

No. 23-7070

IN THE
SUPREME COURT OF THE UNITED STATES

Riley Thornock, Rebecca Thornock PETITIONER
(Your Name)

vs.

Bedford County — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Bedford County Circuit Court
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

RILEY THORNOCK & REBECCA THORNOCK
(Your Name)

3518 MUDLICK ROAD
(Address)

ROANOKE, VA 24018
(City, State, Zip Code)

801-529-5535
(Phone Number)

CONSTITUTIONAL QUESTIONS

Access to Justice:

1. Does the government's attempt to compel an individual out of their established residence or property warrant the appointment of a court-appointed attorney to ensure the protection of due process and fair treatment under the law?
2. Does the government's action of eliminating all viable uses of a property necessitate the provision of a public defender, considering the unequal power dynamics and financial implications for the affected party?
3. Does the situation raise constitutional questions regarding access to justice and legal representation for financially constrained individuals, in light of the legal precedents affirming the right to counsel and due process protections in civil and regulatory matters?
4. Are the affected individuals being denied their constitutional rights to adequate legal representation, fair legal proceedings, and meaningful access to the courts to address grievances related to the regulatory actions?

Due Process:

5. Does the regulatory enforcement and effective property seizure actions taken by Bedford County and the City of Salem violate the Fifth and Fourteenth Amendment rights to due process, particularly in terms of notice, opportunity to be heard, and fair treatment under the law?
6. Are the affected individuals being deprived of their property rights and liberty interests without adequate procedural safeguards and legal protections in place?

7. How can the constitutional principles of due process be upheld when individuals face the threat of property rights being stripped without adequate legal representation, in situations where the very few lawyers who might have the legal expertise to take on such a case may hesitate to challenge the government due to its formidable power and specialized expertise in such matters?

****Equal Protection: ****

8. Are the actions of Bedford County and the City of Salem in enforcing zoning regulations and effective property seizures consistent with the Equal Protection Clause of the Fourteenth Amendment, ensuring that all individuals are treated equally under the law without discrimination based on their financial circumstances?
9. Do the regulatory actions disproportionately impact vulnerable populations, leading to disparate treatment and unequal burdens on financially constrained individuals and residents?

****Property Rights:****

10. Do the regulatory takings and property seizures undertaken by the local authorities infringe upon the property rights protected by the Fifth Amendment, including the right to just compensation for government actions that diminish property value or ownership interests?
11. In the context of constitutional property protections, how can property rights be safeguarded if regulatory burdens enable governmental coercion and effectively compel individuals to relinquish their property?

****Governmental Overreach:****

12. Is the government obligated to permit property uses that are financially feasible and within the means of the property owner, in accordance with the principles of property rights and due process rights under the Constitution?
13. At what point does the government's failure to allow for a sufficient number of property uses that are economically viable for the current owner, within the property's existing condition, amount to a regulatory taking that requires compensation under the Takings Clause of the Fifth Amendment?
14. Does the case present constitutional concerns regarding governmental overreach, abuse of power, and collusion between regulatory agencies and private entities, raising questions about the limits of government authority and the protection of individual rights against arbitrary or oppressive actions?
15. Are the actions of Bedford County and the City of Salem consistent with constitutional principles of limited government power, separation of powers, and the preservation of individual liberties in the face of regulatory enforcement?
16. Are the property owners and residents being denied their constitutional protections against government overreach and arbitrary interference with their property rights?
17. What safeguards exist to prevent government overreach and violations of due process when attempting to eliminate all uses of property, especially in cases where there is no provision for a public defender and limited legal representation due to the unequal power dynamics between the government and legal practitioners?

18. Does the substantial diminution of a property's fair market value and economic viability due to regulatory burdens constitute an undue infringement on property rights protected by the constitution?

LIST OF PARTIES

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

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

RELATED CASES

Thornock v. Bedford County CL18002464-00 Bedford County Circuit Court
Judgement entered Oct. 11, 2022

Thornock v. Bedford County No. 1755-22-3 Virginia Court of Appeal
Judgement entered May 23, 2023

Thornock v. Bedford County No. 230384 Virginia Supreme Court
Judgement entered Feb. 1, 2024

Thornock v. JES Foundation et al No. 7:23-cv-00638 U.S District Court
of the Western District of Virginia Judgement Entered (Still Pending)

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TABLE OF AUTHORITIES CITED

1. **United States Constitution:**

- Fifth Amendment
- Fourth Amendment
- Eighth Amendment
- Fourteenth Amendment

2. **Legal Precedents:**

- *Gideon v. Wainwright (1963)*
- *Lassiter v. Department of Social Services (1981)*
- *Turner v. Rogers (2011)*

3. **Legal Standards and Protections:**

- Constitutional Rights to Fair Legal Process
- Property Rights Protections
- Venue Shopping Restrictions
- Constitutional Rights of Vulnerable Populations
- Legal Standards for Judicial Oversight
- Preservation of Public Trust in Legal System

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

JURISDICTION

For cases from federal courts:

The date on which the United States Court of Appeals decided my case was _____

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___ A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from state courts:

The date on which the highest state court decided my case was 2/1/2024.
A copy of that decision appears at Appendix C.

A timely petition for rehearing was thereafter denied on the following date: Feb. 1, 2024, and a copy of the order denying rehearing appears at Appendix D.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___ A _____.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. ****Fifth Amendment to the United States Constitution:****
 - Protection against deprivation of life, liberty, or property without due process of law.
 - Prohibition against government takings of private property without just compensation.
2. ****Fourteenth Amendment to the United States Constitution:****
 - Equal protection under the law.
 - Due process protections at the state and local levels.
3. ****Legal Precedents:****
 - ***Gideon v. Wainwright (1963):*** Right to legal representation for indigent defendants.
 - ***Lassiter v. Department of Social Services (1981):*** Due process rights in child custody cases.
 - ***Turner v. Rogers (2011):*** Right to counsel in civil contempt cases involving potential incarceration.
4. ****Eighth Amendment to the United States Constitution:****
 - Protection against cruel and unusual punishment.
 - Implications for eviction moratoriums and disproportionate impacts on vulnerable populations.
5. ****Fourth Amendment to the United States Constitution:****
 - Excessive force in filing an emergency injunction during the covid eviction moratorium and without proper service.

- Unreasonable search and seizure

6. ****Constitutional Rights to Fair Legal Process:****

- Protection against selective enforcement of laws.
- Right to adequate notice and opportunity to be heard in legal proceedings

7. ****Property Rights Protections:****

- Constitutional and statutory safeguards against regulatory takings and property seizures.
- Due process requirements in zoning and regulatory enforcement actions.

8. ****Venue Shopping Restrictions:****

- Statutory and constitutional provisions limiting forum shopping and ensuring fair legal proceedings.

9. ****Constitutional Rights of Vulnerable Populations:****

- Protections for financially constrained individuals and marginalized populations under the Fifth and Fourteenth Amendments.

10. ****Legal Standards for Judicial Oversight:****

- Requirements for judicial review and oversight of government actions to prevent abuses of power and ensure fairness.

11. ****Preservation of Public Trust in Legal System:****

- Constitutional and statutory provisions supporting transparency, accountability, and public confidence in the legal system.

STATEMENT OF THE CASE

Esteemed Justices of the United States Supreme Court, this case stands as a testament to the core tenets of our democracy and the sanctity of property rights, echoing the foundational freedoms enshrined within our constitution. In parallel with seminal legal precedents such as *Gideon v. Wainwright* (1963), *Lassiter v. Department of Social Services* (1981), and *Turner v. Rogers* (2011), which underscore the imperative to shield the marginalized when confronted with threats to essential human rights, this case implores a meticulous examination of the provisions and applications of the Fifth and Fourteenth Amendments concerning government regulatory takings, thereby safeguarding the bedrock of justice and fairness.

This case began in September of 2021 when Bedford County filed an emergency injunction in the Bedford County Circuit Court to immediately shut down our hostel located at 1026 Bandy Mill Road, Hardy, VA over safety violations. This 7000 square foot building had been acting as a 16-bedroom, 5-bathroom hostel and home for almost 20 individuals for nearly 2 years, after years of fighting with Bedford County over any viable use for the building.

Bedford County completely trampled our due process rights. They skipped the district court and went straight to the circuit court as they venue shopped for the outcome that they wanted. They filed this case under a largely unrelated case over a U-Haul business several years earlier and then had a police officer serve me over the phone with a two day notice to ram it past the regulatory safeguards. Attempting to immediately remove residents with a mere two-day notice, who had been living on site for nearly two years, during the Covid eviction moratorium. The actions of Bedford

County were unthinkably brutal and there was nothing and no one in place to stop this egregious abuse of power.

After Bedford County filed the emergency injunction to close the property, I filed a countersuit against Bedford County claiming the following:

1. The illegal issuance of building and zoning permits without the requisite professional oversight.
2. Gross Negligence for permitting operations with an open building permit.
3. Selective Enforcement by the County.
4. Violation of Due Process through the delayed communication of safety violations.
5. Bad Faith actions leading to bankruptcy and reputational harm.

After fighting through the courts for two years and studying the law, we are now facing a similar situation as the City of Salem has suddenly and arbitrarily stripped all uses of our second building that my extended family managed to preserve in a trust from the bankruptcy, forcing us to auction the building off. This case is now before the Western Federal District Court of Roanoke, VA case #7:23CV638, against Bedford County and the City of Salem for colluding to destroy our properties and uses; as well as JES Foundation Repair for firing me over being suicidal due to my fight with Bedford County. The City of Salem has destroyed all uses in a second property that we have interest in. As we have muddled through an extremely complex situation and legal system, repeatedly leaving us in a nearly homeless state and repeatedly destroying our income and reputation.

We have submitted these new claims, in conjunction with a fine-tuned version of the previous claims as follows:

1. Bedford County skipped the District Court and went straight to the Circuit Court in violations of regulation against Venue Shopping.
2. Bedford County violated due process with improper service by providing a mere two-day notice, with service via telephone as my family and I were residing in Texas at the time.
3. Bedford County used excessive force in violations of the fourth amendment, by filing the emergency injunction to remove the residents within the property during the Covid Eviction Moratorium. Resulting in forcible removal one of a minority family with a black father and a Hispanic mother that had been living and working in the property with their two children for over a year. CPS offered to house them in a hotel for two days, and then sending them to a homeless shelter.
4. Lack of any available legal representation for ourselves and our low-income residents.
5. Bedford County stripped all meaningful uses of the property away from us, destroying our ability to maintain our \$4000 monthly mortgage and a \$600,000 debt on the property that we accrued as an attempt to develop it. After years and millions of dollars invested into the Hardy property, the property currently sits as a shell and empty husk of what it once was.
6. Because of the speed with which the attack by Bedford County occurred, in violation of due process, the only viable defense that we had against the attack was to declare bankruptcy. The bankruptcy resulted in the collapse of all of our real estate, our occupation, and our reputation, while all of the residents were ultimately forced out. Causing severe psychological and emotional distress.

7. Loss of life for a resident that lost their home and job simultaneously, forcing them back to the streets.
8. In October of 2023, nearly two years after our bankruptcy, the City of Salem has come in and removed all uses of a second property that my extended family managed to rescue from the bankruptcy and place into a trust for our benefit, located at 913 east main street, Salem, Virginia in a government designated Opportunity Zone.
9. We suspect that this destruction of property use by Salem City is a collusive effort with Bedford County, especially since the same lawyer, Jim Guynn, is representing both the City of Salem and Bedford County on this matter in spite of the allegations of collusion.
10. We are currently being coerced into auction this Salem property off, set March 15th, 2024.

We have been attempting to gain representation and relief in the federal district court in order to prevent the auction, but we have thus far been denied. We cannot sustain the property and we are financially unable to comply with any of the city's demands as we are bankrupt, our industry has been repeatedly destroyed by the local government, and we have three small children under the age of 7 to care for and have been dependent upon charity to survive for over a year now. I am also addressing other parties, including JES Foundation Repair and Groundworks, for unlawfully firing me because I became suicidal when Bedford County destroyed my reputation and livelihood during this process.

This narrative underscores a dire plea for the Supreme Court's insight and intervention to rectify the profound injustices faced by a financially strained individual grappling with the weight of systemic adversity. By amplifying the constitutional violations, expanding on the legal precedents, detailing the specific legal arguments, emphasizing the human impact, and enhancing clarity and structure, this case resonates as a clarion call for the preservation of justice and the upholding of constitutional principles in the face of adversity.

Moreover, the gravity of this case extends beyond mere property disputes; it strikes at the very heart of our constitutional fabric, challenging the essence of due process, fair treatment, and the protection of the most vulnerable in our society. The actions undertaken by Bedford County and now the City of Salem not only undermine individual rights but also erode the trust in the legal system and the sanctity of property ownership, key pillars of our democratic society.

In aligning this case with a broader legal context, it becomes evident that the issues at hand resonate with a long history of jurisprudence safeguarding the rights of individuals against undue governmental interference. The alleged transgressions outlined in the complaint underscore a pattern of abuse of power, regulatory overreach, and collusion that demand the utmost scrutiny and rectification by this Honorable Court.

Furthermore, the devastating human impact resulting from these actions cannot be understated. The financially constrained individual and the residents have faced a cascade of hardships, from financial ruin to emotional distress, homelessness, and even tragic loss of life. These are not merely legal disputes; they are stark reminders of the

REASONS FOR GRANTING THE PETITION

1. ****Constitutional Significance:**** The issues at stake in this case hold profound constitutional implications, particularly concerning the Fifth and Fourteenth Amendments' protections of due process and property rights. Given the fundamental nature of these constitutional guarantees, a review by the Supreme Court is essential to clarify and reaffirm the boundaries of governmental authority in safeguarding individual liberties.
2. ****Legal Precedents:**** The legal precedents cited in the case, including *Gideon v. Wainwright*, *Lassiter v. Department of Social Services*, and *Turner v. Rogers*, underscore the importance of preserving access to justice and fairness for all individuals, especially those facing financial constraints. A review by the Supreme Court will help ensure consistency with established legal principles and precedents.
3. ****National Implications:**** The issues raised in this case extend beyond the confines of Bedford County and the City of Salem, holding national significance in terms of property rights, due process protections, and the equitable treatment of individuals facing regulatory actions. A decision by the Supreme Court will provide guidance and clarity on these critical issues for jurisdictions across the country.
4. ****Human Impact:**** The profound human impact of the actions taken by Bedford County and the City of Salem cannot be overstated. The financial strain, emotional distress, and hardships faced by the financially restrained individual

and the affected residents highlight the urgent need for judicial intervention to address the injustices and provide relief to those most vulnerable in our society.

5. ****Legal Clarity:**** The complex legal issues and factual circumstances of this case warrant the Supreme Court's review to ensure a consistent and just application of the law. By granting the petition for a writ of certiorari, the Court can provide clarity on the legal standards governing regulatory takings, due process violations, and other constitutional concerns raised in this case.
6. ****Erosion of Trust:**** The actions of Bedford County and the City of Salem have not only infringed upon individual rights but also eroded public trust in the fairness and impartiality of government regulatory processes. A review by the Supreme Court is essential to restore confidence in the legal system and ensure that all individuals are treated equitably under the law.
7. ****Judicial Oversight:**** The circumstances of this case underscore the critical need for judicial oversight to prevent abuses of power, regulatory overreach, and violations of constitutional rights. By granting the petition for a writ of certiorari, the Supreme Court can fulfill its role as the ultimate guardian of justice and ensure that the rule of law is upheld in this and similar cases.
8. ****Resolution of Legal Conflicts:**** The legal conflicts and ambiguities present in this case necessitate the Supreme Court's review to provide clarity and resolution on key legal issues. By addressing the specific constitutional violations alleged and the broader implications for property rights and due process, the Court can establish a clear legal framework for future cases involving similar concerns.

9. ****Protecting Vulnerable Populations:**** The financially restrained individual and the residents affected by the actions of Bedford County and the City of Salem represent some of the most vulnerable members of our society. A decision by the Supreme Court in this case can serve to protect and uphold the rights of these marginalized individuals, ensuring that they are not left defenseless against government overreach and injustice.

10. ****Preservation of Justice:**** At its core, this case embodies the principles of justice, fairness, and the rule of law that are foundational to our legal system. By granting the petition for a writ of certiorari and taking up this case, the Supreme Court can reaffirm its commitment to these principles and demonstrate that no individual, regardless of their financial circumstances, is beyond the reach of justice.

In light of these additional reasons, we respectfully urge the Supreme Court to grant the petition for a writ of certiorari and provide a thorough review of this case. The constitutional significance, legal precedents, national implications, human impact, erosion of trust, need for judicial oversight, resolution of legal conflicts, protection of vulnerable populations, and preservation of justice all underscore the compelling reasons for the Court to intervene and ensure that justice is served in this matter.

Relief Sought:

I am requesting the following relief:

1. Remand this case back to the state district court for a retrial with a court appointed attorney.
2. Direct the Federal District Court to provide a court appointed attorney for the issues that are currently being deliberated in that court.
3. Request for a ruling on whether the government's action necessitates the provision of a public defender in cases where claims of all viable uses of a property are eliminated, considering the unequal power dynamics and financial implications involved.
4. Petition for the appointment of court-appointed attorneys in cases where the government seeks to compel individuals out of their established residence or property to ensure due process and fair treatment under the law.
5. Appeal for clarification on how property rights can be safeguarded in situations where regulatory burdens enable governmental coercion, leading to individuals being compelled to relinquish their property.
6. Application for further legal safeguards to prevent government overreach and violations of due process when attempting to eliminate all uses of property, especially in cases lacking provision for public defenders and limited legal representation due to power imbalances.
7. Petition for measures to uphold constitutional principles of due process in cases where individuals are at risk of having their property rights infringed

upon without adequate legal representation, particularly when lawyers may be hesitant to challenge the government due to its power and expertise.

8. Motion to determine whether substantial diminution of a property's value due to regulatory burdens constitutes an undue infringement on property rights protected by the Constitution.
9. Appeal for clarification on the government's obligation to permit financially feasible property uses within the means of property owners, in alignment with property rights and due process principles.
10. Request for a ruling on the threshold at which the government's failure to allow economically viable property uses for the current owner constitutes a regulatory taking requiring compensation under the Takings Clause of the Fifth Amendment.

CONCLUSION

In light of the constitutional questions raised, the legal complexities involved, and the profound implications for individual rights and the rule of law, we respectfully urge the Honorable Justices of the United States Supreme Court to grant the petition for a writ of certiorari in this critical case. The issues at stake, including violations of due process, property rights infringements, unequal treatment under the law, access to justice concerns, and potential governmental overreach, underscore the urgent need for the Court's intervention to address these pressing constitutional matters and ultimately grant us an attorney so that these issues can be properly heard.

By granting certiorari and undertaking a thorough review of this case, the Supreme Court has the opportunity to clarify and reaffirm the constitutional principles and legal standards that underpin our system of justice. The fundamental rights enshrined in the Fifth and Fourteenth Amendments, the principles of equal protection and due process, and the bedrock of property rights protections all demand the Court's careful consideration and guidance in this matter.

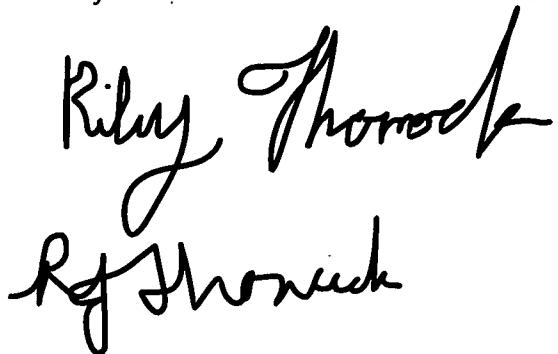
Moreover, the national implications, the human impact on vulnerable populations, and the erosion of public trust in the legal system necessitate the Court's intervention to ensure that justice is served, fairness is upheld, and individual liberties are safeguarded against governmental overreach. The complexities of the legal issues, the significance of the constitutional questions, and the imperative to protect the rights and interests of all individuals require the Supreme Court's attention and decisive action in this case.

Therefore, for the preservation of constitutional rights, the promotion of justice, and the maintenance of the rule of law, we respectfully request that the Supreme Court

grant the petition for a writ of certiorari and provide the necessary guidance and clarity on the constitutional issues presented in this case. The principles of fairness, equality, due process, and property rights must prevail, and the Supreme Court's review is essential to ensure that these principles are upheld and protected for all individuals in our society.

Respectfully submitted,

Riley Thornock & Rebecca Thornock

The image shows two handwritten signatures. The top signature is "Riley Thornock" in a cursive script. Below it is a shorter, stylized signature that appears to be "RJ Thornock".

Date: March 11, 2023