

Complimentary

Record

FCCC - RI - R120

COAV - Some Doc's in Petition

SCV - Petition for Appeal

FAIRFAX COUNTY CIRCUIT COURT

Case No.: MI-2021-0000776

COMMONWEALTH OF VIRGINIA

v. GREGORY SHAWN MERCER

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I, the undersigned, certify that the papers listed above and filed herein are the original papers entered in the above styled case and constitute the true and complete record in such case except for the exhibits whose omission is noted in the table of contents.

JOHN T. FREY, CLERK
BY:

DATE: March 18, 2022

DIANA BIONSON
DEPUTY CLERK

NOTICE OF APPEAL - CRIMINAL

Commonwealth of Virginia - VA CODE §§ 16.1-132, 16.1-133, 19.2-174

FAIRFAX CO. GENERAL DISTRICT COURT - TRAFFIC
CITY OR COUNTY

9/21/2021

DATE OF CONVICTION OR BAIL DETERMINATION

I, the undersigned, appeal my conviction the determination on bail to the Circuit Court of this city or county. I understand that this appeal may be withdrawn at any time prior to the hearing date set for this case. This case is scheduled to be called for hearing on appeal of determination of bail trial setting of trial date

11/4/2021 10:00 am in the FAIRFAX COUNTY Circuit Court
DATE AND TIME OF APPEARANCE

4110 CHAINBRIDGE RD, FAIRFAX VA 22030 (703) 246-2228
MAIL ADDRESS OF CIRCUIT COURT TELEPHONE

I am requesting a stay of the execution of the bail determination order.

John T. Frey, Clerk, Circuit Court, Fairfax, VA

I understand that if this is an appeal of a conviction and it is withdrawn within 10 days after my conviction in this District Court, no additional costs will be taxed against me; otherwise, additional costs will be incurred in Circuit Court. I also understand that upon withdrawal of that appeal, I am subject to the terms of my sentence.

WARNING TO DEFENDANT - You are subject to trial and conviction in your absence if you fail to appear for your trial in the Circuit Court. Failure to appear for your trial shall be deemed a waiver of your right to trial by jury in this case. Failure to appear may also constitute a separate criminal offense.

9/21/2021

DATE OF APPEAL

APPELLANT PROSECUTING ATTORNEY

I promise to appear before the Circuit Court of this jurisdiction at the date and time shown.

9/21/2021

DATE OF APPEAL

APPELLANT DEFENDANT

NAME OF ATTORNEY FOR DEFENDANT APPELLANT

ATTORNEY FOR APPELLANT DEFENDANT

NOTICE. Promptly communicate with the Clerk of the Circuit Court of this jurisdiction concerning the subpoenaing of witnesses and any need for interpreters, concerning your right of representation by a lawyer if you do not have a lawyer, and, if you are appealing a conviction, if you wish to request a jury trial. If your case is scheduled for trial, you MUST be present and ready for trial at the "date and time of appearance" shown above.

ORDER FOR STAY OF BAIL DETERMINATION ORDER

The request for stay of execution of the bail determination order is
 granted, upon good cause shown, and the bail determination order is stayed until _____
 denied.

DATE AND TIME

DATE

EDG

CASE NO.

GT20027665-06

FILED

CRIMINAL

NOTICE OF APPEAL

7 1 AM 0 15

Commonwealth of Virginia
[] City [] County [] Town of

JOHN T. FREY
CLERK, CIRCUIT COURT
FAIRFAX, VA

COUNTY OF FAIRFAX

V.

MERCER, GREGORY SHAWN

DEFENDANT'S NAME (LAST, FIRST, MIDDLE)

IMPROPER PASSING ON RIGHT

ORIGINAL CHARGE

GREGORY SHAWN MERCER

APPELLANT

3114 BORGE ST

ADDRESS

OAKTON, VA 22124

(202) 431-9401

TELEPHONE NUMBER

WITHDRAWAL

I, the undersigned, withdraw my appeal in this case

DATE

APPELLANT

by

ATTORNEY FOR THE APPELLANT

COURT USE ONLY

Release on \$ _____

(SECURED)

\$

S. Williams

(UNSECURED)

Not eligible for bail.

000001

**19th Judicial District
Fairfax County General District Court
CRIMINAL/TRAFFIC CONTINUANCE REQUEST**

Commonwealth of Virginia
County of Fairfax

vs.

Mercer, Gregory Shawn
(Defendant Name)

Docket Nos: T20027465-00
OR Summons Nos:

Fairfax County Fairfax City

Herndon

Vienna

Charges:

Improper Passing, On Right 46.2-841

Officer/Complainant: Daugherty

Unit No: 303151

Current Court Date: 6/29/21

Trial Preliminary Hearing

Time: 9:30

Attorney Name: _____
(Print Name)

VSB# _____ Retained Court Appointed Public Defender

Continuance Request By:

Prosecutor

Defense Attorney

Defendant

Police Officer

In Person

By Phone/Email

Accident: Yes

No

To Be Notified By:

Witnesses: Yes

No

Prosecution

Defense

Continued For:

Subpoena witnesses

Failure to Appear

Case has previously been continued:

0 times by Prosecution 0 times by Defense 5 for Admin/Trial

Case has previously been continued to subpoena witnesses for accident charge.

Reason Requested:

Interpreter Needed; Language: _____

Is moving 91 year old mother for A2 to
assisted living in VA

Date: 6/9/21

by phone

Print Name of Person Making Request

Address verified

Clerk: Stephanie Simmons (Print Name)

Signature of Person Making Request

Note: Felony and all DWI continuances must be signed by both the Prosecutor and Defense Counsel.

I ASK FOR THIS: Prosecution / Defense (Circle one)

SEEN / AGREED TO / OBJECTED TO (Circle One)

Attorney/Defendant- Print Name and Sign VA Bar I.D. No.

Attorney/Defendant- Print Name and Sign VA Bar I.D. No.

Reason for Objection: _____

Continuance Request Is: Approved

Denied Reason: _____

By: _____
Judge _____

New Court Date: 7/13/21

Court date information is also available on the web at:

www.vacourts.gov

9:30 a.m. 2:00 p.m. Other: _____

IN THE FAIRFAX COUNTY GENERAL DISTRICT COURT

COUNTY OF FAIRFAX *

Plaintiff, *

versus *

GREGORY SHAWN MERCER *

Defendant. *

Case No. GT20027665-00

7/21/2021 ORAL ARGUMENT

Defendant, Gregory Shawn Mercer, *pro se*, states as follows:

I am invoking The Constitution of Virginia, Article I, Section 2 State Right which states:

1971 COV, Article I, Section 2: "People the source of power.

That all power is vested in, and consequently derived from, the people, that magistrates are their trustees and servants, and at all times amenable to them."

Thereafter, I am invoking U.S. Amendment Federal Right I (I have a Right to believe that Virginia has an illegitimate form of government with illegitimate State, County, and City Judges), U.S. Amendment Federal Right VI (I have a Right to a "Speedy and Public Trial"), and (to make these U.S. Amendment Federal Rights applicable to Virginia) U.S. Amendment XIV. Now according to The Constitution of the United States of America, Article V, these U.S. Amendments I, VI, & XIV are part of The Constitution of the United States of America. According to The Constitution

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of the United States of America, Article VI, Clause 2, U.S. Amendments I, VI, & XIV
ARE the Supreme Law of the Land:

CUS, Article VI, Clause 2 (*U.S. Supremacy Clause*):

"This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

The Supreme Court of Virginia has issued Orders which **ARE NOT** the Supreme Law of the Land. There have been Twenty-eight (28) Orders Extending Declaration of Judicial Emergency in Response to COVID-19 Emergency and Two (2) Clarification Orders Tolling of Statutory Speedy Trial Deadlines During the Judicial Emergency. The Clarification and Second Clarification Orders are dated: (1) 5/1/2020; & (2) 9/11/2020. The Orders Extending Declaration of Judicial Emergency are dated: (1) 3/16/2020; (2) 3/27/2020; (3) 4/22/2020; (4) 5/6/2020; (5) 6/1/2020; (5.33) 6/8/2020; (5.66) 6/22/2020; (6) 6/22/2020; (7) 7/8/2020; (8) 7/29/2020; (8.5) 8/7/2020; (9) 8/20/2020; (10) 9/4/2020; (11) 9/28/2020; (12) 10/19/2020; (13) 11/9/2020; (14) 12/3/2020; (15) 12/18/2020; (16) 1/19/2021; (17) 2/8/2021; (18) 3/2/2021; (19) 3/15/2021; (20) 4/12/2021; (21) 5/3/2021; (21.5) 5/17/2021; (22) 5/26/2021; (23) 6/15/2021; (24) 6/29/2021; (25) 7/7/2021; (26) 8/4/2021; (27) 8/25/2021; & 9/20/2021. One wonders if the Supreme Court of Virginia will ever end the Judicial Emergency in Virginia.

After waiting 523 days for my Trial in this case involving five County of Fairfax Continuances for unspecified reasons (7/28/2020, 11/17/2020, 1/26/2021, 5/18/2021, &

6/29/2021) and one Defendant Continuance due to travel to Tucson, Arizona to care for Defendant's Mother suffering with Dementia (7/13/2021), Defendant appeared for his 7/13/2021 Trial. However, the Police Officer who issued the Summons to this Defendant on 2/6/2020 did not appear for Defendant's 7/13/2021 Trial because he was "on a call." The 7/13/2021 Judge denied this Defendant's Motion to Dismiss the Charge insisting Defendant either Plead Guilty/No Contest or accept a Continuance.

Now after an additional 70 days of delay amounting to a total of 593 days, where the Supreme Court of Virginia has tried to cloud the "Speedy and Public Trial" issue of this case with Orders which **ARE NOT** the **Supreme Law of the Law**, where the Defendant has invoked U.S. Amendments I, VI, & XIV which **ARE** the **Supreme Law of the Law**, Defendant presents his *Barker-Doggett* Defense. This Defendant Defense requires the Judge to Dismissal of this Traffic Charge based on Defendant's Right to a "Speedy and Public Trial." *Barker-Doggett* analysis is fourfold: (1) length of the delay; (2) the reason for the delay; (3) the Defendant's assertion of his Rights; & (4) prejudice to the Defendant.

For whatever reasons the County of Fairfax requested their first five Continuances and Defendant might guess the obvious, the Police Officer who issued the 2/6/2020 Summons to this Defendant was "on a call" on 7/13/2021 failing to appear for Defendant's Trial that Defendant did appear for as Summoned which amounted to a needless 70-day additional delay extending the 523-day initial delay to 593 days. This establishes the first two *Barker-Doggett* factors. Defendant is and already has invoking his U.S. Amendments I, VI, & XIV Rights for a "Speedy and Public Trial"

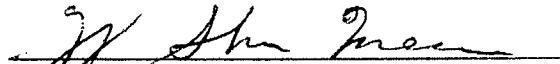
on 7/13/2021 and today on 9/21/2021. This establishes the third *Barker-Doggett* factor. The fourth *Barker-Doggett* factor requires some background.

On 3/28/2021, Defendant became a father for the third time. Victoria Justine Mercer-Williams was born at Inova Fairfax Hospital. After visiting his ailing Mother in Tucson, Arizona from 6/12/2021 to 6/25/2021 without his new daughter, Defendant had a financial need to take on employment at United Parcel Service (UPS) pre-loading Package Trucks 25 hours per week beginning on 7/7/2021. After visiting his ailing Mother in Tucson, Arizona again from 8/17/2021 to 8/24/2021 without his new daughter, Defendant still with financial need was prevented from seeking full-time employment driving a UPS Package Truck for fear that a conviction on this traffic charge at issue here today would eventually appear on Defendant's Driving Record causing him to loose any new full-time UPS Package Truck Driving Position. In order to timely pay his mortgage on 9/15/2021, Defendant being short of money had to make a withdrawal from his IRA Account of \$2,500 which Defendant hopes to pay back to his IRA before 11/14/2021 as a 60-day Rollover allowed once every twelve (12) months. But for this charge being Continued 70 days due to the Issuing Police Officer being "on a call" on 7/13/2021 at or about 9:30 am, Defendant would have been able to seek full-time employment driving a UPS Package Truck after his 30th day of work at UPS (8/24/2021) avoiding Defendant's need to borrow \$2,500 from his IRA on 9/15/2021 so that a 60-day Rollover would still be available to Defendant for future and undetermined emergencies possibly involving his new daughter between 11/14/2021

and 11/13/2022. Defendant has been prejudiced due to the 70-day delay the Issuing Police Officer caused by being "on a call" on 7/13/2021.

Defendant moves this Court to dismiss this traffic charge as a violation of his U.S. Amendment VI Right to a "Speedy and Public Trial" which Federal Right is made applicable to Virginia by U.S. Amendment XIV where both these U.S. Amendments **ARE** the Supreme Law of the Land in accordance with The Constitution of the United States of America, Article VI, Clause 2 (***The U.S. Supremacy Clause***). Defendant moves this Court to dismiss this traffic charge despite the recent Orders of the Supreme Court of Virginia which **ARE NOT** The Supreme Law of the Land and are notwithstanding the strength of U.S. Amendments VI & XIV which **ARE** the Supreme Law of the Land.

Respectfully Submitted,


GREGORY SHAWN MERCER, *pro se*
3114 Borge Street
Oakton, Virginia 22124
gregorysmercер@gmail.com
202-431-9401

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21st day of September, 2021, I hand-delivered a copy of the foregoing "9/21/2021 Oral Argument" to the County of Fairfax Prosecutor in FCGDC Case No. GT20027665-00 at Trial and gave the original copy to the Trial Judge.

Gregory Shawn Mercer

GREGORY SHAWN MERCER, *pro se*
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Oakton, Virginia 22124
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202-431-9401

IN THE FAIRFAX COUNTY GENERAL DISTRICT COURT

FILED

JUL 14 2021

Fairfax County
General District Court
Traffic Court

COUNTY OF FAIRFAX

*

Plaintiff,

*

versus

*

Case No. GT20027665-00

GREGORY SHAWN MERCER

*

9.21.21

Defendant.

*

Daugherty

OBJECTION

COMES NOW the Defendant, Gregory Shawn Mercer, *pro se*, and objects to the 7/13/2021 Fairfax County General District Court (hereafter "FCGDC") Judge's decision to Continue this case until 9/21/2021 at 9:30 am. The Defendant appeared as summoned on 7/13/2021 at 9:30 am but Fairfax County Police Officer J. Daugherty was "on a call" and did not appear despite Notice of the Court Date. Had the Defendant failed to appear, he would have been found guilty in his absence. Why shouldn't Dismissal be the proper remedy if the Police Officer fails to appear at the scheduled Court Date? The FCGDC Judge's insistence that Dismissal was not an option for Defendant is not a fair nor impartial review of this matter by the 7/13/2021 FCGDC Judge.

On 7/13/2021, Defendant invoked his U.S Amendments VI & XIV Rights "to a speedy and public trial" after a 523-day delay for a trial concerning this alleged 2/6/2020 traffic violation. Defendant believes this alleged charge against him ought to be dismissed for two reasons: a) Police Officer J. Daugherty failed to appear for the scheduled Court Date on 7/13/2021; and b) Defendant has Federal Rights (U.S.

Amendments VI & XIV) to a “speedy and public trial” which after a 523-day delay has been inconveniently extended to a 593-day delay solely because Police Officer J. Daugherty was “on a call” so he failed to appear in the FCGDC on 7/13/2021.

The 7/13/2021 FCGDC Judge refused to dismiss this case offering Defendant only two options after explaining that the County of Fairfax’s five Continuances from the original Court Date of 4/21/2020 (7/28/2020, 11/17/2020, 1/26/2021, 5/18/2021, 6/29/2021) compared to Defendant’s one Continuance of the 6/29/2021 Court Date (7/13/2021) were due to COVID-19 and, as such, sanctions by the Supreme Court of Virginia (hereafter “SCV”). Defendant’s two options offered him by the 7/13/2021 FCGDC Judge were: a) Plead Guilty or No Contest having a trial in Police Officer J. Daugherty absence; or b) Continue the case for a trial with Officer J. Daugherty present 70 days or more in the future. Given these choices, Defendant against his will opted for a Continuance until 9/21/2021 at 9:30 am while expressing his duress to the 7/13/2021 FCGDC Judge. Defendant has a new job as of 7/7/2021 working nights for United Parcel Service that conflicts with the 9:30 am time slot plus Defendant has a 91-year-old Mother in Tucson beginning to show signs of dementia who may force Defendant away to Tucson on 9/21/2021. Defendant emphasized that he was invoking *Federal Rights* where U.S. Amendments VI & XIV by the *U.S. Supremacy Clause* (Constitution of the United States (hereafter “CUS”), Article VI, Clause 2) are the Supreme Law of the Land demanding that “the Judges of every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.”

This was actually the second time the Defendant had appeared for trial on this 2/6/2020 alleged traffic charge because he did not receive any Notice of the Continuance of the Court Date from 7/28/2020 to 11/17/2020. He appeared on 7/28/2020 ready for trial then was informed via a Notice of Continuance by the FCGDC Clerk who signs with "LAG" that his new Court Date was 11/17/2020.

These events on 7/13/2021 do not surprise the Defendant because he believes Virginia has an Unrepublican Form of Government and has had this Unconstitutional Government in violation of the *U.S. Supremacy Clause* since 1902. By way of background, Petitioner argues that Virginia has a Confederate Police Government with illegitimate and incompetent Virginia State, County, and City Judges as explained below. Defendant cannot receive a fair and impartial trial in a State, County, or City Courtroom because these non-Federal Judges have a huge Conflict of Interest where the Constitution of Virginia (hereafter "COV"), Article I, Sections 2 is never enforced as all other State Rights and all Federal Rights are unenforced in Virginia. In fact, the current 1971 COV is a *racially-inspired* document with its constitutionality with respect to the CUS currently being considered in the Supreme Court of the United States (hereafter "SCOTUS"), *Mercer v. Virginia*, Case No. 20-1827 which was filed 6/10/2021 and docketed on 7/1/2021. Before continuing with Defendant's argument that all Virginia State, County, and City Judges are illegitimate and incompetent, Defendant needs to present 14 references where the current COV is the 1971 COV of seven COV's [1776, 1830, 1851 (which was the only COV where the Virginia General Assembly

did not choose all the Virginia State, County, and City Judges because the People elected these Judges), 1864 (which COV was never ratified by People), 1870, 1902 (which COV was never ratified by People), & 1971]:

1971 COV, Article I, Section 2: "People the source of power.

That all power is vested in, and consequently derived from, the people, that magistrates are their trustees and servants, and at all times amenable to them."

1971 COV, Article I, Section 5: "Separation of legislative, executive, and judicial departments; periodical elections.

That the legislative, executive, and judicial departments of the Commonwealth should be separate and distinct; and that the members thereof may be restrained from oppression, by feeling and participating the burthens of the people, they should, at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by regular elections, in which all or any part of the former members shall be again eligible, or ineligible, as the laws may direct."

U.S. Amendment VI:

"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense."

U.S. Amendment XIV:

"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 due process

of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

U.S. Amendment XV:

"Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have the power to enforce this article by appropriate legislation."

1971 COV, Article VI, Section 1: "Judicial power; jurisdiction.

The judicial power of the Commonwealth shall be vested in a Supreme Court and in such other courts of original or appellate jurisdiction subordinate to the Supreme Court as the General Assembly may from time to time establish. Trial courts of general jurisdiction, appellate courts, and such other courts as shall be so designated by the General Assembly shall be known as courts of record.

The Supreme Court shall, by virtue of this Constitution, have original jurisdiction in cases of habeas corpus, mandamus, and prohibition; to consider claims of actual innocence presented by convicted felons in such cases and in such manner as may be provided by the General Assembly; in matters of judicial censure, retirement, and removal under Section 10 of this article, and to answer questions of state law certified by a court of the United States or the highest appellate court of any other state. All other jurisdiction of the Supreme Court shall be appellate. Subject to such reasonable rules as may be prescribed as to the course of appeals and other procedural matters, the Supreme Court shall, by virtue of this Constitution, have appellate jurisdiction in cases involving the constitutionality of a law under this Constitution or the Constitution of the United States and in cases involving the life or liberty of any person.

The General Assembly may allow the Commonwealth the right to appeal in all cases, including those involving the life or liberty of a person, provided such appeal would not otherwise violate this Constitution or the Constitution of the United States.

Subject to the foregoing limitations, the General Assembly shall have the power to determine the original and appellate jurisdiction of the courts of the Commonwealth."

1971 COV, Article VI, Section 2: "Supreme Court.

The Supreme Court shall consist of seven justices. The General Assembly may, if three-fifths of the elected membership of each house so vote at two successive regular sessions, increase or decrease the number of justices of the Court, provided that the Court shall consist of no fewer than seven and no more than eleven justices. The Court may sit and render final judgment en banc or in divisions as may be prescribed by law. No decision shall become the judgment of the Court, however, except on the concurrence of at least three justices, and no law shall be declared unconstitutional under either this Constitution or the Constitution of the United States except on the concurrence of at least a majority of all justices of the Supreme Court of Virginial."

1902 COV, Article VI, Section 88: "Judiciary Department.

The Supreme Court of Appeals shall consist of five judges, any three of whom may hold a court. It shall have original jurisdiction in cases of habeas corpus, mandamus, and prohibition; but in all other cases, in which it shall have jurisdiction, it shall have appellate jurisdiction only. Subject to such reasonable rules, as may be prescribed by law, as to the course of appeal, the limitation as to time, the security required, if any, the granting or refusing of appeals, and the procedure therein, it shall, by virtue of this Constitution, have appellate jurisdiction in all cases involving the constitutionality of a law as being repugnant to the Constitution of this State or of the United States, or involving the life or liberty of any person; and, it shall also have appellate jurisdiction in such other cases, within the limits hereinafter defined, as may be prescribed by law; but no appeal shall be allowed to the Commonwealth in any case involving the life or liberty of a person, except that as appeal by the Commonwealth may be allowed by law in any case involving the violation of a law relating to the state revenue. No bond shall be required, of any accused person as a condition of appeal, but a supersedeas bond may be required where the only punishment imposed in the court below is a fine. The court shall not have jurisdiction in civil cases where the matter in controversy, exclusive of costs and of interest accrued since the judgment in the court below, is less in value or amount than three hundred dollars, except in

controversies concerning the title to, or boundaries of land, the condemnation of property, the probate of a will, the appointment or qualification of a personal representative, guardian, committee, or curator, or concerning a mill, roadway, ferry, or landing, or the right of the State, county or municipal corporation to levy tolls or taxes, or involving the construction of any statute, ordinance or county proceeding imposing taxes; and, except in cases of habeas corpus, mandamus, and prohibition, the constitutionality of a law, or some other matter not merely pecuniary. After the year nineteen hundred and ten the General Assembly may change the jurisdiction of the court in matters merely pecuniary. The assent of at least three of the judges, shall be required for the court to determine that any law is, or is not, repugnant to the Constitution of this State or of the United States; and if, in a case involving the constitutionality of any such law, not more than two of the judges sitting agree in opinion on the constitutional question involved, and the case cannot be determined, without passing on the question, no decision shall be rendered therein, but the case shall be reheard by a full court; and, in no case where the jurisdiction of the court depends solely upon the fact that the constitutionality of a law is involved, shall the court decide the case upon its merits, unless the contention of the appellant upon the constitutional question be sustained. Whenever the requisite majority of the judges sitting are unable to agree upon a decision, the case shall be reheard by a full bench, and any vacancy caused by any one or more of the judges being unable, unwilling, or disqualified to sit, shall be temporarily filled in a manner to be prescribed by law."

1971 COV, Article VI, Section 7: "Selection and qualification of judges.

The justices of the Supreme Court shall be chosen by the vote of a majority of the members elected to each house of the General Assembly for terms of twelve years. The judges of all other courts of record shall be chosen by the vote of a majority of the members elected to each house of the General Assembly for terms of eight years. During any vacancy which may exist while the General Assembly is not in session, the Governor may appoint a successor to serve until thirty days after the commencement of the next session of the General Assembly. Upon election by the General Assembly, a new justice or judge shall begin service of a full term.

All justices of the Supreme Court and all judges of other courts of record shall be residents of the Commonwealth and shall, at least five years prior to their appointment or election, have been admitted to the bar of the Commonwealth. Each judge of a trial court of record shall during his term of office reside within the jurisdiction of one of the courts to which he was

appointed or elected; provided, however, that where the boundary of such jurisdiction is changed by annexation or otherwise, no judge thereof shall thereby become disqualified from office or ineligible for reelection if, except for such annexation or change, he would otherwise be qualified."

CUS, Article VI, Clause 2 (*U.S. Supremacy Clause*):

"This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

CUS, Article IV, Section 4 (*U.S. Guarantee Clause*):

"The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence."

Duncan v. McCall, 139 U.S. 449, 461, 11 S.Ct. 573, 577 (1891):

"By the constitution, a republican form of government is guarantied [sic. – 'guaranteed'] to every state in the Union, and the distinguishing feature of that form is the right of the people to choose their own officers for governmental administration, . . ."

1863 COWV, Article I, Section 1:

"The State of West Virginia shall be and remain one of the United States of America. The Constitution of the United States, and the laws and treaties made in pursuance thereof, shall be the supreme law of the land."

1870 COV, Article I, Section 3:

"That the Constitution of the United States, and the laws of Congress passed in pursuance thereof, constitute the supreme law of the land, to which paramount allegiance and obedience are due from every citizen, anything in the constitution, ordinances, or laws of any State to the contrary notwithstanding."

Of all the seven COV's, only the 1851 COV had Virginia State, County, and City Judges elected by the People. All other COV's (1776, 1830, 1864, 1870, 1902, & 1971) had/has the Virginia General Assembly choosing all Virginia State, County, and City Judges in one joint or two separate meetings of the Virginia General Assembly. Neither the 1864 COV nor the 1902 COV were submitted to the People of Virginia for ratification.

In a Democracy or Constitutional Republic, People are protected from Government with Rights. If one violates another's Rights, the another may sue the one where a Judge would decide whether or not to enforce another's Rights. In a Democracy or Constitutional Republic, the connection between the People and their Judges is paramount in order to protect Citizen's Rights.

In a Confederacy, Government is protected from People by Denying Rights. This is accomplished in U.S. Confederacies by controlling the Judges. Virginia has a history with the Confederate Form of Government most notably in the U.S. Civil War. Currently, all Virginia State, County, and City Judges are chosen by the Virginia General Assembly in order to control all these Judges which is the hallmark of a U.S. Confederacy.

As the U.S. Civil War broke out on 4/12/1861, the 48 counties in western Virginia separated from the Virginia Confederacy choosing to remain in the Union. The first Constitution of West Virginia illuminated the specific difference between the Union and the Confederacy with the 1863 COWV, Article I, Section 1. This

1863 COWV, Article I, Section 1 was a restatement of the *U.S. Supremacy Clause*. The specific difference between the Union and Confederacy is that U.S. Confederacies do not respect the *U.S. Supremacy Clause*. After the U.S. Civil War ended on 4/9/1865, the U.S. Congress applied the *U.S. Guarantee Clause* against the 11 previous Confederate States forcing them to once again create Republican Forms of Government through the rewriting of their State Constitutions before Congress would agree to readmitted these previously Confederate States to representation in U.S. Congress. Congress forced the previous U.S. Confederacies to change each of their Electorates from “white male” to “male” citizens in part in the Constitutions of VA, NC, SC, GA, FL, AL, MS, LA, AR, TX, & TN so that these new State Constitutions were consistent with U.S. Amendment XV which was ratified on 7/9/1868. Congressional representation was restored for: TN – which ratified U.S. Amendment XIV on 7/24/1866 before Congressional Application of the *U.S. Guarantee Clause*; AR – via Act of 40th Congress, Session II, Chapter 69, with representation restored on 6/22/1868; AL, FL, LA, NC, SC – via Act of 40th Congress, Session II, Chapter 70, with representation restored: for FL (6/25/1868), for NC (7/4/1868), for LA & SC (7/9/1868), for AL (7/13/1868); VA – via Act of 41st Congress, Session II, Chapter 10 & 12, with representation restored on 1/26/1870; MS – via Act of 41st Congress, Session II, Chapter 19, with representation restored on 2/23/1870; TX – via Act of 41st Congress, Session II, Chapter 39, with representation restored on 3/30/1870; and GA – via Act of 41st Congress, Session II, Chapter 299, with representation restored on 7/15/1870.

The Virginia Confederacy ended with 1870 COV, Article I, Section 3 which was a restatement of the *U.S. Supremacy Clause* just like the 1863 COWV, Article I, Section 1 was a restatement of the *U.S. Supremacy Clause*. Virginia was no longer a Confederacy between 1870 and 1902. Concurrently, the newly enfranchised African American males as of 1868 joined Lincoln's Republican Party. According to Richard M. Valely's book The Two Reconstructions (Copyright 2004) which won the J. David Greenstone Politics and History Award, three things led to the re-disenfranchised of the Southern African American males: 1) White violence against the Black community continued in the South; 2) hundreds of African American newspapers fought each other for circulation within the Southern Black community most eventually going out of business; and 3) the Northern Republican Party did not help the Southern Republican Party because of its inherent chaos instead choosing to work with the expanding Western Republican Party to elect Republicans to the nation's political offices. Between 1885 and 1908, many of the previously Confederate States re-disenfranchised by adopting Poll Taxes against the Poor and Literacy Tests against the Uneducated in a color-blind fashion consistent with U.S. Amendment XV. Of course, history has shown that this severely impacted the African American male voters.

In 1891, the SCOTUS decided Duncan v. McCall, 139 U.S. 449, 461, 11 S.Ct. 573, 577 (1891) making it the Supreme Law of the Land that the People have the Right to choose their own officers for governmental administration inclusive of State, County, and City Judges.

The 1902 COV contained Poll Taxes and Literacy Tests plus Article VI, Section 88 that replaced the abandoned 1870 COV, Article I, Section 3 Restatement of the *U.S. Supremacy Clause*. The latter Constitutional Section empowered the Supreme Court of Appeals of Virginia with the ability to interpret the CUS with its *U.S. Bill of Rights* which was a direct violation of the *U.S. Supremacy Clause*. This was a third way to disenfranchise against the African American male voter by denying him his Federal Rights contained in the *U.S. Bill of Rights*. Since the SCOTUS reviewed/reviews State Courts of Last Resort like Virginia's Supreme Court less than 1% of the time, this made Virginia's Supreme Court the Gatekeeper to Federal Rights in Virginia. In 1902, Virginia became a Renewed Confederacy denying Federal and State Rights again. This was a Renewed Confederacy that violated the *U.S. Supremacy Clause* two-fold by interpreting the CUS with its *U.S. Bill of Rights* plus violating the Supreme Law of the Land found in *Duncan v. McCall*, 139 U.S. 449, 461, 11 S.Ct. 573, 577 (1891) because the 1902 COV had the Virginia General Assembly not the People electing all State, County, and City Judges again.

History continues. The NAACP was founded on 2/12/1909. White violence including lynchings in Virginia against the Black community continued according to Richard M. Valelly's book The Two Reconstructions. When President Franklin D. Roosevelt died in office on 4/12/1945, Vice President Harry S. Truman became President. In his 1948 election, it was noted that President Truman beat Thomas E. Dewey with the help of African American votes. The Southern Racial Unrest in

the 1960's during President John F. Kennedy's term was handled with a Voter Registration Drive to equalize voting opportunities between the Black and White races. Poll Taxes and Literacy Tests became unfavorable in Kennedy's Southern Voter Registration Drives. The 1964 Civil Rights Act and the 1965 Voter Rights Act were passed by the U.S. Congress after JFK was assassinated on 11/22/1963 during President Lyndon B. Johnson's initially popular Presidency. In 1971, the new COV abandoned Poll Taxes and Literacy Tests but left the SCV interpreting the CUS with its *U.S. Bill of Rights* via 1971 COV, Article VI, Sections 1 & 2. This 1971 COV was a *racially-inspired* document continuing the Denial of Federal Rights to African American males who were Virginians but expanding this Denial to all People in Virginia regardless of race.

In 2015 and 2019, Virginia Senator Chap Petersen's Campaign Signs displayed "Police Endorsed." As in the COV's of 1776, 1830, 1864, 1870, & 1902, the 1971 COV, Article VI, Section 7 empowers the Virginia General Assembly with choosing all Virginia State, County, and City Judges. With the Police Endorsing the Electorate of all Virginia State, County, and City Judges, a huge Conflict of Interest arises. A Virginia Courtroom has a Defendant, a Judge, a Prosecutor, and a Police Witness(es) for the Prosecution. If the Police Witness for the Prosecution was unhappy or angered by the outcome of the Trial, the presiding Judge arguably feared that the Police Witness may go to the Police Lobbies that endorsed the Virginia General Assembly Representatives for office in order to interfere in that Judge's Virginia General Assembly Judicial Election. That presiding Judge

arguably feared he or she may not stay on his or her Bench nor move up to a higher Bench. So, that Judge ignored the Defendant's State Rights and COV, Article I, Section 2 (**People the source of power**) siding with the Police Witness for the Prosecution who hated the Defendant's State Rights which complicate that Police Witness' enforcement duties. Virginia Police Officers would rather enter your home at will (Defendant has personal experience with this in June of 2015 when his computers and cell phones were unconstitutional seized without return while he was unlawfully imprisoned) and learn about any possible criminal behavior you may be committing. Attached please find two photographs of Virginia Senator Chap Petersen's 2015 and 2019 Campaign Signs displaying "Police Endorsed."

On 7/13/2021 in the FCGDC, Defendant invoked his U.S. Amendments VI & XIV Rights to have the 2/6/2020 alleged charge dismissed a 523-day delay because he had not received a speedy trial. Defendant had come to Court on 7/28/2020 because of a failure to be notified of the County of Fairfax's second Continuance. The County of Fairfax is way beyond its one Continuance with Continuances to 7/28/2020, 11/17/2020, 1/26/2021, 5/18/2021, & 6/29/2021 where Defendant has had his one Continuance to 7/13/2021. The 1971 COV is in violation of the ***U.S. Guarantee Clause & U.S. Supremacy Clause*** three-fold: a) Virginia has a Renewed Confederacy since 1902 which is not a Republican Form of Government as determined by the similar U.S. Congressional Applications of the ***U.S. Guarantee Clause*** between 1866 and 1870; b) The SCV is interpreting the CUS with its ***U.S. Bill of Rights*** becoming the Gatekeeper to Federal Rights in Virginia in violation of

the *U.S. Supremacy Clause* due to 1971 COV, Article VI, Sections 1 & 2; and c) the Virginia State, County, and City Judges are not elected by the People contrary to the Supreme Law of the Land found in *Duncan v. McCall*, 139 U.S. 449, 461, 11 S.Ct. 573, 377 (1891) according to the *U.S. Supremacy Clause* due to 1971 COV, Article VI, Section 7. Defendant argues that the 1971 COV, Article VI, Sections 1, 2, & 7 are actually null and void. The ALLEGIANCE of the Virginia State, County, and City Judges has become to the Virginia Government and to the Virginia Police where 1971 COV, Article I, Section 2 “People the source of power” has become a total joke. The Virginia State, County, and City Judges have given the Power of the People to the Virginia Police in Virginia’s Confederate Police Government. Today, the Police Officer is the Sovereign of the Virginia Governments not the PEOPLE!

CONCLUSION: Defendant cannot get a fair and impartial trial in a Virginia State, County, or City Court. Virginia State, County, and City Judges have a huge Conflict of Interest and blindly support the Police Witness for the Prosecution in order that those Judges calm their fears that they may not stay on their Benches nor move up to a higher Benches. *Defendant demand to be tried by a Generally Elected Judge from my community*. Or as a legal question for the SCV and/or SCOTUS, whether or not Virginia violates the *U.S. Guarantee Clause* because it has an Unrepublican Form of Government which chooses all State, County, and City Judges with its General Assembly effectively causing State and Federal Rights to be unenforced in Virginia? *The Defendant moves the 9/21/2021 FCGDC Judges to certify this question to the SCV*. There is no need to impeach all these

illegitimate Virginia State, County, and City Judges. This is not like the election of the Governor in hundreds of voting booths across the State. These Virginia Judges were “hired” in one joint or two centrally-located Richmond Meetings of the Virginia General Assembly and these Judges can be “fired” via the same one joint or two centrally-located Richmond Meetings of the Virginia General Assembly. Because Virginia State, County, and City Judges do not enforce 1971 COV, Article I, Section 2, these State, County, and City Judges are incompetent!

If Defendant were to miss his Court Date in the FCGDC, he would be found guilty for “Failure to Appear.” If Police Officer J. Daugherty is “on a call” so he cannot make it to Court, the FCGDC Judge Continues the case even if Defendant has invoked the Supreme Law of the Land being his U.S. Amendment VI & XIV Rights. The 7/13/2021 FCGDC Judge explained to Defendant that the SCV sanctions multiple Continuances for the County of Fairfax because of COVID-19 which has allowed County of Fairfax five Continuances to Defendant’s one Continuance. Well, the *U.S. Supremacy Clause* says Defendant’s U.S. Amendment VI & XIV Rights are more powerful than the SCV: “the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.” Defendant has a very early morning job at UPS in Chantilly and his Mother is 91-years-old beginning to show signs of dementia while she lives in Tucson, Arizona. Defendant may need to help his 91-year-old Mother. The date 9/21/2021 at 9:30 am may very quickly become inconvenient for Defendant. Does Defendant get another Continuance or has he used up his one

Continuance? Defendant deserves "Equal Protection of the Laws (U.S. Amendment XIV)." The Virginia Judges and Virginia Police are not "Separate and Distinct (COV, Article I, Section 5) when the Police Endorse Virginia Senator Chap Petersen for office (See attached photographs)."

Respectfully Submitted,


GREGORY SHAWN MERCER, *pro se*
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Oakton, Virginia 22124
gregorysmercер@gmail.com
202-431-9401

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 14th day of July, 2021, I hand-delivered a copy of the foregoing "Objection" to the Commonwealth Attorney's Office for the County of Fairfax Prosecutor in FCGDC Case No. GT20027665-00 at 4110 Chain Bridge Road, Suite #114, Fairfax, Virginia, 22030. I do not believe a specific County of Fairfax Prosecutor has been assigned to this case yet.


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000026

PETERSEN
FOR STATE SENATE

**Police
Endorsement**

fair

11 authority # 303151
9-21-21

IN THE FAIRFAX COUNTY GENERAL DISTRICT COURT

COUNTY OF FAIRFAX

*

FILED

JUL 15 2021

Fairfax County
General District Court
Traffic Court

versus

* Case No. GT20027665-00

GREGORY SHAWN MERCER

*

Defendant.

*

ERRATA IN 7/14/2021 OBJECTION

COMES NOW the Defendant, Gregory Shawn Mercer, *pro se*, and gives notice of the following errata in his 7/14/2021 Objection:

Page 3, Second Paragraph: a) "... violation of the *U.S. [Guarantee] Clause* since ..." and b) "... Case No. 20-1827 which was filed [on] 6/10/2021 and docketed on 7/1/2021.

Page 10: "... readmitted these previously Confederate States to representation in [the] U.S. Congress."

Page 14 about halfway through the page: "... the 2/6/2020 alleged [violation] dismissed [because of] a 523-day delay [where] he had not received a speedy trial."

Page 15 in the bold and italicized sentences: "Defendant demand[s] to be tried by a Generally Elected Judge from [his] community" and "The Defendant moves the 9/21/2021 FCGDC Judge [singular] to certify this question to the SCV.

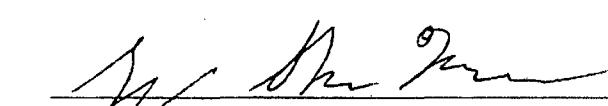
Page 17, the quote marks that end the last sentence should be moved so that it reads: "Separate and Distinct (COV, Article I, Section 5)" when the Police Endorse Virginia Senator Chap Petersen for office (See attached photographs).

Respectfully Submitted,


GREGORY SHAWN MERCER, *pro se*
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Oakton, Virginia 22124
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202-431-9401

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 15th day of July, 2021, I hand-delivered a copy of the foregoing "Errata in 7/14/2021 Objection" to the Commonwealth Attorney's Office for the County of Fairfax Prosecutor in FCGDC Case No. GT20027665-00 at 4110 Chain Bridge Road, Suite #114, Fairfax, Virginia, 22030. I do not believe a specific County of Fairfax Prosecutor has been assigned to this case yet.


GREGORY SHAWN MERCER, *pro se*
3114 Borge Street
Oakton, Virginia 22124
gregorysmercser@gmail.com
202-431-9401

IN THE FAIRFAX COUNTY GENERAL DISTRICT COURT

COUNTY OF FAIRFAX *

Plaintiff, *

versus * Case No. GT20027665-00

GREGORY SHAWN MERCER *

Defendant. *

7/15/2021 CORRECTED 7/14/2021 OBJECTION

COMES NOW the Defendant, Gregory Shawn Mercer, *pro se*, and objects to the 7/13/2021 Fairfax County General District Court (hereafter “FCGDC”) Judge’s decision to Continue this case until 9/21/2021 at 9:30 am. The Defendant appeared as summoned on 7/13/2021 at 9:30 am but Fairfax County Police Officer J. Daugherty was “on a call” and did not appear despite Notice of the Court Date. Had the Defendant failed to appear, he would have been found guilty in his absence. Why shouldn’t Dismissal be the proper remedy if the Police Officer fails to appear at the scheduled Court Date? The FCGDC Judge’s insistence that Dismissal was not an option for Defendant is not a fair nor impartial review of this matter by the 7/13/2021 FCGDC Judge.

On 7/13/2021, Defendant invoked his U.S Amendments VI & XIV Rights “to a speedy and public trial” after a 523-day delay for a trial concerning this alleged 2/6/2020 traffic violation. Defendant believes this alleged charge against him ought to be dismissed for two reasons: **a)** Police Officer J. Daugherty failed to appear for the scheduled Court Date on 7/13/2021; and **b)** Defendant has Federal Rights (U.S.

Amendments VI & XIV) to a “speedy and public trial” which after a 523-day delay has been inconveniently extended to a 593-day delay solely because Police Officer J. Daugherty was “on a call” so he failed to appear in the FCGDC on 7/13/2021.

The 7/13/2021 FCGDC Judge refused to dismiss this case offering Defendant only two options after explaining that the County of Fairfax’s five Continuances from the original Court Date of 4/21/2020 (7/28/2020, 11/17/2020, 1/26/2021, 5/18/2021, 6/29/2021) compared to Defendant’s one Continuance of the 6/29/2021 Court Date (7/13/2021) were due to COVID-19 and, as such, sanctions by the Supreme Court of Virginia (hereafter “SCV”). Defendant’s two options offered him by the 7/13/2021 FCGDC Judge were: **a)** Plead Guilty or No Contest having a trial in Police Officer J. Daugherty absence; or **b)** Continue the case for a trial with Officer J. Daugherty present 70 days or more in the future. Given these choices, Defendant against his will opted for a Continuance until 9/21/2021 at 9:30 am while expressing his duress to the 7/13/2021 FCGDC Judge. Defendant has a new job as of 7/7/2021 working nights for United Parcel Service that conflicts with the 9:30 am time slot plus Defendant has a 91-year-old Mother in Tucson beginning to show signs of dementia who may force Defendant away to Tucson on 9/21/2021. Defendant emphasized that he was invoking *Federal Rights* where U.S. Amendments VI & XIV by the **U.S. Supremacy Clause** (Constitution of the United States (hereafter “CUS”), Article VI, Clause 2) are the Supreme Law of the Land demanding that “the Judges of every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.”

This was actually the second time the Defendant had appeared for trial on this 2/6/2020 alleged traffic charge because he did not receive any Notice of the Continuance of the Court Date from 7/28/2020 to 11/17/2020. He appeared on 7/28/2020 ready for trial then was informed via a Notice of Continuance by the FCGDC Clerk who signs with "LAG" that his new Court Date was 11/17/2020.

These events on 7/13/2021 do not surprise the Defendant because he believes Virginia has an Unrepublican Form of Government and has had this Unconstitutional Government in violation of the ***U.S. Guarantee Clause*** since 1902. By way of background, Petitioner argues that Virginia has a Confederate Police Government with illegitimate and incompetent Virginia State, County, and City Judges as explained below. Defendant cannot receive a fair and impartial trial in a State, County, or City Courtroom because these non-Federal Judges have a huge Conflict of Interest where the Constitution of Virginia (hereafter "COV"), Article I, Sections 2 is never enforced as all other State Rights and all Federal Rights are unenforced in Virginia. In fact, the current 1971 COV is a ***racially-inspired*** document with its constitutionality with respect to the CUS currently being considered in the Supreme Court of the United States (hereafter "SCOTUS"), Mercer v. Virginia, Case No. 20-1827 which was filed on 6/10/2021 and docketed on 7/1/2021. Before continuing with Defendant's argument that all Virginia State, County, and City Judges are illegitimate and incompetent, Defendant needs to present 14 references where the current COV is the 1971 COV of seven COVs [1776, 1830, 1851 (which was the only COV where the Virginia General Assembly did not choose all the

Virginia State, County, and City Judges because the People elected these Judges), 1864 (which COV was never ratified by People), 1870, 1902 (which COV was never ratified by People), & 1971]:

1971 COV, Article I, Section 2: "People the source of power.

That all power is vested in, and consequently derived from, the people, that magistrates are their trustees and servants, and at all times amenable to them."

1971 COV, Article I, Section 5: "Separation of legislative, executive, and judicial departments; periodical elections.

That the legislative, executive, and judicial departments of the Commonwealth should be separate and distinct; and that the members thereof may be restrained from oppression, by feeling and participating the burthens of the people, they should, at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by regular elections, in which all or any part of the former members shall be again eligible, or ineligible, as the laws may direct."

U.S. Amendment VI:

"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense."

U.S. Amendment XIV:

"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 due

process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

U.S. Amendment XV:

"Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have the power to enforce this article by appropriate legislation."

1971 COV, Article VI, Section 1: "Judicial power; jurisdiction.

The judicial power of the Commonwealth shall be vested in a Supreme Court and in such other courts of original or appellate jurisdiction subordinate to the Supreme Court as the General Assembly may from time to time establish. Trial courts of general jurisdiction, appellate courts, and such other courts as shall be so designated by the General Assembly shall be known as courts of record.

The Supreme Court shall, by virtue of this Constitution, have original jurisdiction in cases of habeas corpus, mandamus, and prohibition; to consider claims of actual innocence presented by convicted felons in such cases and in such manner as may be provided by the General Assembly; in matters of judicial censure, retirement, and removal under Section 10 of this article, and to answer questions of state law certified by a court of the United States or the highest appellate court of any other state. All other jurisdiction of the Supreme Court shall be appellate. Subject to such reasonable rules as may be prescribed as to the course of appeals and other procedural matters, the Supreme Court shall, by virtue of this Constitution, **have appellate jurisdiction in cases involving the constitutionality of a law under this Constitution or the Constitution of the United States** and in cases involving the life or liberty of any person.

The General Assembly may allow the Commonwealth the right to appeal in all cases, including those involving the life or liberty of a person, **provided such appeal would not otherwise violate this Constitution or the Constitution of the United States.**

Subject to the foregoing limitations, the General Assembly shall have the power to determine the original and appellate jurisdiction of the courts of the Commonwealth."

1971 COV, Article VI, Section 2: "Supreme Court.

The Supreme Court shall consist of seven justices. The General Assembly may, if three-fifths of the elected membership of each house so vote at two successive regular sessions, increase or decrease the number of justices of the Court, provided that the Court shall consist of no fewer than seven and no more than eleven justices. The Court may sit and render final judgment en banc or in divisions as may be prescribed by law. No decision shall become the judgment of the Court, however, except on the concurrence of at least three justices, and no law shall be declared unconstitutional under either this Constitution or the Constitution of the United States except on the concurrence of at least a majority of all justices of the Supreme Court [of Virginia]."

1902 COV, Article VI, Section 88: "Judiciary Department.

The Supreme Court of Appeals shall consist of five judges, any three of whom may hold a court. It shall have original jurisdiction in cases of habeas corpus, mandamus, and prohibition; but in all other cases, in which it shall have jurisdiction, it shall have appellate jurisdiction only. Subject to such reasonable rules, as may be prescribed by law, as to the course of appeal, the limitation as to time, the security required, if any, the granting or refusing of appeals, and the procedure therein, it shall, by virtue of this Constitution, have appellate jurisdiction in all cases involving the constitutionality of a law as being repugnant to the Constitution of this State or of the United States, or involving the life or liberty of any person; and, it shall also have appellate jurisdiction in such other cases, within the limits hereinafter defined, as may be prescribed by law; but no appeal shall be allowed to the Commonwealth in any case involving the life or liberty of a person, except that an appeal by the Commonwealth may be allowed by law in any case involving the violation of a law relating to the state revenue. No bond shall be required, of any accused person as a condition of appeal, but a supersedeas bond may be required where the only punishment imposed in the court below is a fine. The court shall not have jurisdiction in civil cases where the matter in controversy, exclusive of costs and of interest accrued since the judgment in the court below, is less in value or amount than three hundred dollars, except in controversies concerning the title to, or boundaries of land, the condemnation of property,

the probate of a will, the appointment or qualification of a personal representative, guardian, committee, or curator, or concerning a mill, roadway, ferry, or landing, or the right of the State, county or municipal corporation to levy tolls or taxes, or involving the construction of any statute, ordinance or county proceeding imposing taxes; and, except in cases of habeas corpus, mandamus, and prohibition, the constitutionality of a law, or some other matter not merely pecuniary. After the year nineteen hundred and ten the General Assembly may change the jurisdiction of the court in matters merely pecuniary. The assent of at least three of the judges, shall be required for the court to determine that any law is, or is not, repugnant to the Constitution of this State or of the United States; and if, in a case involving the constitutionality of any such law, not more than two of the judges sitting agree in opinion on the constitutional question involved, and the case cannot be determined, without passing on the question, no decision shall be rendered therein, but the case shall be reheard by a full court; and, in no case where the jurisdiction of the court depends solely upon the fact that the constitutionality of a law is involved, shall the court decide the case upon its merits, unless the contention of the appellant upon the constitutional question be sustained. Whenever the requisite majority of the judges sitting are unable to agree upon a decision, the case shall be reheard by a full bench, and any vacancy caused by any one or more of the judges being unable, unwilling, or disqualified to sit, shall be temporarily filled in a manner to be prescribed by law."

1971 COV, Article VI, Section 7: "Selection and qualification of judges.

The justices of the Supreme Court shall be chosen by the vote of a majority of the members elected to each house of the General Assembly for terms of twelve years. The judges of all other courts of record shall be chosen by the vote of a majority of the members elected to each house of the General Assembly for terms of eight years. During any vacancy which may exist while the General Assembly is not in session, the Governor may appoint a successor to serve until thirty days after the commencement of the next session of the General Assembly. Upon election by the General Assembly, a new justice or judge shall begin service of a full term.

All justices of the Supreme Court and all judges of other courts of record shall be residents of the Commonwealth and shall, at least five years prior to their appointment or election, have been admitted to the bar of the Commonwealth. Each judge of a trial court of record shall during his term of office reside within the jurisdiction of one of the courts to which he was appointed or elected; provided, however, that where the boundary of such jurisdiction is changed by annexation or otherwise, no judge thereof shall thereby become disqualified

from office or ineligible for reelection if, except for such annexation or change, he would otherwise be qualified."

CUS, Article VI, Clause 2 (U.S. Supremacy Clause):

"This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

CUS, Article IV, Section 4 (U.S. Guarantee Clause):

"The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence."

***Duncan v. McCall*, 139 U.S. 449, 461, 11 S.Ct. 573, 577 (1891):**

"By the constitution, a republican form of government is guarantied [sic. – 'guaranteed'] to every state in the Union, and the distinguishing feature of that form is the right of the people to choose their own officers for governmental administration, . . .'

1863 COWV, Article I, Section 1:

"The State of West Virginia shall be and remain one of the United States of America. **The Constitution of the United States, and the laws and treaties made in pursuance thereof, shall be the supreme law of the land.**"

1870 COV, Article I, Section 3:

"That the Constitution of the United States, and the laws of Congress passed in pursuance thereof, constitute the supreme law of the land, to which paramount allegiance and obedience are due from every citizen, anything in the constitution, ordinances, or laws of any State to the contrary notwithstanding."

Of all the seven COV's, only the 1851 COV had Virginia State, County, and City Judges elected by the People. All other COV's (1776, 1830, 1864, 1870, 1902, & 1971) had/has the Virginia General Assembly choosing all Virginia State, County, and City Judges in one joint or two separate meetings of the Virginia General Assembly. Neither the 1864 COV nor the 1902 COV were submitted to the People of Virginia for ratification.

In a Democracy or Constitutional Republic, People are protected from Government with **Rights**. If one violates another's Rights, the another may sue the one where a Judge would decide whether or not to enforce another's Rights. In a Democracy or Constitutional Republic, the connection between the People and their Judges is paramount in order to protect Citizen's Rights.

In a Confederacy, Government is protected from People by **Denying Rights**. This is accomplished in U.S. Confederacies by controlling the Judges. Virginia has a history with the Confederate Form of Government most notably in the U.S. Civil War. Currently, all Virginia State, County, and City Judges are chosen by the Virginia General Assembly in order to control all these Judges which is the hallmark of a U.S. Confederacy.

As the U.S. Civil War broke out on 4/12/1861, the 48 counties in western Virginia separated from the Virginia Confederacy choosing to remain in the Union. The first Constitution of West Virginia illuminated the specific difference between the Union and the Confederacy with the 1863 COWV, Article I, Section 1. This 1863

COWV, Article I, Section 1 was a restatement of the ***U.S. Supremacy Clause***. The specific difference between the Union and Confederacy is that U.S. Confederacies do not respect the ***U.S. Supremacy Clause***. After the U.S. Civil War ended on 4/9/1865, the U.S. Congress applied the ***U.S. Guarantee Clause*** against the 11 previous Confederate States forcing them to once again create Republican Forms of Government through the rewriting of their State Constitutions before Congress would agree to readmit these previously Confederate States to representation in the U.S. Congress. Congress forced the previous U.S. Confederacies to change each of their Electorates from "white male" to "male" citizens in part in the Constitutions of **VA, NC, SC, GA, FL, AL, MS, LA, AR, TX, & TN** so that these new State Constitutions were consistent with U.S. Amendment XV which was ratified on 7/9/1868. Congressional representation was restored for: **TN** – which ratified U.S. Amendment XIV on 7/24/1866 before Congressional Application of the ***U.S. Guarantee Clause***; **AR** – via Act of 40th Congress, Session II, Chapter 69, with representation restored on 6/22/1868; **AL, FL, LA, NC, SC** – via Act of 40th Congress, Session II, Chapter 70, with representation restored: for **FL** (6/25/1868), for **NC** (7/4/1868), for **LA & SC** (7/9/1868), for **AL** (7/13/1868); **VA** – via Act of 41st Congress, Session II, Chapter 10 & 12, with representation restored on 1/26/1870; **MS** – via Act of 41st Congress, Session II, Chapter 19, with representation restored on 2/23/1870; **TX** – via Act of 41st Congress, Session II, Chapter 39, with representation restored on 3/30/1870; and **GA** – via Act of 41st Congress, Session II, Chapter 299, with representation restored on 7/15/1870.

The Virginia Confederacy ended with 1870 COV, Article I, Section 3 which was a restatement of the ***U.S. Supremacy Clause*** just like the 1863 COWV, Article I, Section 1 was a restatement of the ***U.S. Supremacy Clause***. Virginia was no longer a Confederacy between 1870 and 1902. Concurrently, the newly enfranchised African American males as of 1868 joined Lincoln's Republican Party. According to Richard M. Valely's book The Two Reconstructions (Copyright 2004) which won the J. David Greenstone Politics and History Award, three things led to the re-disenfranchised of the Southern African American males: 1) White violence against the Black community continued in the South; 2) hundreds of African American newspapers fought each other for circulation within the Southern Black community most eventually going out of business; and 3) the Northern Republican Party did not help the Southern Republican Party because of its inherent chaos instead choosing to work with the expanding Western Republican Party to elect Republicans to the nation's political offices. Between 1885 and 1908, many of the previously Confederate States re-disenfranchised by adopting Poll Taxes against the Poor and Literacy Tests against the Uneducated in a color-blind fashion consistent with U.S. Amendment XV. Of course, history has shown that this severely impacted the African American male voters.

In 1891, the SCOTUS decided Duncan v. McCall, 139 U.S. 449, 461, 11 S.Ct. 573, 577 (1891) making it the Supreme Law of the Land that the People have the Right to choose their own officers for governmental administration inclusive of State, County, and City Judges.

The 1902 COV contained Poll Taxes and Literacy Tests plus Article VI, Section 88 that replaced the abandoned 1870 COV, Article I, Section 3 Restatement of the ***U.S. Supremacy Clause***. The latter Constitutional Section empowered the Supreme Court of Appeals of Virginia with the ability to interpret the CUS with its ***U.S. Bill of Rights*** which was a direct violation of the ***U.S. Supremacy Clause***. This was a third way to disenfranchise against the African American male voter by denying him his Federal Rights contained in the ***U.S. Bill of Rights***. Since the SCOTUS reviewed/reviews State Courts of Last Resort like Virginia's Supreme Court less than 1% of the time, this made Virginia's Supreme Court the Gatekeeper to Federal Rights in Virginia. In 1902, Virginia became a Renewed Confederacy denying Federal and State Rights again. This was a Renewed Confederacy that violated the ***U.S. Supremacy Clause*** two-fold by interpreting the CUS with its ***U.S. Bill of Rights*** plus violating the Supreme Law of the Land found in Duncan v. McCall, 139 U.S. 449, 461, 11 S.Ct. 573, 577 (1891) because the 1902 COV had the Virginia General Assembly not the People electing all State, County, and City Judges again.

History continues. The NAACP was founded on 2/12/1909. White violence including lynchings in Virginia against the Black community continued according to Richard M. Valeelly's book The Two Reconstructions. When President Franklin D. Roosevelt died in office on 4/12/1945, Vice President Harry S. Truman became President. In his 1948 election, it was noted that President Truman beat Thomas E. Dewey with the help of African American votes. The Southern Racial Unrest in the

1960's during President John F. Kennedy's term was handled with a Voter Registration Drive to equalize voting opportunities between the Black and White races. Poll Taxes and Literacy Tests became unfavorable in Kennedy's Southern Voter Registration Drives. The 1964 Civil Rights Act and the 1965 Voter Rights Act were passed by the U.S. Congress after JFK was assassinated on 11/22/1963 during President Lyndon B. Johnson's initially-popular Presidency. In 1971, the new COV abandoned Poll Taxes and Literacy Tests but left the SCV interpreting the CUS with its ***U.S. Bill of Rights*** via 1971 COV, Article VI, Sections 1 & 2. This 1971 COV was a ***racially-inspired*** document continuing the Denial of Federal Rights to African American males who were Virginians but expanding this Denial to all People in Virginia regardless of race.

In 2015 and 2019, Virginia Senator Chap Petersen's Campaign Signs displayed "Police Endorsed." As in the COV's of 1776, 1830, 1864, 1870, & 1902, the 1971 COV, Article VI, Section 7 empowers the Virginia General Assembly with choosing all Virginia State, County, and City Judges. With the Police Endorsing the Electorate of all Virginia State, County, and City Judges, a huge Conflict of Interest arises. A Virginia Courtroom has a Defendant, a Judge, a Prosecutor, and a Police Witness(es) for the Prosecution. If the Police Witness for the Prosecution was unhappy or angered by the outcome of the Trial, the presiding Judge arguably feared that the Police Witness may go to the Police Lobbies that endorsed the Virginia General Assembly Representatives for office in order to interfere in that Judge's Virginia General Assembly Judicial Election. That presiding Judge arguably feared he or she may not

stay on his or her Bench nor move up to a higher Bench. So, that Judge ignored the Defendant's State Rights and COV, Article I, Section 2 (**People the source of power**) siding with the Police Witness for the Prosecution who hated the Defendant's State Rights which complicate that Police Witness' enforcement duties. Virginia Police Officers would rather enter your home at will (Defendant has personal experience with this in June of 2015 when his computers and cell phones were unconstitutional seized without return while he was unlawfully imprisoned) and learn about any possible criminal behavior you may be committing. Attached please find two photographs of Virginia Senator Chap Petersen's 2015 and 2019 Campaign Signs displaying "Police Endorsed."

On 7/13/2021 in the FCGDC, Defendant invoked his U.S. Amendments VI & XIV Rights to have the 2/6/2020 alleged violation dismissed because of a 523-day delay where he had not received a speedy trial. Defendant had come to Court on 7/28/2020 because of a failure to be notified of the County of Fairfax's second Continuance. The County of Fairfax is way beyond its one Continuance with Continuances to 7/28/2020. 11/17/2020, 1/26/2021, 5/18/2021, & 6/29/2021 where Defendant has had his one Continuance to 7/13/2021. The 1971 COV is in violation of the **U.S. Guarantee Clause & U.S. Supremacy Clause** three-fold: **a)** Virginia has a Renewed Confederacy since 1902 which is not a Republican Form of Government as determined by the similar U.S. Congressional Applications of the **U.S. Guarantee Clause** between 1866 and 1870; **b)** The SCV is interpreting the CUS with its **U.S. Bill of Rights** becoming the Gatekeeper to Federal Rights in Virginia

in violation of the ***U.S. Supremacy Clause*** due to 1971 COV, Article VI, Sections 1 & 2; and **c)** the Virginia State, County, and City Judges are not elected by the People contrary to the Supreme Law of the Land found in *Duncan v. McCall*, 139 U.S. 449, 461, 11 S.Ct. 573, 377 (1891) according to the ***U.S. Supremacy Clause*** due to 1971 COV, Article VI, Section 7. Defendant argues that the 1971 COV, Article VI, Sections 1, 2, & 7 are actually null and void. The ALLEGIANCE of the Virginia State, County, and City Judges has become to the Virginia Government and to the Virginia Police where 1971 COV, Article I, Section 2 "**People the source of power**" has become a total joke. The Virginia State, County, and City Judges have given the Power of the People to the Virginia Police in Virginia's Confederate Police Government. Today, the Police Officer is the Sovereign of the Virginia Governments not the PEOPLE!

CONCLUSION: Defendant cannot get a fair and impartial trial in a Virginia State, County, or City Court. Virginia State, County, and City Judges have a huge Conflict of Interest and blindly support the Police Witness for the Prosecution in order that those Judges calm their fears that they may not stay on their Benches nor move up to a higher Benches. **Defendant demands to be tried by a Generally Elected Judge from his community.** Or as a legal question for the SCV and/or SCOTUS, whether or not Virginia violates the ***U.S. Guarantee Clause*** because it has an Unrepublican Form of Government which chooses all State, County, and City Judges with its General Assembly effectively causing State and Federal Rights to be unenforced in Virginia? **The Defendant moves the 9/21/2021 FCGDC Judge to certify this question to the SCV.** There is no need to impeach all these illegitimate

Virginia State, County, and City Judges. This is not like the election of the Governor in hundreds of voting booths across the State. These Virginia Judges were "hired" in one joint or two centrally-located Richmond Meetings of the Virginia General Assembly and these Judges can be "fired" via the same one joint or two centrally-located Richmond Meetings of the Virginia General Assembly. Because Virginia State, County, and City Judges do not enforce 1971 COV, Article I, Section 2, these State, County, and City Judges are incompetent!

If Defendant were to miss his Court Date in the FCGDC, he would be found guilty for "Failure to Appear." If Police Officer J. Daugherty is "on a call" so he cannot make it to Court, the FCGDC Judge Continues the case even if Defendant has invoked the Supreme Law of the Land being his U.S. Amendment VI & XIV Rights. The 7/13/2021 FCGDC Judge explained to Defendant that the SCV sanctions multiple Continuances for the County of Fairfax because of COVID-19 which has allowed County of Fairfax five Continuances to Defendant's one Continuance. Well, the **U.S. Supremacy Clause** says Defendant's U.S. Amendment VI & XIV Rights are more powerful than the SCV: "the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." Defendant has a very early morning job at UPS in Chantilly and his Mother is 91-years-old beginning to show signs of dementia while she lives in Tucson, Arizona. Defendant may need to help his 91-year-old Mother. The date 9/21/2021 at 9:30 am may very quickly become inconvenient for Defendant. Does Defendant get another Continuance or has he used up his one Continuance?

Defendant deserves "Equal Protection of the Laws (U.S. Amendment XIV)." The Virginia Judges and Virginia Police are not "Separate and Distinct (COV, Article I, Section 5)" when the Police Endorse Virginia Senator Chap Petersen for office (See attached photographs).

Respectfully Submitted,


GREGORY SHAWN MERCER, *pro se*
3114 Borge Street
Oakton, Virginia 22124
gregorysmercер@gmail.com
202-431-9401

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 13th day of September, 2021, I hand-delivered a copy of the foregoing "7/15/2021 Corrected 7/14/2021 Objection" to the Commonwealth Attorney's Office for the County of Fairfax Prosecutor in FCGDC Case No. GT20027665-00 at 4110 Chain Bridge Road, Suite #114, Fairfax, Virginia, 22030. I do not believe a specific County of Fairfax Prosecutor has been assigned to this case yet.


GREGORY SHAWN MERCER, *pro se*
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fairfaxsenator.com

PETERSEN
FOR STATE SENATE

Police
Endorsement

fair

IN THE FAIRFAX COUNTY GENERAL DISTRICT COURT

COUNTY OF FAIRFAX *

Plaintiff, *

versus * Case No. GT20027665-00

GREGORY SHAWN MERCER *

Defendant. *

7/21/2021 ORAL ARGUMENT

Defendant, Gregory Shawn Mercer, *pro se*, states as follows:

I am invoking The Constitution of Virginia, Article I, Section 2 State Right which states:

1971 COV, Article I, Section 2: "People the source of power.

That all power is vested in, and consequently derived from, the people, that magistrates are their trustees and servants, and at all times amenable to them."

Thereafter, I am invoking U.S. Amendment Federal Right I (I have a Right to believe that Virginia has an illegitimate form of government with illegitimate State, County, and City Judges), U.S. Amendment Federal Right VI (I have a Right to a "Speedy and Public Trial"), and (to make these U.S. Amendment Federal Rights applicable to Virginia) U.S. Amendment XIV. Now according to The Constitution of the United States of America, Article V, these U.S. Amendments I, VI, & XIV are part of The Constitution of the United States of America. According to The Constitution

of the United States of America, Article VI, Clause 2, U.S. Amendments I, VI, & XIV
ARE the Supreme Law of the Land:

CUS, Article VI, Clause 2 (U.S. Supremacy Clause):

"This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

The Supreme Court of Virginia has issued Orders which **ARE NOT** the **Supreme Law of the Land**. There have been Twenty-eight (28) Orders Extending Declaration of Judicial Emergency in Response to COVID-19 Emergency and Two (2) Clarification Orders Tolling of Statutory Speedy Trial Deadlines During the Judicial Emergency. The Clarification and Second Clarification Orders are dated: (1) 5/1/2020; & (2) 9/11/2020. The Orders Extending Declaration of Judicial Emergency are dated: (1) 3/16/2020; (2) 3/27/2020; (3) 4/22/2020; (4) 5/6/2020; (5) 6/1/2020; (5.33) 6/8/2020; (5.66) 6/22/2020; (6) 6/22/2020; (7) 7/8/2020; (8) 7/29/2020; (8.5) 8/7/2020; (9) 8/20/2020; (10) 9/4/2020; (11) 9/28/2020; (12) 10/19/2020; (13) 11/9/2020; (14) 12/3/2020; (15) 12/18/2020; (16) 1/19/2021; (17) 2/8/2021; (18) 3/2/2021; (19) 3/15/2021; (20) 4/12/2021; (21) 5/3/2021; (21.5) 5/17/2021; (22) 5/26/2021; (23) 6/15/2021; (24) 6/29/2021; (25) 7/7/2021; (26) 8/4/2021; (27) 8/25/2021; & 9/20/2021. One wonders if the Supreme Court of Virginia will ever end the Judicial Emergency in Virginia.

After waiting 523 days for my Trial in this case involving five County of Fairfax Continuances for unspecified reasons (7/28/2020, 11/17/2020, 1/26/2021, 5/18/2021, &

6/29/2021) and one Defendant Continuance due to travel to Tucson, Arizona to care for Defendant's Mother suffering with Dementia (7/13/2021), Defendant appeared for his 7/13/2021 Trial. However, the Police Officer who issued the Summons to this Defendant on 2/6/2020 did not appear for Defendant's 7/13/2021 Trial because he was "on a call." The 7/13/2021 Judge denied this Defendant's Motion to Dismiss the Charge insisting Defendant either Plead Guilty/No Contest or accept a Continuance.

Now after an additional 70 days of delay amounting to a total of 593 days, where the Supreme Court of Virginia has tried to cloud the "Speedy and Public Trial" issue of this case with Orders which **ARE NOT** the **Supreme Law of the Law**, where the Defendant has invoked U.S. Amendments I, VI, & XIV which **ARE** the **Supreme Law of the Law**, Defendant presents his *Barker-Doggett* Defense. This Defendant Defense requires the Judge to Dismissal of this Traffic Charge based on Defendant's Right to a "Speedy and Public Trial." *Barker-Doggett* analysis is fourfold: (1) length of the delay; (2) the reason for the delay; (3) the Defendant's assertion of his Rights; & (4) prejudice to the Defendant.

For whatever reasons the County of Fairfax requested their first five Continuances and Defendant might guess the obvious, the Police Officer who issued the 2/6/2020 Summons to this Defendant was "on a call" on 7/13/2021 failing to appear for Defendant's Trial that Defendant did appear for as Summoned which amounted to a needless 70-day additional delay extending the 523-day initial delay to 593 days. This establishes the first two *Barker-Doggett* factors. Defendant is and already has invoking his U.S. Amendments I, VI, & XIV Rights for a "Speedy and Public Trial"

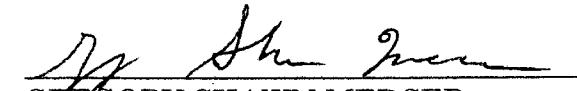
on 7/13/2021 and today on 9/21/2021. This establishes the third *Barker-Doggett* factor. The fourth *Barker-Doggett* factor requires some background.

On 3/28/2021, Defendant became a father for the third time. Victoria Justine Mercer-Williams was born at Inova Fairfax Hospital. After visiting his ailing Mother in Tucson, Arizona from 6/12/2021 to 6/25/2021 without his new daughter, Defendant had a financial need to take on employment at United Parcel Service (UPS) pre-loading Package Trucks 25 hours per week beginning on 7/7/2021. After visiting his ailing Mother in Tucson, Arizona again from 8/17/2021 to 8/24/2021 without his new daughter, Defendant still with financial need was prevented from seeking full-time employment driving a UPS Package Truck for fear that a conviction on this traffic charge at issue here today would eventually appear on Defendant's Driving Record causing him to loose any new full-time UPS Package Truck Driving Position. In order to timely pay his mortgage on 9/15/2021, Defendant being short of money had to make a withdrawal from his IRA Account of \$2,500 which Defendant hopes to pay back to his IRA before 11/14/2021 as a 60-day Rollover allowed once every twelve (12) months. But for this charge being Continued 70 days due to the Issuing Police Officer being "on a call" on 7/13/2021 at or about 9:30 am, Defendant would have been able to seek full-time employment driving a UPS Package Truck after his 30th day of work at UPS (8/24/2021) avoiding Defendant's need to borrow \$2,500 from his IRA on 9/15/2021 so that a 60-day Rollover would still be available to Defendant for future and undetermined emergencies possibly involving his new daughter between 11/14/2021

and 11/13/2022. Defendant has been prejudiced due to the 70-day delay the Issuing Police Officer caused by being "on a call" on 7/13/2021.

Defendant moves this Court to dismiss this traffic charge as a violation of his U.S. Amendment VI Right to a "Speedy and Public Trial" which Federal Right is made applicable to Virginia by U.S. Amendment XIV where both these U.S. Amendments **ARE** the Supreme Law of the Land in accordance with The Constitution of the United States of America, Article VI, Clause 2 (***The U.S. Supremacy Clause***). Defendant moves this Court to dismiss this traffic charge despite the recent Orders of the Supreme Court of Virginia which **ARE NOT** The Supreme Law of the Land and are notwithstanding the strength of U.S. Amendments VI & XIV which **ARE** the Supreme Law of the Land.

Respectfully Submitted,



GREGORY SHAWN MERCER, *pro se*
3114 Borge Street
Oakton, Virginia 22124
gregorysmercер@gmail.com
202-431-9401

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21st day of September, 2021, I hand-delivered a copy of the foregoing "9/21/2021 Oral Argument" to the County of Fairfax Prosecutor in FCGDC Case No. GT20027665-00 at Trial and gave the original copy to the Trial Judge.

Gregory Shawn Mercer
GREGORY SHAWN MERCER, *pro se*
3114 Borge Street
Oakton, Virginia 22124
gregorysmercер@gmail.com
202-431-9401

SUMMONS NO. C160634108

VIRGINIA UNIFORM SUMMONS

FAIRFAX COUNTY POLICE DEPARTMENT		VIRGINIA UNIFORM SUMMONS	
YOU ARE SUMMONED TO APPEAR IN THE (CITY OF / COUNTY OF) FAIRFAX		CASE NO. <u>1200274605</u>	
<input checked="" type="checkbox"/> GENERAL DISTRICT COURT (TRAFFIC) <input type="checkbox"/> GENERAL DISTRICT COURT (CRIMINAL) <input type="checkbox"/> JUVENILE & DOMESTIC RELATIONS DISTRICT COURT 4110 CHAIN BRIDGE ROAD		MERCER <u>SHAWN</u> RES. ADDRESS <u>3114 BORGE ST</u> CITY/TOWN <u>OAKTON</u> STATE <u>VA</u> ZIP <u>22124</u>	
ON APRIL 21 , <u>20 20</u> AT <u>09:30</u> FOR VIOLATION OF <input type="checkbox"/> STATE <input checked="" type="checkbox"/> COUNTY <input type="checkbox"/> CITY <input type="checkbox"/> TOWN LAW SECTION <u>82-1-6/46.2-841</u>		FIRST GREGORY MIDDLE <u></u> RES. JURIS. <u>029</u> RACE W SEX M DOB. <u>01/21/1964</u> HT. <u>5'10"</u> WGT. <u>155</u> EYES <u>BRO</u> HAIR <u>BLD</u> DU/COL# (IF CRIMINAL OFFENSE OR NO LICENSE USE SSN) <u>A62464944</u> CDL HOLDER <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
TRAFFIC: PASS ON SHOULDER OR OFF THE HIGHWAY (EX: 82-1-6/46.2-841) THRU SAFETY ZONE INSP EXP:		DESCRIBE CHARGE: JURISDICTION OF OFFENSE E 2009 TOYO 4D LICENSE NO. <u>VKH9663</u> H DIRECTION ACCIDENT YES NO WEATHER ROUTE NUMBER/STREET LOCATION OF OFFENSE <u>ARLINGTON BLVD AT WESTMORELAND RD</u> ARREST DATE <u>02/06/2020</u> DAY OF WEEK <u>THU</u> TIME <u>08:43</u> A.M. OFFICER <u>J. DAUGHERTY</u> CODE/BADGE NO. <u>303151</u> CITY/TOWN <u></u> STATE <u>VA</u> ZIP <u></u>	
I PROMISE TO APPEAR AT THE TIME AND PLACE SHOWN ABOVE. SIGNING THIS SUMMONS IS NOT AN ADMISSION OF GUILT. I CERTIFY THAT MY CURRENT MAILING ADDRESS IS AS SHOWN BELOW. <u>J. Daugherty</u> SIGNATURE		APPEAL NOTED ON <u>0</u> WITH \$ <u>100</u> APPEAL BOND <u>\$ 100</u> 121 TIA FEE <u>\$ 100</u> IN 30 DAYS IF FINES / COSTS / PAID IN 30 DAYS § 46-2.396. WITH BEHAVIOR AND KEEPING THE PEACE. AS CONDITION OF SUSPENDED SENTENCE. 2-301 <input type="checkbox"/> YES <input type="checkbox"/> NO PAYABLE TO <u>V. O. C.</u>	
41 49 9:30 9:30		46 47 ESM 109 INTEREST CHARGE TOTAL WITH INTEREST	

EVOCATION ID

COURT COPY - PG. 1

SEP 21 2021

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000055

VIRGINIA:

IN THE FAIRFAX CIRCUIT COURT

NOTICE OF HEARING DATE

For an appeal of a conviction from the Fairfax General District Court

Commonwealth of Virginia

v.

Gregory Shawn Mercer

Case No. MI-2021-0000776

Gregory Shawn Mercer
3114 Borge St
Oakton, VA 22124

Pro Se

MAIL

CHARGING OFFICER:
J A Daugherty, 303151, Fairfax County Police Department
c/o Court Police Liaison Office, Sgt. P. Marinero
4110 Chain Bridge Road, Room 120, Fairfax Courthouse
Fairfax, VA 22030
VIA EMAIL TO POLICE LIAISON.

COMMONWEALTH ATTORNEY
Steve Descano, Commonwealth Attorney, 19th Judicial Circuit
4110 Chain Bridge Road
Fairfax, VA 22030
VIA EMAIL

NOTE: THIS WILL BE YOUR ONLY NOTICE

You are hereby notified that the above-named Defendant has perfected an appeal from a decision of the General District Court. This matter has been scheduled for **11/04/2021 at 10:00 AM** at the Fairfax Circuit Court Judicial Center, 4110 Chain Bridge Road, Fairfax, VA 22030. **You are responsible to verify future hearing dates or continuances**, you may call the Clerk's Office, Criminal Division at 703-246-2228.

October 7, 2021

JOHN T. FREY, Clerk
By: Mercedes F Castro
Deputy Clerk

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

COMMONWEALTH OF VIRGINIA)	CRIMINAL NUMBER MI-2021-0000776
VERSUS)	
GREGORY SHAWN MERCER)	APPEAL – IMPROPER PASSING ON RIGHT

FINAL ORDER

On November 4, 2021, GREGORY SHAWN MERCER, the Defendant, appeared before this Court. The Defendant is charged with IMPROPER PASSING ON RIGHT, and he appeared while in accordance with the appeal filed.

The Commonwealth declined to enter an appearance or take any position in this matter.

The Defendant was arraigned upon the summons and the Defendant entered a plea of not guilty. The Court proceeded to hear and to determine the case without the intervention of a jury, trial by jury having been waived, and the Court concurred.

The Court then proceeded to hear all of the evidence presented on behalf of the complaining witness.

The Court heard all of the Defendant's evidence.

The Court, after hearing argument, denied the Defendant's motion to dismiss as the Court did not find that his right to speedy trial was violated.

The Court heard argument of the parties.

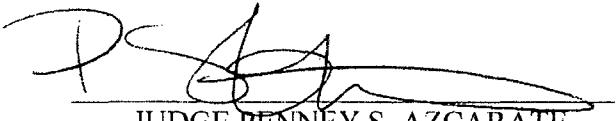
In consideration of the evidence and argument heard, the Court found the Defendant, GREGORY SHAWN MERCER, guilty of FAIL TO PAY FULL TIME & ATTENTION, County Code § 82-4-24.

The Court **ORDERED** that the Defendant pay a fine in the amount of \$20.00 and pay the costs of this case. \$20.00 of the fine were suspended, conditioned upon the Defendant's good behavior for a period of one (1) year.

The Defendant having entered a plea of not guilty to the charge was advised in open court of the right to appeal the decision of the Court and the right to have counsel appointed for the purpose of the appeal, if found to be eligible.

The Defendant was released upon the aforesaid conditions.

Entered on November 4, 2021.



JUDGE PENNEY S. AZCARATE

ABSTRACT OF CONVICTION

ADDRESS: 3114 Borge St.
Oakton, VA, 22124

SSN/OL#: A62464944 STATE of OPERATOR'S LICENSE: VA

STATUTE: 82-4-24

VCC CODE: N/A

OTN : 059GT2002766500

VIOLATION: County

OL SURRENDERED: No

SEX: Male

DOO: 02/06/2020

DOB: 01/21/1964

FILED
CRIMINAL
IN THE FAIRFAX COUNTY CIRCUIT COURT

2021 NOV -4 PM 1:00
2110 Chain Bridge Road, Fairfax, Virginia 22124, 703-246-2228

FAIRFAX COUNTY
CIRCUIT COURT
FAIRFAX, VA

COMMONWEALTH OF VIRGINIA & *
COUNTY OF FAIRFAX, *
Plaintiff / Appellee, * Case No. MI-2021-0000776
versus *
GREGORY SHAWN MERCER, *
Defendant / Appellant. *

FCCC TO COAV NOTICE OF APPEAL

COMES NOW, the Defendant / Appellant, GREGORY SHAWN MERCER, *pro se*, and **NOTES HIS APPEAL** from the Fairfax County Circuit Court (hereafter "FCCC") to the Court of Appeals of Virginia (hereafter "COAV") after his *de novo* FCCC Trial on 11/4/2021. 1) After the Arresting Officer J. Daugherty failed to appear for a scheduled 7/13/2021 Fairfax County General District Court (hereafter "FCGDC") Trial creating a needless 70 day delay; 2) after being prosecuted by the County of Fairfax in County of Fairfax v. Gregory Shawn Mercer, FCGDC Case No. GT20027665-00 on 9/21/2021 after a 593-day delay for an alleged 2/6/2020 infraction; 3) after being found guilty of "Improper Passing on Right" on 9/21/2021 under Fairfax County Code § 82-1-6 adopting Virginia Code § 46.2-841 in accordance with Virginia Code § 46.2-1313; 4) after Defendant filed a FCGDC to FCCC "Notice of Appeal – Criminal" on 9/21/2021 for a *de novo* FCCC Trial to occur on 11/4/2021; 5) after being prosecuted by the Commonwealth of Virginia in Commonwealth of Virginia v.

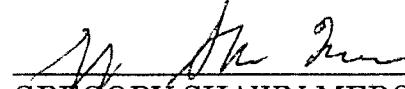
Gregory Shawn Mercer, FCCC Case No. MI-2021-0000776 but not County of Fairfax v. Gregory Shawn Mercer, FCCC Case No. MI-2021-0000776; **6)** after being found guilty of "Failure to Pay Full Time and Attention" possibly under Fairfax County Code §9-7 on 11/4/2021; and **7)** after Defendant / Appellant had invoked his U.S. Amendment I, V, VI, & XIV Rights in both the FCGDC & FCCC against a violation of his U.S. Amendment V & XIV Rights protecting him from "Double Jeopardy" and a violation of his U.S. Amendment VI & XIV Rights ensuring him a "Speedy and Public Trial," Defendant / Appellant **NOTES HIS APPEAL.**

In accordance to RSCV Rule 5A:6(d), Defendant / Appellant states as a Certificate the following:

- 1) Appellant is Gregory Shawn Mercer, 3114 Borge Street, Oakton, Virginia, 22124. Appellees are: **1)** the CHARGING OFFICER J. A. Daugherty (Badge #303151), Fairfax County Police Department, c/o Court Police Liaison Office, Sgt. P. Marinero, 4110 Chain Bridge Road, Room 120, Fairfax Courthouse, Fairfax, Virginia, 22030; the COMMONWEALTH ATTORNEY Steve Descano, Commonwealth Attorney, 19th Judicial Circuit, 4110 Chain Bridge Road, Room 114, Fairfax, Virginia, 22030; and the COUNTY OF FAIRFAX ATTORNEY who never appeared in the FCGDC nor the FCGDC but who was represented by the Charging Officer in both the FCGDC & the FCCC.

- 2) This Notice of Appeal was hand delivered to the both the Police Liason Office (Room #120) and the Commonwealth Attorney's Office (Room #114) in the Fairfax County Courthouse.
- 3) Defendant / Appellant has been *pro se* in the FCGDC & FCCC and will remain *pro se* in the COAV.
- 4) A transcript from the Court Reporter that was hired by Defendant / Appellant for this FCCC case occurring on 11/4/2021 was ordered from the Court Reporter on 11/4/2021 with an estimated deliver date of approximately two weeks from 11/4/2021 but which delivery date is not within Defendant / Appellant's control. Defendant / Appellant will file this transcript in the FCCC when it is delivered to him.

Respectfully Submitted,



GREGORY SHAWN MERCER, *pro se*
3114 Borge Street
Oakton, Virginia 22124
202-431-9401
gregorysmercergmail.com

CERTIFICATE OF SERVICE

I CERTIFY that on this 4th day of November, 2021 I hand-delivered copies of the foregoing "FCCC to COAV Notice of Appeal" to the Court Police Liaison Office (Room #120) for Sgt. P. Marinero and the Commonwealth Attorney's Office (Room #114) for Steve Descano in the Fairfax County Courthouse, 4110 Chain Bridge Road,

Fairfax, Virginia, 22030. Additionally, I certify that I mailed a \$50 check made out to the "Clerk of the Court of Appeals" with a copy of this "FCCC to COAV Notice of Appeal" to Court of Appeals of Virginia, 109 North Eighth Street, Richmond, Virginia, 23219-2321, 804-786-5651.



GREGORY SHAWN MERCER, *pro se*

VIRGINIA:

In the Court of Appeals of Virginia on Monday the 24th day of January, 2022.

Gregory Shawn Mercer, Appellant,
against Record No. 1193-21-4
Circuit Court No. MI-2021-0000776

Commonwealth of Virginia, Appellee.

From the Circuit Court of Fairfax County

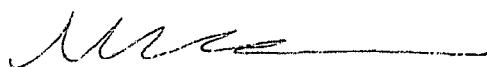
On consideration of appellant's motion filed on January 13, 2022, an extension of time is granted him until February 23, 2022 to file the transcript in this case.

A Copy,

Teste:

A. John Vollino, Clerk

By:



Deputy Clerk

FILED
CRIMINAL
2022 JAN 25 AM 9:38
JOHN J. FREY
CLERK, CIRCUIT COURT
FAIRFAX, VA

FILED
CRIMINAL

IN THE FAIRFAX COUNTY CIRCUIT COURT
2110 Chain Bridge Road, Fairfax, Virginia 22124, 703-246-2228

2022 FEB 22 PM 3:10

JOHN T. FREY
CLERK, CIRCUIT COURT
FAIRFAX, VA

COMMONWEALTH OF VIRGINIA & *

COUNTY OF FAIRFAX, *

Plaintiff / Appellee, * Case No. MI-2021-0000776

versus *

GREGORY SHAWN MERCER, *

Defendant / Appellant. *

IN THE COURT OF APPEALS OF VIRGINIA
109 NORTH EIGHTH STREET, RICHMOND, VIRGINIA, 23219
804-371-8428 and 804-786-5651

GREGORY SHAWN MERCER *

Appellant, *

versus *

COMMONWEALTH OF VIRGINIA & * Record No. 1193-21-4

COUNTY OF FAIRFAX, *

Appellee. *

NOTICE OF FILING OF TRANSCRIPT

COMES NOW the Defendant/Appellant, GREGORY SHAWN MERCER, *pro se*, and files the 11/4/2021 Transcript of the case above in the FCCC.

There was some issue with the Court Reporter's timeliness in producing the Transcript and producing an accurate Transcript. Statistically, how often would

one misstate one's own name? The ability of the Court Reporter to hear the Defendant's in-Court testimony apparently was somehow hampered. The Court Reporter had Defendant mispronounce his own name "Gregory Shawn Mercer" as "Gregory John Mercer" (Page 11, Line 2). Think about that. The Court Reporter had Defendant invoking his "Amendment 15614 rights (Page 8, Line 15)" not Amendment I, V, VI, & XIV rights. Apparently, Defendant argued "the prosecuting authority ha[d] appeared 'an' improper person (Page 15, Line 15)." The Summons which brought Defendant to Traffic Court was "Summons Number C-166 (sic) (Page 9, Line 18)" not Summons Number C-1660634108. While Defendant alleged in his argument before the Court that the Circuit Court Judge had a Conflict of Interest due to language inherent to the 1971 Constitution of Virginia, Article VI, Sections 1, 2, & 7, favoring the Police Witness for the Prosecution (Page 26, Line 14 & Page 27, Line 20), the Court Reporter had Defendant referred to the "*de novo* Fairfax County Circuit Court trial (Page 16, Line 23 & Page 17, Line 6)" as the "venerable Fairfax County Circuit Court (herein "FCCC") trial." Defendant was respectable but he believes the Court is not respectable based on how the Constitution of Virginia creates the Conflict of Interest for Virginia State, County, and City Judges such that Federal and Virginia Rights are systematically unenforced. Defendant actually had to look up "venerable" after he got the 12/12/2021 Transcript as he did not know this word's definition. Then there were two instances where the word "not" was omitted changing the Defendant's negative into an affirmative (Page 24,

Line 12 & Page 25, Line 13) but which can be figured out from other contextual clues.

Fortunately, Defendant sent a copy of his in-Court notes to the Court Reporter's Reporting Agency on 11/8/2021 preserving is in-Court testimony just in case the Court Reporter had any difficulty deciphering his in-Court speech. The 11/4/2021 Transcript prepared and first released to Defendant on 12/12/2021 was not ready by day 55 being 12/29/2021 due to inaccuracies in the Transcript and delay of the Court Reporter in correction. Defendant became an appellant immediately on 11/4/2021 by filing an "FCCC to COAV Notice of Appeal" in the FCCC and COAV with payment of his \$50 fee. On 1/13/2022, Defendant/Appellant filed in the Court of Appeals of Virginia (herein "COAV") a "Motion for Extension or Enlargement of Time" which was granted on 1/24/2022. Defendant/Appellant was informed verbally by the COAV Clerk in January and today that his Extension or Enlargement of Time was granted until 2/23/2022.

Defendant/Appellant got some of the inaccuracies of his testimony in the 11/4/2021 Transcript corrected by sending a Private Investigator to Court Reporter Carol D. Neeley to inquire why the 11/4/2021 Transcript was taking so long to prepare and if there was any tampering by the Police to cause the inaccuracies. The attached is the 11/4/2021 Certified Transcript of Court Reporter Carol D. Neeley for FCCC Case No. MI-2021-0000776 where corrected lines are indicated with an asterisk (*). The following is a list of errors including "Gregory John Mercer" as Defendant apparently misstated his own name, "Amendment 15614 rights" and not

Amendment I, V, VI, & XIV rights, "Summons Number C-166 (sic)" not Summons Number C-1660634108, "an improper person" not in improper person, Officer J. Daugherty who became "Officer Jay Daugherty," \$13,000 which became "\$30,000," the State of "Virgilia" replaced Virginia, it was "Literacy Taxes" not Literacy Tests, but fortunately the African American "mail" was corrected to the African American male (Page 22, Line 11):

<u>Page</u>	<u>Line</u>	<u>Error</u>	<u>Should be</u>
5	7	understand what it	understand how it
5	11	it was it	it was
8	15	15614 rights	I, V, VI, & XIV rights
8	22	record I do	record do
9	18	Number C-166 (sic)	Number C-1660634108
11	2	Gregory John Mercer	Gregory Shawn Mercer
11	19	Orders of tolling	Orders for tolling
12	6	That appears in	That appeared in
12	7	seventh is Notice	seventh this Notice
13	5	the date 9/28/2021	[this was omitted]
13	19	On 2021 (sic)	On 9/21/2021
14	18	November 24, 2021	This case's Trial Date was 11/4/2021

15	15	an improper person	in improper person
16	3	Washington vs. Olivier	Washington vs. Ollivier
17	4	officer Jay Daugherty's	officer J. Daugherty's
17	20	a job – now it's \$30,000	a driving job – now it's \$13,000
17	23	of pending	of the pending
18	5	21 or 40 hours	\$21 an hour for 40 hours
19	2	defendant are things	defendant that are things
19	16	Washington vs. Olivier	Washington vs. Ollivier
20	4	Officer Jay Daugherty's	officer J. Daugherty's
21	17	Virginia, Article 1863	Virginia, Article – 1863
21	20	Virgilia	Virginia
21	22-23	law of the entreaties	laws and treaties
22	10	"was the voter but that it became the"	"the voter but it became"
23	1	Richard M. Vallely	Richard M. Valelly
23	4	1885 and 1908	1885 to 1908
23	6	and literacy taxes	and literacy tests
23	12	failing to take	taking

23	19	So in that 1902	So in the 1902
24	1	time between 1870	time after 1870
24	12	Republican Party helped	Republican Party didn't help
24	20	watch lynching	watch a lynching
25	13	helping Kennedy with	not helping Kennedy with
26	13	then choose the state	then choosing the state
27	5	servant and my rights	servant enforcing my rights
27	13	If he's upset with my	He's upset with my
27	16	to follow my rights	to enforce my rights
27	18	which that goes to the	which then goes to the
28	19	take that that as that	take that as
28	21	if Article VII says	if Article VI, Section 7 says

WHEREFORE, Defendant/Appellant files the 11/4/2021 Transcript of the case above in the FCCC in accordance with the COAV's 1/24/2022 Order granting Defendant's/ Appellant's 1/13/2022 Motion for Extension or Enlargement of Time until 2/23/2022 and Defendant/Appellant corrects inaccuracies in that 11/4/2021 Transcript with an asterisk (*) indicating lines in the Original Transcript corrected above.

Respectfully Submitted,



Gregory Shawn Mercer, *pro se*
3114 Borge Street
Oakton, Virginia 22124
202-431-9401
gregorysmercergmail.com

CERTIFICATE OF SERVICE

I CERTIFY that on Tuesday, February 22, 2022, I mailed by certified mail a true and exact copy of the foregoing "Notice of Filing of Transcript" to the Office of the Attorney General for the Commonwealth of Virginia and the Commonwealth Attorney's Office for the County of Fairfax with addresses:

Katherine Q. Adelfio
Office of the Attorney General
202 North Ninth Street
Richmond, Virginia 23219

4110 Chain Bridge Road
Suite #114
Fairfax, Virginia 22030



Gregory Shawn Mercer, *pro se*

**Additional material
from this filing is
available in the
Clerk's Office.**