

RCB

No. 23-7393

Original

In The

Supreme Court of the United States

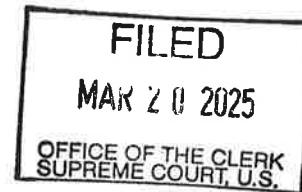
GREGORY SHAWN MERCER,

Petitioner,

vs.

COMMONWEALTH OF VIRGINIA &
COUNTY OF FAIRFAX, ET AL.

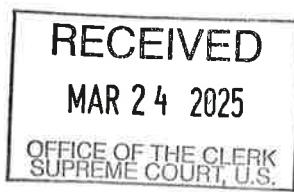
Respondents.



On Petition For Writ Of Certiorari To
The Supreme Court of Virginia

PETITION FOR REHEARING

GREGORY SHAWN MERCER,
Petitioner, pro se
3114 Borge Street
Oakton, Virginia 22124
202-431-9401



PETITION FOR REHEARING

In accordance with SCOTUS Rule 44.2, this Petition for Rehearing must be “limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented.”

By way of background, this Petition for Writ of Certiorari in *Mercer v. Virginia, et al.*, SCOTUS Case No. 23-7393 (hereafter “*Mercer*”) was timely filed on 5/2/2024 with a 5/2/2024 “SCOTUS Motion for Leave of Court to Proceed *In Forma Pauperis*.” On 10/7/2024, this SCOTUS denied Petitioner’s 5/2/2024 *In Forma Pauperis* Motion. On 10/23/2024, the Chief Justice granted Application (24A390) extending Petitioner’s time to file. Petitioner complied with the 10/7/2024 SCOTUS Order by filing a 12/27/2024 “Supplemented Petition for Writ of Certiorari [to the Supreme Court of Virginia]” in accordance with SCOTUS Rule 33.1. Thereafter on 1/27/2025, on 2/4/2025, and again on 2/10/2025, apparently unsuccessful efforts were made to file *Dalton v. Lacayo*, SCOTUS Case No. 24-6762 (hereafter “*Dalton*”) with a 2/10/2025 “Motion for Leave of Court to File Material Under Seal.” On 2/24/2025, *Mercer* SCOTUS Case No. 23-7393 was denied by this SCOTUS (The SCOTUS Rule 44 deadline for this *Mercer* Petition for Rehearing is 25 days being on or before 3/21/2025). On 3/10/2025, this SCOTUS granted Dalton’s 2/10/2025 Motion (24M65) for Leave

to File a Petition for Writ of Certiorari with the Supplemental Appendix Under Seal in Dalton SCOTUS Case No. 24-6762. Dalton SCOTUS Case No. 24-6762 was put on the SCOTUS Docket after 3/10/2025 with its “Petition for Writ of Certiorari [to the U.S Court of Appeals for the Fourth Circuit]” back dated to 1/27/2025.

This Mercer Petition for Rehearing addresses an intervening circumstance of a substantial or controlling effect, the similar case Dalton being put on the SCOTUS Docket after 3/10/2025. Also, there are other substantial grounds not previously presented by way of news articles about President Donald Trump on or about 3/18/2025 (See below).

This Mercer SCOTUS Case No. 23-7393 argues that from the Fairfax County General District Court to the Supreme Court of Virginia while Dalton SCOTUS Case No. 24-6762 argues that from the Fairfax County Juvenile and Domestic Relations District Court to the Supreme Court of Virginia, there exists an Unconstitutional Virginia Judicial System which does not respect the ***U.S. Supremacy Clause***.

In Mercer SCOTUS Case No. 23-7393, Petitioner presented a strong *Res Judicata* Argument that Virginia engaged in Double Jeopardy and that Virginia ignored Petitioner’s Virginia Right found in **U.S. Amendment V & XIV**. This is contrary to the ***U.S. Supremacy Clause*** found in Waller v. Florida,

397 U.S. 387, 90 S.Ct. 1184, 25 L.Ed.2d 435 (1970) (Mercer on Pages 33-34, 39).

In Dalton SCOTUS Case No. 24-6762, Dalton argues she provided Federal Question Jurisdiction to the U.S. District Court for the Eastern District of Virginia being that Virginia violated her Fundamental Liberty Interest protected by the Due Process Clause of **U.S. Amendment XIV** in the “nurture, upbringing, companionship, care, and custody” of her son E. L.-D. (DOB 2008). Dalton seeks to REMOVE Fairfax County Circuit Court Case Lacayo v. Dalton, FCCC Case No. JA-2024-0000085 to the U.S. District Court for the Eastern District of Virginia as Lacayo v. Dalton, VAED Case No. 1:24-cv-653 (LMB/WBP) using 28 U.S.C. §1446(b)(1) with 28 U.S.C. §1331 (Federal Question Jurisdiction). Dalton further argues she cannot receive a fair and impartial *de novo* Trial/Appeal in any Virginia State, County, or City Court because Virginia does not respect the **U.S. Supremacy Clause** concerning her Fundamental Liberty Interest found in Troxel v. Granville, 530 U.S. 57, 77, 120 S.Ct. 2054, 2066, 147 L.Ed.2d (2000) (Souter, J., concurring) (Dalton on Pages 4, 12, 15, A18, A30, & A132).

By denying SCOTUS Case No. 23-7393, this SCOTUS is passing on an opportunity to correct a State Court of Last Resort that is not respecting the **U.S. Supremacy Clause** when it left unenforced Petitioner’s **U.S. Amendment V** Right made into a

State Right by **U.S. Amendment XIV** – See Incorporation Doctrine? This SCOTUS is supposed to be the protector of Petitioner’s Federal Rights found in the U.S. Bill of Rights. Petitioner prays that this SCOTUS acts on this opportunity presented in SCOTUS Case No. 23-7393 and/or in SCOTUS Case No. 24-6762 before it is too late (See below). Petitioner believes this SCOTUS ought to boldly emphasize violations of the **U.S. Supremacy Clause** from the Constitution of the United States due to President Donald Trump’s numerous apparently-Unconstitutional Executive Orders which appear to be recklessly testing this SCOTUS’s Resolve to defend our mighty U.S. Constitution – a political experiment nearly 249 years old.

In the Chief Justice John G. Roberts, Jr.’s “2024 Year End Report on the Federal Judiciary,” he discussed the value of an independent federal judiciary stating, “But violence, intimidation, and defiance directed at judges because of their work undermines our Republic, and are wholly unacceptable (**Page 8 of 15**).” However, this SCOTUS is only one Executive Order away from a Constitutional Crisis. President Trump recently defied a federal judicial decision followed by the threat of a judicial impeachment (See news articles about President Trump on or about 3/18/2025).

Therein, President Trump criticized U.S. District Judge James Boasberg as a ”troublemaker

and agitator" who should be impeached because "HE DIDN'T WIN ANYTHING!" Trump wrote on Truth Social, "I'm just doing what the VOTERS wanted me to do" [by deporting accused gang members to El Salvador invoking a Alien Enemies Act of 1798 while ignoring District Judge Boasberg's Verbal Order for planes then in the air to be turned around after those planes were over international waters]. According to BBC News Kayla Epstein, "The chief justice of the US Supreme Court ... released a rare statement in response to President Trump's call to impeach a judge who ruled against his administration over migrant deportations. 'For more than two centuries, it has been established that impeachment is not an appropriate response to disagreement concerning a judicial decision,' Chief Justice John Roberts said in a statement. He added that the 'normal appellate review process exists for that purpose.'" According to Newsweek's Ewan Palmer, President Trump's response to Chief Justice Roberts was to dismissively note that Chief Justice Roberts did not mention Trump by name.

Petitioner again moves this SCOTUS to hear Mercer SCOTUS Case No. 23-7393 together with Dalton SCOTUS Case No. 24-6762 **because** Mercer supports Dalton and offers a Just Alternative (Reform) to the Unconstitutional Virginia Judicial System which does not respect the ***U.S. Supremacy Clause*** nor enforce either Federal or Virginia Rights: 1) Virginia must have a Virginia Constitutional

Convention to rewrite the 1971 Constitution of Virginia, Article VI, Sections 1, 2, & 7 (*Mercer* on **Page 43**); **2)** The Constitution of Virginia ought to adopt a restatement of the ***U.S. Supremacy Clause*** within that Constitution (*Mercer* on **Page 43**); **3)** the Constitution of Virginia, Article VI, Sections 1 & 2 must ***not*** empower the Supreme Court of Virginia with the power to interpret the Constitution of the United States ***nor*** empower the Supreme Court of Virginia with the power to interpret any of the U.S. Amendments to the Constitution of the United States which is contrary to the ***U.S. Supremacy Clause*** (*Mercer* on **Pages G1-G4**); and **4)** the Constitution of Virginia, Article VI, Section 7 must empower the Virginia PEOPLE to elect all Virginia State, County, and City Judges so the ***ALLEGIANCE*** of Virginia Judges is to the PEOPLE not the Government or Virginia Police Witness for the Prosecution (*Mercer* on **Pages 42-43**). The Virginia PEOPLE choosing “their own officers for governmental administration” is consistent with the ***U.S. Supremacy Clause*** found in *Duncan v. McCall*, 139 U.S. 449, 461, 11 S.Ct. 573, 577 (1891) (*Mercer* on **Page F8**).

WHEREFORE, Petitioner petitions for rehearing where *Mercer* SCOTUS Case No. 23-7393 is heard together with *Dalton* SCOTUS Case No. 24-6762 **because** *Mercer* supports *Dalton* and offers a Just Alternative (Reform) to the Unconstitutional Virginia Judicial System which currently does not respect the ***U.S. Supremacy Clause*** nor enforce

either Federal or Virginia Rights. Respectfully submitted,



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**CERTIFICATION PETITION FOR REHEARING
IS: RESTRICTED TO SCOTUS RULE 44.2
GROUNDS, MADE IN GOOD FAITH AND NOT
FOR DELAY, & COMPLIES WITH SCOTUS
RULE 33.1(d & g) WORD COUNT**

In accordance with SCOTUS Rule 44.2, I certify that this Petition for Rehearing is “limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented.” In accordance with SCOTUS Rule 44.1, I further certify that this Petition for Rehearing is “presented in good faith and not for delay.” The Word Count is below the SCOTUS Rule 14.1(c) 1,500 limit so no table of contents or table of cited authorities is included. The Word Count is 1,499 words.

I DECLARE under penalty of perjury under the laws of the United States of America that the foregoing Certifications are true and correct to the best of my information, knowledge, and belief. Executed on March 21, 2025.



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No. 23-7393

In The
Supreme Court of the United States

GREGORY SHAWN MERCER,

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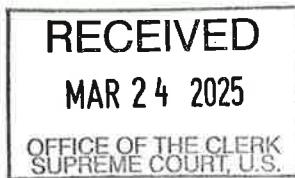
COMMONWEALTH OF VIRGINIA &
COUNTY OF FAIRFAX, ET AL.

Respondents.

On Petition For Writ Of Certiorari To
The Supreme Court of Virginia

**SCOTUS RULE 29 PROOF OF SERVICE OF
PETITION FOR REHEARING**

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SUPREME COURT, U.S.

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**SCOTUS RULE 29 PROOF OF SERVICE
(28 U.S.C. §2403(b) MAY APPLY)**

I CERTIFY that this 20th day of March, 2025 I mailed certified using USPS three true copies of the 3/21/2024 "Petition for Rehearing" with three true copies of this document to each counsel for Respondents in this case at the following addresses: **1)** the Commonwealth of Virginia being Katherine Q. Adelfio; **2)** the County of Fairfax being Fairfax Commonwealth's Attorney Steve Descano; and **3)** the Attorney General of Virginia being Jason Miyares "because 28 U.S.C. §2403(b) may apply:"

Katherine Q. Adelfio (VSB No. 77214)
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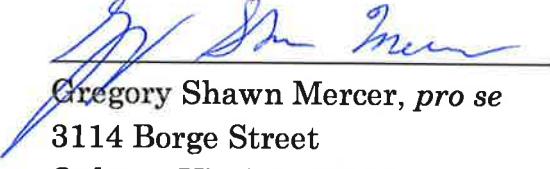
Steve Descano
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Jason Miyares

Attorney General of Virginia
Office of the Attorney General
202 North Ninth Street
Richmond, Virginia 23219

**28 U.S.C. §1746 DECLARATIONS WITH
SIGNATURE**

I DECLARE under penalty of perjury under the laws of the United States of America that the foregoing “SCOTUS Rule 29 Proof of Service of Petition for Rehearing” to the SCV is true and correct. Executed on March 20, 2024.



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