward*, 4 Wheat. 518, 4 U.S. (L.Ed.) 629 [(1819)]), in which he declared that by due process of law was meant 'a law which hears before it condemns; which proceeds upon inquiry, and renders judgment only after trial.' . . . Somewhat similar is the statement that it is a rule as old as the law that no one shall be personally bound until he has had his day in court, by which is meant, until he has been duly cited to appear, and has been afforded an opportunity to be heard. Judgment without such citation

and opportunity (to be heard) wants all the attributes of a judicial determination; **it is judicial usurpation and oppression**, and can never be upheld where justice is fairly administered . . . ."

(Most citations omitted.)  
 (Bold emphasis added.)

Under substantive due process, courts determine whether the government has sufficient justification for its actions. The alleged present and/or possible present of COVID-19 does not justify deny the petitioner, Peter Paul Mitrano, *pro se*, his right to due process including the right to be present for a trial wherein he is a party under the United States Constitution. Substantive due process is to protect certain fundamental rights of United States citizens; and, issues related to substantive due process have been the subject of extensive debate. Also see *Holt v. Virginia*, 381 U.S. 131 (1965) (right to a fair trial); *Boddie v. Connecticut*, 401 U.S. 371 (1971); and, *Joint Anti-Fascist Refugee Committee v. McGrath*, 341 U.S. 123 (1951).

Note that the petitioner Peter Paul

Mitrano, *pro se*, stated in his Defendant's Trial Memorandum and/or Motion for Judgment in Favor of Defendants and/or Motion for a Directed Verdict and/or Motion to Strike Plaintiffs' Case filed October 5, 2020 (before the scheduled trial date of October 7, 2020) that:

"The defendant, Peter Paul Mitrano, *pro se*, first states that the defendant, Peter Paul Mitrano, *pro se*, previously filed his Motion to Continue Trial Date of Defendant, Peter Paul Mitrano, *Pro se*, on September 18, 2020. This Court for some reason removed the matter from the scheduled hearing date of September 25, 2020. The defendant, Peter Paul Mitrano, *pro se*, then pursuant to direction from this Court's staff placed the matter before calendar control on September 29, 2020. Judge David Bernhard of this Court

on September 29, 2020 denied said Motion to Continue Trial Date of Defendant, Peter Paul Mitrano, *Pro se*, without prejudice because a new additional counsel for Mr. Dennis S. Mitrano (for which the undersigned had not received her notice of appearance) was not served with the notice and was not on the telephone line. The defendant, Peter Paul Mitrano, *pro se*, objected to Judge David Bernhard not hearing said Motion to Continue Trial Date on the basis that new additional counsel for Mr. Dennis S. Mitrano was not on the line because the defendant, Peter Paul Mitrano, *pro se*, had served Patrick T. Hand, Esquire who also represents Mr. Dennis S. Mitrano. The

defendant, Peter Paul Mitrano, *pro se*, further objected stating in essence to Judge David Bernhard that when a party has more than one attorney, only one attorney is required to be served. Judge David Bernhard then stated in essence that Judge David Bernhard wanted said new counsel [for] Mr. Dennis S. Mitrano on the line for the purpose of setting another trial date. The defendant, Peter Paul Mitrano, *pro se*, then stated that the matter would be raised on October 1, 2020. On October 1, 2020, Judge Michael F. Devine denied said Motion to Continue Trial Date of Defendant, Peter Paul Mitrano, *Pro se*. Judge Michael F. Devine, *sua sponte*, then went to state that the trial

would be held remotely. When the defendant, Peter Paul Mitrano, *pro se*, stated that the defendant, Peter Paul Mitrano, *pro se*, would not be able to remotely attend the hearing because the defendant, Peter Paul Mitrano, *pro se*, did not have the capabilities to remotely attend the hearing, Judge Michael F. Devine stated in essence to go figure it out.

"The defendant, Peter Paul Mitrano, *pro se*, respectfully requests reconsideration of said denial of said Motion to Continue Trial Date of Defendant, Peter Paul Mitrano, *Pro se*. Defendant, Peter Paul Mitrano, *Pro se*, requests that this Court take judicial notice of the fact that we are in a pandemic.



Furthermore, as the defendant, Peter Paul Mitrano, *pro se*, has repeatedly stated, defendant, Peter Paul Mitrano, *pro se*, is a member of the United States federal civil service. Defendant, Peter Paul Mitrano, *Pro se*, is an employee of the United States of America government and "a critical member of the health care provider team" at a United States of America hospital. There are emergencies at the hospital and a number of patients and employees have died as a result of COVID-19. As the defendant, Peter Paul Mitrano, *pro se*, has previously advised this Court, the defendant, Peter Paul Mitrano, *pro se*, is required to perform his official duties for the

United States of  
America government.  
In an effort to prevent  
the further loss of live  
due to the current  
COVID-19 pandemic, it  
is important that the  
defendant, Peter Paul  
Mitrano, *pro se*, be  
available for his work as  
'a critical member of the  
health care provider  
team'." (See pages 1-4 of  
Defendant's Trial  
Memorandum and/or  
Motion for Judgment in  
Favor of Defendants  
and/or Motion for a  
Directed Verdict and/or  
Motion to Strike  
Plaintiffs' Case filed  
October 5, 2020.)

Again, also note the objections stated in  
writing by appellant Peter Paul Mitrano, *pro se*,  
on October 23, 2020 in open court that stated:

"The defendant,  
Peter Paul Mitrano, *pro se*, states his objections  
to this Court's ruling of

Friday, October 23, 2020 denying the defendant, Peter Paul Mitrano's, *pro se*, motion to vacate and/or set aside the judgment order entered on or about October 7, 2020. The Court agreed that the defendant, Peter Paul Mitrano, *pro se*, was denied due process on October 7, 2020 because the defendant, Peter Paul Mitrano, *pro se*, did not have the capability to remotely attend Court on October 7, 2020 because Judge Michael F. Devine would not allow the defendant, Peter Paul Mitrano, *pro se*, to attend the Court hearing on October 7, 2020 in person and because when the defendant, Peter Paul Mitrano, *pro se*, advised Judge Michael F. Devine that the

defendant, Peter Paul Mitrano, *pro se*, did not have the capabilities to remotely attend the hearing, Judge Michael F. Devine stated in essence to go figure it out. Predicated upon the finding that the defendant, Peter Paul Mitrano, *pro se*, did not receive due process as stated above, the defendant, Peter Paul Mitrano, *pro se*, contends that this Court should have granted the defendant, Peter Paul Mitrano's, *pro se*, motion to vacate and/or set aside the judgment order entered on or about October 7, 2020.

The judgment below is null and void as a matter of a lack of due process. The petitioner, Peter Paul Mitrano, *pro se*, was prejudiced by not being permitted to attend his trial. The petitioner was not permitted to enter the courtroom where his trial was being held by order of the trial court. The petitioner did not

have the technical capability to be able to connect by computer. See *Kerth v. Polestar Entertainment*, 325 S.W. 373, 379 (Missouri 2010) ("Our Missouri courts have likewise held that '[c]onstitutional due process requires that for a judgment entered against a party not in default to be valid, there must have been notice of the trial setting and an opportunity to be heard must have been granted at a meaningful time and in a meaningful manner.'").

With all due respect and the utmost humility, it may be time to reflect on the history of United States of America. Our great Country was formed after a revolution which started in Lexington, Massachusetts on April 19, 1775. Thus, over 247 years ago, our forefathers gave up their blood to fight for the United States Constitution that is still in place today. Yet today the courts in this Country including the subject trial court continually and routinely deny United States citizens their due process rights under the United States Constitution. Does it occur to anyone that the present unlawfulness in this Country might be related to the denial of due process by the courts? Petitioner contends that it is an appropriate time in our history to reiterate our due process rights to be able to attend a person's civil trial especially in view of the current crime waves including but not limited to the repeated mass

shootings, drug use and drug overdoses, and also the high rate of suicide of American citizens. Just recently, a few decades ago, life was not as difficult as it is today in the United States of America. Furthermore, as each administration prints more dollars and as the majority of low-income workers toil under the continuous threats to their well-being, the courts continue to treat the less fortunate with less rights that our forefathers fought so courageously for.

Question Numbered 2. Is it repugnant to the Constitution of the United States to allow the Circuit Court of Fairfax County in the Commonwealth of Virginia to proceed without personal jurisdiction over petitioner?

Petitioner filed his Motion to Dismiss on June 24, 2019 before the trial court because the respondents filed this action against another party, namely, "Peter Paul Mitrano, Jr.", not the undersigned "Peter Paul Mitrano". Said Motion to Dismiss filed on June 24, 2019 states in pertinent part that:

"Defendant, Peter Paul Mitrano, *pro se*, respectfully requests that this action be

dismissed against Peter Paul Mitrano, *pro se*, because the plaintiffs have sued the wrong party. The plaintiffs filed an action against "Peter Paul Mitrano, Jr.", the defendant is not "Peter Paul Mitrano, Jr."; the plaintiffs filed said action against the wrong party."

On January 3, 2020, the petitioner Peter Paul Mitrano, *pro se*, filed his "Special Limited Appearance Solely to Object to Adequate Service of Process" which states in part that:

"The defendant, Peter Paul Mitrano, *pro se*, states that he has not been properly served in this action. The defendant, Peter Paul Mitrano, *pro se*, further states any alleged service on "Peter Paul Mitrano, Jr." is not valid. The defendant, Peter Paul Mitrano, *pro se*, further states any

alleged service on December 13, 2019 is not valid because said service did not include a summons. The defendant, Peter Paul Mitrano, *pro se*, further states, based upon information and belief, that this Court has yet to issue a summons for "Peter Paul Mitrano".

Thus, the petitioner, Peter Paul Mitrano, *pro se*, objects to adequate service of the petitioner, Peter Paul Mitrano, *pro se*. The petitioner, Peter Paul Mitrano, *pro se*, further contends that the trial court did not have personal jurisdiction over the defendant, Peter Paul Mitrano, *pro se*. Note that there was never a summons issued in the name of the appellant (defendant below in the trial court). "Peter Paul Mitrano", *pro se*. See Rule 35 - The Summons, of the Rules of the Supreme Court of Virginia. See 37 W. 14th Associates LLC v. De Carlo, Supreme Court of New York No. 111343/2010, 2011 WL 13130028 (July 7, 2011) (for discussion of "Jr." versus "Sr."); Martin v. Witkowski, Supreme Court of New York No. 8024832013, 2014 WL 12748855 \*2 (January 17, 2014) ("Moreover, while it may have been



aware of the action brought against his father (as evidenced by Sr.'s counsel's representations about their family meeting after service upon Sr.), that alone did not bring Jr. within the court's jurisdiction. See *Macchia v. Russo*, 67 NY2d 592 (1986), *Parker v. Mack*, 61 NY2d 114 (1984.)").

As this Supreme Court is well aware, a general appearance by a party confers personal jurisdiction. See *Lyren v. Ohr*, 271 Va. 155, 159, 623 S.E.2d 883, 885 (2006); *Gilpin v. Joyce*, 257 Va. 579, 581, 515 S.E.2d 124, 125 (1999); *Vaughn v. Vaughn*, 215 Va. 328, 329, 210 S.E.2d 140, 142 (1974) (per curiam). The petitioner contends that the petitioner Peter Paul Mitrano, *pro se*, did not make a general appearance and that the petitioner Peter Paul Mitrano's, *pro se*, appearance was a special limited appearance. See *Beck v. Semores' Adm'r*, 145 Va. 429, 134 S.E. 677 (1926); *Lifestar Response of Maryland, Inc. v. Vegesen*, 267 Va. 720, 594 S.E.2d 589 (2004); *Watson v. Commonwealth*, 297 Va. 347, 350, 827 S.E.2d 782, 784 (2019); *McCulley v. Brooks & Co. General Contractors Inc.*, 295 Va. 583, 816 S.E.2d 270 (2018). See the various filing below in the trial court wherein the petitioner Peter Paul Mitrano, *pro se*, stated the following language:

"This . . . [document] . . . is being filed solely as a protective measure out of an abundance of caution under the threat of default by this Court. The defendant Peter Paul Mitrano, *pro se*, contends as stated in his previously filed Special Limited Appearance Solely to Object to Adequate Service of Process dated January 3, 2020 that he has not yet been properly served process in this action."

For examples of the above-quoted language stated below in the trial court, see the demurrer, page 1, filed January 3, 2020; Motion Craving Oyer, page 1, filed February 5, 2020; Answer, page 1, filed February 23, 2020; Opposition to Plaintiffs' Motion for Summary Judgment, page 1, dated March 19, 2020; Motion to Determine That Plaintiffs' Renewed Motion for Summary Judgment is Actually a Motion for Reconsideration of Plaintiffs' Prior Motion for Summary Judgment, page 3, filed September 4, 2020; Opposition to Plaintiffs'

Renewed Motion for Summary Judgment", pages 2 and 3, filed September 4, 2020; Motion to Strike Plaintiffs' Requests for Admission and/or Objection to Plaintiffs' Requests for Admission, page 2, filed September 10, 2020; Notice of Conference at Calendar Control for Thursday, October 1, 2020 at 8:30 A.M., pages 1 and 2, filed September 29, 2020; and, Defendant's Trial Memorandum and/or Motion for Judgment in Favor of Defendants and/or Motion for a Directed Verdict and/or Motion to Strike Plaintiffs' Case, pages 7 and 8, filed October 5, 2020. See *Board of Supervisors v. Board of Zoning Appeals*, 271 Va. 336, 343-44, 626 S.E.2d 374, 379 (2006), quoting *Morrison v. Besler*, 239 Va. 166, 169, 387 S.E.2d 753, 755 (1990) stating in part:

" . . . [T]erritorial jurisdiction, that is, authority over persons, things, or occurrences located in a defined geographic area; notice jurisdiction, or effective notice to a party or if the proceeding is in rem seizure of a res; and the other conditions of fact must exist which are demanded by the

unwritten or statute law as the prerequisites of the authority of the court to proceed to judgment or decree. All these elements are necessary to enable a court to proceed to a valid judgment. . . . .

In the instant case, the trial court did not have proper jurisdiction over petitioner Peter Paul Mitrano, *pro se*, whether classified as personal over the person because of lack of proper service and/or as territorial jurisdiction. Indeed, even though the petitioner Peter Paul Mitrano, *pro se*, repeatedly advised the respondents of their failure to properly serve the petitioner Peter Paul Mitrano, *pro se*, the respondents failed to correct the defective service. Accordingly, the judgment of the trial court is not a valid judgment.

### Conclusion

For these reasons, a writ of certiorari should issue to review the judgment of the Supreme Court of Virginia and for this Supreme Court of the United States should instruct the lower courts to declare the subject underlying judgment void as a matter of law.

Respectfully submitted,

Peter Paul Mitrano  
*Pro se*  
10825 Fieldwood Drive  
Fairfax, Virginia 22030

Petitioner

Dated: July 5, 2022.

## APPENDIX