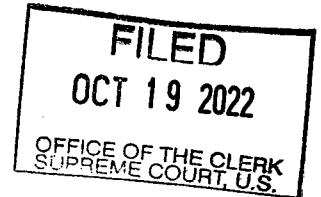


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IN THE

SUPREME COURT OF THE UNITED STATES

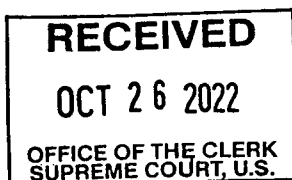
ALEXANDER CAMERON - PETITIONER

VS.

THOMAS F. MEYER, WARDEN - RESPONDENT

Petition for Writ of Certiorari to
The Supreme Court of Virginia

PETITION FOR WRIT OF CERTIORARI



Alexander Cameron
DOC# 1172733
Beaumont Correctional Center
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Beaumont, VA 23014

QUESTION PRESENTED

Can a Judgment that's in the midst of an appeal be conclusive?

LIST OF PARTIES TO THE PROCEEDING PURSUANT TO RULES 14.1(b) AND 29.1

All parties appear in the Caption of the Case on the cover page.

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PETITION FOR WRIT OF CERTIORARI

Petitioner Alexander Cameron, "Cameron" respectfully Petition this court for a writ of certiorari to review the order of the Supreme Court of Virginia - applying: Judgment Conclusive. App. A

REPORTED DECISIONS

The following decisions and opinions in this case directly relating to the question presented have been reported and are included in the designated appendices:

Cameron v. Thomas F. Meyer, Warden, Record No. 210748 dismissed rehearing/rehearing en banc denied. App. A App B

The Supreme Court of Virginia decision in this case - applying Judgment Conclusive, to its dismissal of Cameron's, habeas Corpus, has been reported and are relevant to the question presented.

STATEMENT OF JURISDICTION

Cameron, seeks review of an order of the Supreme Court of Virginia issued on the 17th day of May 2022., App. A

A timely petition for rehearing/rehearing en banc, was thereafter denied on the following date

and a copy of Order denying rehearing/rehearing en banc, appears at App. B

The Jurisdiction of this court is invoked under 28 U.S.C. § 1257(a)

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The following constitutional statutes and provisions are involved in this case:

United States Constitution Fourteenth Amendment.

Use of false evidence constitute violation of due process U.S.C.A. Const. Amend. 14.

Virginia Code § 8.01-663. Judgment Conclusive.

Any such judgment entered of record shall be conclusive, unless the same be reversed, except that the petitioner shall not be precluded from bringing the same matter in question in an action for false Imprisonment.

STATEMENT OF THE CASE

The case underlying this petition is an action to validate false imprisonment. This petition, however, involves the simultaneous filings of Two habeas corpus petition's for false imprisonment - One being used as dismissal of the other.

On June 12, 1987, Cameron, - (whom has always maintained his innocence) - was convicted of the rape of a person that is of the blood-type "O"

However, On July 14, 2020, Cameron, discovered that the allege victim - a person by the name of Ellen Walsh, who accused and took the witness stand against Cameron at trial - is of the blood-type "B- Negative"

App. E

In other words: that person with the "O" blood type that Cameron, has spent the past Thirty Six (36) year's of his life in this prison cell for: "DO NOT EXIST" - hence - "NO CRIME"

and please do not misconstrue the word INNOCENT with the word (S) NO-CRIME> For - there is a difference between the Two: Innocent means, that there is a crime for a person to prove their innocence against; No Crime, means, there is no crime for a person to prove their innocence against. For example, - If Cameron, were take a DNA test, that DNA test would be against a blood type that is not representative of the alleged victim - hence - No Crime - and being that Cameron, has no crime, automatically makes Cameron's, imprisonment a crime, for which the State of Virginia must be held accountable.

On March 18, 2021, Ellen Walsh, True B-Negative blood type was confirmed by a Doctor Kevin D. Whaley - MD.

App. F

How Did We Get Here?

Back in 1987, DNA Testing was not yet available - the Forensic Technique being used back in 1987, is called the: "ABO SYSTEM" - And it was through this ABO system - Using the True B-Negative blood type of Ellen Walsh, that the findings of the Original Forensic Scientist completely exonerated Cameron, however, and not been satisfied with these innocent findings of the Original Forensic Scientist, the Prosecutor and Cameron's, trial Attorney's - (whom all knew the blood type of Ellen Walsh, to be B-Negative) - Changed Ellen Walsh, blood type to "O" - thereby, bringing into the trial a false Forensic Scientist, by the name of Deanne Dabbs, thereby, allowing this false witness to take the stand testify - (in part) - that as a consequence of Cameron, and Ellen Walsh, having Identical "O" blood types

Cameron, can not be eliminated as a possible contributor of said sperm; thereby, triggering the trap that was set - (in the minds of the all white jury) - by the alleged victim, Ellen Walsh, who, prior thereto, testified; she had not had sexual intercourse nine months prior to accusing Cameron, of raping her, thereby, making Cameron, the only possible contributor of said sperm.

This is a serious criminal act that has been perpetrated against Cameron, - for - not only did this false Forensic Scientist through her false testimony place Cameron, at the crime scene - but, this false testimony also placed Cameron, physically inside of Ellen Walsh's, vagina.

Thereby, entering into evidence a Fabricated Certificate of Analysis, depicting Ellen Walsh, blood type as "O" in other words, that Certificate of Analysis that is on file with the Virginia Bureau of Forensic Science do not reflect the blood type of the Ellen Walsh, who accused Cameron, of this crime. App. G

NEWLY DISCOVERED EVIDENCE

Upon discovery of the True B-Negative Blood Type of Ellen Walsh, On July 14, 2020., App. D App. F - Cameron, immediately - via - writ of habeas corpus, petition the Circuit Court for the City of Alexandria and the Supreme Court of Virginia Simultaneously

On September 20, 2021 and October 7, 2021 - the Circuit Court for the City of Alexandria and the Supreme Court of Virginia, issued show cause order's on the Office of the Attorney General, respectively.

CIRCUIT COURT:

On November 10, 2021, pursuant to a Final Order filed by the Office of the Attorney General, Cameron;

habeas corpus was dismissed by the Circuit Court for the City of Alexandria - within that final order of dismissal, the Respondant for the Office of the Attorney General refused to contest the accuracy of Ellen Walsh, True Blood Type being B-Negative, thereby, committing severe act's of dishonesty towards the tribunal for the sole purpose to cause unnecessary delay.

* Note: Cameron's, trial counsel, a James C. Clark - (whom assisted the Prosecutor in the changing of the blood type) - is now a Judge in this Circuit Court for the City of Alexandria.

As a consequence of the Circuit Court dismissing Cameron's, habeas on the very same day the Respondant motion for dismissal - Cameron, was not given a chance to respond to the fraud in fact committed upon the Circuit by the Respondant:

Simply Put, the Respondant for the Office of the Attorney General should not have been allowed to access the Circuit Court prior to proving that - that person that Cameron, is in prison for with the "O" blood do indeed exist - otherwise - and just as the Respondant illegal accessed the Court his pleadings therein has no choice but to be fraud in fact upon the Court for - who is the prison that the Respondant is keeping Cameron, in prison pursuant to? App. H

NOTICE OF APPEAL:

On December 5, 2021, Cameron, appealed the decision of the Circuit Court to the Supreme Court of Virginia

The Supreme Court of Virginia

On November 3, 2021, the Respondant, through his motion to dismiss, stated, Cameron, had filed an almost identical habeas corpus in the Circuit Court for which he had already responded to - and, that the Supreme Court could address the record as a whole on appeal.

Cameron, thereafter, immediately motion in opposition, thereby, alerting the Supreme Court to the fraud in fact that they were allowing the Respondant to commit upon the Court; thereby, explaining to the Supreme Court, that the Respondant, must, prior to accessing the Court, prove that he/the Respondant, is indeed representing a person that do in fact exist - because, Cameron, has unequivocally proven - beyond any shadow of a doubt - that - that person with the "O" blood type that Cameron has spent the past 36 years of his life in this prison cell for: Do Not Exist.

Therefore, and - until such a time that the Respondant, can authenticate that - that person with the "O" blood type do in fact exist - his/the Respondant, pleadings in any court pertaining to this case will be fraud in fact upon the Court - and - thereby, must be sanction for frivolous misconduct and thereby must be assessed damages for delay.

CODE OF VIRGINIA § 8.01-663. Judgment Conclusive.

On May 17, 2022, the Supreme Court of Virginia dismissed Cameron's, habeas corpus pursuant to Va. Code § 8.01-663. Judgment Conclusive. App. I

This order of dismissal is in direct conflict with clearly established laws that governs Va Code § 8.01-663. Judgment Conclusive. - for - the Supreme Court of Virginia, the Circuit Court for the City of Alexandria and the Respondant for the Office of the Attorney General,

all have confirmed that the blood type of the person Cameron, stand convicted of, is not representative of the blood type of the person whom took the witness stand against Cameron at trial and testified to the same, -which automatically constitute "False Imprisonment."

§ 8.01-663. Judgment Conclusive.

"Any such judgment entered of record shall be conclusive, unless the same be reversed, except that the petitioner shall not be precluded from bringing the same matter in question in an action for false Imprisonment."

App. J

REHEARING/REHEARING EN BANC.

On May 27, 2022, - Severely aggrieved - Cameron, petition the Supreme Court of Virginia for Rehearing/ Rehearing En banc., thereby, bringing to the attention of the Supreme Court, that: 1. James C. Clark, whom was Cameron's trial attorney and assisted the Prosecutor - is now a judge in the Circuit Court for the City of Alexandria, - and that as a consequence thereof, Chief Judge Lisa B. Kemter, whom dismissed Cameron's, habeas corpus - is sitting on the same bench as James C. Clark, should have, not only, recused herself from this case due to a conflict of interest, but, more poignant, should have had the case transferred to another jurisdiction, or just simply do the right thing, thereby, alerting the proper authorities to this whole situation, thereby, immediately releasing Cameron, from prison forthwith. 2. By allowing the Respondent to access the Court without authenticating - (through blood type) - that the person he/ the Respondent, is representing is indeed a real person - the Court is allowing the Respondent, to continue the Fraud in fact perpetrated upon the trial court, by Ex Prosecutor John Kloch, whom in his opening statement stated ".....

IT SO HAPPENS THEY BOTH HAVE "O" BLOOD... App. C
Simply Put: Cameron's imprisonment will forever be
fraud in fact upon the Court, therefore, until such a
time that Cameron is released from prison, all pleadings
to the contrary are themselves fraud in fact upon the
Court.

3. The judgment cannot be conclusive, because, Cameron's,
appeal against the November 10, 2021 decision of
the Circuit Court - (i.e. the decision used by the Supreme
Court to substantiate their judgment conclusive) - was
still pending in the Supreme Court and had yet to be
adjudicated.

On July 5, 2022, The Supreme Court dismissed Cameron's
appeal - this dismissal came some 35 days after the
May 17, 2022, Judgment Conclusive dismissal by the
Supreme Court of Virginia.

In other words, Cameron's appeal to the Supreme
Court of Virginia was rendered moot by the May 17,
2022 Judgment Conclusive, thereby, relegating this
dismissal of Cameron's appeal to be no more than a
reactionary response.

-for reasons that defy explanation, the Supreme Court
of Virginia fail to adjudicate Cameron's appeal of
the decision of the Circuit Court prior to its May 17,
2022, Judgment Conclusive dismissal of Cameron's
habeas corpus; Therefore, this Judgment Conclusive
decision by the Supreme Court of Virginia could not have
been conclusive due to the fact the decision of the Circuit
Court used by the Supreme Court to justify its Judgment
Conclusive was still under appeal.

It wasn't until Cameron, - (via Petition for Rehearing/
Rehearing En banc.) - brought to the attention of the
Supreme Court of Virginia - that its - Judgment Conclusive was
premature due to the fact that Cameron, had an appeal
pending - (in the Supreme Court) - on the decision of the Circuit
Court, the very Court's decision it predicated its Judgment
Conclusive upon.

Therefore, the Supreme Court May 17, 2022, Judgment Conclusive Order of dismissal is a clear contradiction of Virginia Code § 8.01-663, - which is a violation of Cameron's Fourteenth Amendment to the United States Constitution due process rights - because, there's absolutely no way a judgment that's under appeal can be conclusive. App. K

Moreover, the Supreme Court July 5, 2022, dismissal of Cameron's appeal is also a Fourteenth Amendment due process violation.

4. Even-more-so, Virginia Code § 8.01-663, not only demands Cameron's immediate release from prison for "False Imprisonment" but also clearly on the face of Virginia Code § 8.01-663 it states; Judgment Conclusive do not apply to habeas corpus.

SUMMARY OF ARGUMENT

The Virginia Supreme Court held in this case that the decision of the Circuit Court for the City of Alexandria is a "Judgment Conclusive."

Rather, the Virginia Supreme Court decision rests entirely upon its outright rejection of this Court's decisions interpreting the judgment conclusive/res judicata is inapplicable in Habeas Corpus proceedings. To endorse the claim of Judgment Conclusive in this case, the Virginia Supreme Court cast aside this court's basic test for the determination of Judgment Conclusive in habeas proceedings, rejected this court's precedent's holding that conventional notions of finality of litigation have no place where life of liberty is at stake and infringement of constitutional rights is alleged, and also rejected this Court's precedent's holding that the government is always [to] be accountable to the judiciary for a man's imprisonment.

As Justice Holmes, remarked in Frank v. Mangum, "It is of the historical essence of habeas corpus that lies to test proceedings so fundamentally lawless that imprisonment pursuant to them is not merely erroneous but void."

In addition, the Virginia Supreme Court has created a conflict with its sister circuits in areas outside of its expertise in Judgment Conclusive - habeas corpus law. Before the Virginia Supreme Court decision, the circuit courts had uniformly held the inapplicability of res judicata to habeas, then, is inherent in the very role and function of the writ. The Virginia Supreme Court also refused to follow the decisions of all of the circuits which made clear, that where an indisputable claim of Actual Innocence is alleged an evidentiary hearing on its merit must be held, for the purpose of obtaining the "End of Justice" the conflicts this case creates with all of the other circuits warrants Supreme Court review.

REASON FOR GRANTING THE WRIT

1.

THE QUESTION PRESENTED IS ONE OF
EXTRAORDINARY NATIONAL IMPORTANCE THAT
THE LOWER COURTS WILL NOT FURTHER ANALYZE

This Court has repeatedly recognized the importance to the public at large of resolving questions of invalidity of the writ of habeas corpus: Napue v. Illinois, 360 U.S. 264, 269, 79 S.Ct. 1173, 1177, 3 L.Ed. 2d 104 (1972) In Giglio v. United States 405 U.S. 150, 92 S.Ct. 763, 31 L.Ed. 2d 104 (1972) Unlike the issue of Judgment Conclusive, which directly affects only the litigants themselves, a suspension of the habeas corpus affects the public at large.

See Fay v. Noia 372 U.S. 391, 423 83 S.Ct. 822, 840 See also: Matter of W.Va State Police Crime Lab 438 S.E2d 501 (W.Va. 1993)

> Article I § 9, cl. 2, of the Federal Constitution Provides: "The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the Public Safety may require it."

As the United States Constitution has recognized that the suspension of the habeas during times of peace is primarily of a public concern.

Because the Virginia Supreme Court, has exclusive Jurisdiction over appeals from all of the circuit court's, in habeas corpus case's, Virginia Code § 8.01-663, its decision will require circuit courts to apply Judgment Conclusive, in all habeas corpus nationwide. As this case demonstrates, the Supreme Court of Virginia will mandate Judgment Conclusive, even within circuit court's, having controlling precedent to the contrary. This case therefore, presents "a matter of special importance to the entire nation."

Now more than ever this court should take the opportunity to address the right to an evidentiary hearing prior to a Judgment Conclusive dismissal. Historically, "the overwhelming tendency" was frivolous piecemeal dismissal's, Sanders v. United States, at 83 S.Ct. 1068 (1963) In light of this history, it is surprising, that this court has not addressed the constitutionality of evidentiary hearing prior to any dismissal of a habeas corpus where a severe constitution infringement make void a lawless conviction, and as with all clearly erroneous conviction, the anecdotal effects thereof will always expose the truth. See Lambert v. Blackwell, 962 F.Supp. 1521.

**THE SUPREME COURT OF VIRGINIA DECISION
CONFLICTS WITH MANY DECISIONS OF THIS COURT
AND OTHER CIRCUITS**

A. The Virginia Supreme Court, has Rejected Outright this Court's Basic Test For Determining The Scope of Judgment Conclusive.

The Habeas Corpus preserves the right of an applicant to bring Colorable Claims of Actual Innocence - (based on Newly Discovered Evidence) - before either States or Federal Court's to be granted an evidentiary hearing on the merit. U.S. Const. Amend. 14 Sanders v. United States 83 S.Ct. 1068 (1963)

Even though this is the first time these newly discovered evidence(s) has been presented to the court, the habeas law agree: "An applicant for such relief ought not to be held to the niceties of lawyer's pleadings or be cursorily dismissed because his claim seem unlikely to prove meritorious. That his application is vexatious or repetitious, or that his claim lacks any substance, must be fairly demonstrated.

This court has repeatedly instructed the lower court's that they must adhere to this provision were "to compel petitioner to state in his Petition all of the grounds for the writ known to him" and "to afford unlimited opportunity to present any grounds which petitioner may thereafter discover at any time (Emphasis added) (S. Rep. No. 1527, 80th Cong., 2nd Sess). The right to habeas corpus exist only if "on balance, these two factors indicate that a applicant is entitled to a habeas corpus. Price v. Johnson 384 U.S. 266, 287-293, 68 S.Ct. 1049, 1061-1064 92 L.Ed. 356

The Virginia Supreme Court has now repudiated this Court's Habeas Corpus test.

According to the Virginia Supreme Court:

Judgment Conclusive
Apply to all Habeas Corpus filed in Circuit Court's
regardless of whether or not it is the first of many
—and regardless of whether or not there is a showing
of factual innocence.

Thus contrary to this Court's precedent's, the Virginia Supreme Court has held that it need not look to both factors and no balancing is required.

Consistent with its newly formulated test, The Virginia Supreme Court disregarded the nature of Cameron's habeas corpus, even though this Court has repeatedly emphasized that where a colorable claim of Actual Innocence is stated, evidentiary hearing must be held on the merit of such claim(s).

Since this Court decision in Mooney v. Holohan, 294 U.S. 103, 55 S.Ct. 340, 79 L.Ed. 791 (1935) it has been firmly established that the prosecution's knowing use of perjured testimony, and or fabricated evidence, as well as its failure to take remedial measures or mitigate the damaging effects of such testimony and or fabricated evidence, violates the Due Process Clause of the Fourteenth Amendment. See, e.g. Miller v. Pate, 386 U.S. 1, 7, 87 S.Ct. 785, 788, 17 L.Ed. 2d. 690 (1967)

"By completely disregarding any analysis of the remedy sought in this case, the Virginia Supreme Court is accomplishing in this Court what this Court specifically rejected in Napue v. Illinois.

The Court should grant certiorari to review the Virginia Supreme Court outright refusal to this Court's basic "constitutionally intolerable event" in Herrea v. Collin—Justice O'Connor—A Life Sentence for an innocent person would also not be tolerable under any notion of Due Process we are aware of."

B. The Virginia Supreme Court Decision Is In Direct Conflict with This Court's Precedent Holding That: Finality of Litigation Have No Place Where Life or Liberty is at Stake and Infringement of Constitutional Rights Is Alleged.

The relief sought by Cameron, in this case is to be immediately release from prison and or an evidentiary hearing into the merit of Cameron's, habeas corpus. Had the Virginia Supreme Court adhered to this Court precedent's, it would have determined; that the Person with the "O" Blood Type that Cameron, was convicted of raping is not the Blood Type of the alleged victim, whom, accused Cameron, of raping her and thereby testified to the same; The Virginia Supreme Court would have also understood that the fabricated "O" blood type "Certificate of Analysis" with Ellen Walsh, name on it, is not the blood type of Ellen Walsh - in other words, the Virginia Supreme Court would have also understood that The Virginia Bureau of Forensic Science continue to represent fraud in fact upon the court - because - it is this fraudulent "O" blood type Certificate of Analysis that the Virginia Bureau of Forensic Science continue to hold Cameron, pursuant to, even though the Virginia Bureau of Forensic Science are now well aware that the "O" blood type recorded in that Certificate of Analysis is not representative of the name therein, and that Cameron's, conviction is indeed lawless.

In short, this court has consistently made clear that Finality and Judgment conclusive do not apply to the writ of habeas corpus and that where a claim of Actual Innocence is produced through indisputable newly discovered evidence an evidentiary hearing must be held or the applicant is to be release from prison immediately based on the merit of the evidence thereof.

The Virginia Supreme Court, however, rejected precedent and history. It dismissed this Court's decision in Mosney v. Holahan and in Schlup. The Virginia Supreme Court, has acknowledged that Cameron, is indeed innocent, and that, as a consequence of the person with the "O" blood type that

Cameron, was convicted of - not being the blood type of the alleged victim, Cameron, cannot prove his innocence against a blood type that is not representative of the blood type of the alleged victim - hence - "NO CRIME", therefore, This court should review the Virginia Supreme Court refusal to follow this court's binding precedent's

C. The Virginia Supreme Court Decision Creates A Conflict Among The Circuits.

Exactly how the Virginia Supreme Court could have conceived a Judgment Conclusive in this case defies explanation - For not only do not Finality and Res Judicata apply but the Factual Fact that the decision used by to conclude Judgment Conclusive was under appeal at time of its Judgment Conclusive, thereby, rendering the Virginia Supreme Court Judgment Conclusive a 14 Amendment Violation, due process.

However, the Supreme Court of Va. decision can create a circuit conflict on issues not dependent upon an interpretation of the habeas corpus law. That is precisely the case here. The Supreme Court of Va. decision creates a circuit conflict in areas well beyond the Supreme Court of Va. ability to explain.

Because, the Supreme Court of Va. decision creates a circuit conflict in areas well beyond the Supreme Court of Va. exclusive subject matter jurisdiction this court should grant Certiorary. Lambert v. Blackwell, 962 F. Supp 1521

CONCLUSION

The Supreme Court of Virginia has pronounced a rule of pressing national importance, its ruling requiring no formula of jurisprudence in reaching decisions that are void and lawless, it has abandon this court's system of relief under the habeas corpus act and continue to show a total disregard for evidentiary hearing which directly conflicts with the precedents

OF this court and the circuit courts. For each reason set forth above this court should grant a writ of certiorari to the Supreme Court of Virginia.

Respectfully Submitted

~~Alexander Cameron~~
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CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on this 19th day of October 2022, mailed a true copy of the foregoing appendices and writ of certiorari - via - U.S. Postal Service, to the Office of the Attorney General at 202 North 9th Street, Richmond, Virginia 23219.

~~Alexander Cameron~~ Pro Se
Alexander Cameron, Pro Se