

23A317  
(No. 23-5643)

Supreme Court, U.S.  
FILED  
OCT - 6 2023  
OFFICE OF THE CLERK

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IN THE  
SUPREME COURT OF THE UNITED STATES

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IN RE: GREGORY SHAWN MERCER

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ON PETITION FOR EXTRAORDINARY WRIT OF MANDAMUS TO  
THE CHIEF JUDGE OF THE SUPREME COURT OF VIRGINIA,  
S. BERNARD GOODWYN

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APPLICATION TO THE CIRCUIT JUSTICE FOR THE SUPREME COURT  
OF VIRGINIA (JOHN G. ROBERTS, JR.) OR OTHER SCOTUS JUSTICE  
FOR A SCOTUS RULE 23.1 STAY

SCOTUS RULE 29 CERTIFICATE OF SERVICE (at the End)  
(28 U.S.C. §2403(b) MAY APPLY)

Gregory Shawn Mercer, *pro se*  
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**APPLICATION TO THE CIRCUIT JUSTICE FOR THE SUPREME COURT  
OF VIRGINIA (JOHN G. ROBERTS, JR.) OR OTHER SCOTUS JUSTICE  
FOR A SCOTUS RULE 23.1 STAY**

COMES NOW the Petitioner GREGORY SHAWN MERCER, *pro se*,  
applying (or moving if the SCV Circuit Justice or Other SCOTUS Justice invokes  
SCOTUS Rule 22.5) for a SCOTUS Rule 23.1 Stay: **1)** of the 9/29/2023 SCV “Order  
(Attached hereto);” and **2)** of SCV Proceedings in General (including any  
scheduled *Ex Parte* Oral Arguments) in SCV *Gregory Shawn Mercer v.*  
*Commonwealth of Virginia & County of Fairfax*, SCV Record No. 230354. Therein,  
Petitioner has been scheduled for *Ex Parte* Oral Panel Arguments by the SCV on  
10/17/2023 (See attached 9/22/2023 SCV e-mail to Petitioner) while the SCV  
has denied by 9/29/2023 “Order” (See attached 9/29/2023 SCV “Order”)  
Petitioner’s 6/13/2023 “SCV Motion to Compel [Appellee] *Commonwealth of*  
*Virginia* and [Appellee] *County of Fairfax* to Appear in the SCV and File  
Responsive SCV ‘Briefs in Opposition’ in Accordance with RSCV Rule 5:18(a)” (See  
attached 6/13/2023 “SCV Motion ...”).

Petitioner is being forced to choose by the SCV either to present *Ex Parte*  
Oral Panel Arguments on 10/17/2023 in the SCV or to waive his *Ex Parte* Oral  
Panel Arguments by 10/2/2023 in the SCV. By the attached 9/29/2023 “Order” in  
the SCV, one of the Respondents herein and SCV Chief Judge S. Bernard Goodwyn  
attempts to create an *untrue* argument on or before 10/22/2023 for his SCOTUS  
“Brief in Opposition” that: **a)** Petitioner was uninterested in any Appellee Opposing

Argument because he believed any Appellee Opposing Argument was really irrelevant compared to Petitioner's *Ex Parte*-accepted Panel Arguments already presented on 10/17/2023; or **b)** Petitioner did not believe in the importance of his own *Ex Parte* Panel Arguments enough to present them to the SCV on 10/17/2023 (and by extension present them to the SCOTUS ever) so Petitioner's *Ex Parte* Oral Panel Arguments for 10/17/2023 were waived. Either way, the attached 9/29/2023 "Order" in the SCV encourages both: **c)** expedited review by the SCV after 10/2/2023 before SCOTUS consideration of Petitioner's 9/22/2023-Docketed SCOTUS Petition; or **d)** lack of review by the SCOTUS of Petitioner's 9/22/2023-Docketed SCOTUS Petition. In accordance with SCOTUS Rule 20.3(b), Respondents in this SCOTUS Case No. 23-5643 are scheduled to file "Briefs in Opposition" on or before 10/22/2023.

Instead, Petitioner filed 9/29/2023, "Second SCV Motion for Continuance of 10/17/2023 Panel Arguments / Acknowledgement of Receipt and Confirmation of Appellant's Intention to Present Oral Arguments by Phone" (See attached 9/29/2023 "Second SCV Motion ..."). Petitioner believes in the importance of his Argument that the Virginia Government has been a Confederate Police Government since 1902 Constitution of Virginia, Article VI, Section 88 which needs a Virginia Constitutional Convention to correct 1971 Constitution of Virginia, Article VI, Sections 1, 2, & 7 before these *Racially-Inspired* Constitutional Sections further cause harm to the health of U.S. Citizens and/or further threaten the Continuance of the United States Government. But Petitioner does not believe he must present

nor does he want to present any *Ex Parte* Communications with the SCV which violate American Bar Association (ABA), Canon 2, Rule 2.9 on *Ex Parte* Communications.

Petitioner states as and for his Application to the SCV Circuit Justice or Other SCOTUS Justice for a SCOTUS Rule 23.1 Stay the following:

### STATEMENT OF FACTS

- 1) By *Res Judicata* between Petitioner, *Prosecutors County of Fairfax*, and *Prosecutor Commonwealth of Virginia*, it was decided that these two Prosecutors are separate, distinct, and ***not*** substitutable Prosecutorial Authorities [3, 8-9, 33, C1-13].
- 2) The cases that created the above *Res Judicata* was *Mercer v. Commonwealth of Virginia, County of Fairfax, et al.*, FCGDC Case No. GT18216359-00 (11/13/2018) [33, C1-2; Doc #2 – 48-49, Apx 60-61; Doc. SCV – 29, 37, A(4, 56-57)]; FCCC Case No. MI-2018-1766 (1/15/2019) [33, C3-7; Doc #2 – 48-49, Apx 62-66; Doc. SCV – 29, 37, A(4-5, 58-62)]; COAV Record No. 0135-19-4 (1/27/2020) [33, C8-12; Doc #2 – 48-49, Apx 67-71; Doc. SCV – 29, 37, A(5, 63-67)]; SCV Record No. 200331 (1/11/2021) [33, C13; Doc. #5 – 8, Apx 79; Doc. SCV – 29, 37, A(5, 68)]; SCOTUS Case No. 20-1827 (*certiorari* denied 10/4/2021, *rehearing* denied 12/6/2021) [1, 7-9; Doc #2 – 48-49, Apx 3; Doc. SCV – 29, 37, A(5-6)].



- 3) **ABBREVIATIONS** – Herein the Fairfax County General District Court is referred to as “FCGDC,” the Circuit Court of Fairfax County is referred to as “FCCC,” the Court of Appeals of Virginia is referred to as “COAV,” the Supreme Court of Virginia is referred to as “SCV,” the Supreme Court of the United States is referred to as “SCOTUS,” and the Rules of the Supreme Court of Virginia are referred to as “RSCV.”
- 4) On 9/21/2021 in *County of Fairfax v. Mercer*, FCGDC Case No. GT200227665-00, *Prosecutor County of Fairfax* convicted Petitioner in the FCGDC after 593 days of violation of the Code of Virginia §46.2-841 which had been adopted into Fairfax County by Fairfax County Ordinance §82-1-6 [3, 9-10, 33, D1; R1, R55; Doc. #2 – 33-34, 48-49, Apx 5; Doc. SCV – 29-30, 37, A(6-8, 49)].
- 5) On 11/4/2021 in *Commonwealth of Virginia v. Mercer*, FCCC Case No. MI-2021-776, Petitioner testified that *Prosecutor County of Fairfax* had appeared “in improper person” as *Prosecutor Commonwealth of Virginia* to no avail [4, 10; R64-68, R85, R99-100; Doc. #2 – 35, 48-49, Apx 5; Doc. SCV – 30, 37, A8] while Petitioner invoked his U.S. Amendments V, VI, & XIV Rights which are the Supreme Law of the Land in accordance with the *U.S. Supremacy Clause* [4, 10, 12-13; R64-67, R78, R81-87; Doc. #2 – 35, 48-49, Apx 5; Doc. SCV – 30, 37, A8].

- 6) On 11/4/2021 in *Commonwealth of Virginia v. Mercer*, FCCC Case No. MI-2021-776, *Prosecutor Commonwealth of Virginia* convicted Petitioner in the FCCC of violation of the same Code of Virginia §46.2-841 as in the FCGDC which conviction was then amended to a conviction of the charge “Failure to Pay Full Time and Attention” (Fairfax County Ordinance §82-4-24) by the Trial Court Judge [4, 10-13, 33, D2-3; R57-58, R99-103; Doc. #2 – 38, 48-49, Apx 5; Doc. SCV – 30-31, 37, A(8-13, 50-51)].
- 7) Prosecutor and *Appellee County of Fairfax* is created from the 1971 Constitution of Virginia, (Article IV, Sections 1 & 11; Article VII, Section 2) and the Code of Virginia, Title 15.2, §§(301(A), 401, 402(A), & 408) while the FCGDC is created by the 1971 Constitution of Virginia, Article VI, Section 1 [30-32; Doc. SCV – 37, A(43-48)].
- 8) Prosecutor and *Appellee Commonwealth of Virginia* is created from the 1971 Constitution of Virginia, Article V, Section 15 while the FCCC is created by the 1971 Constitution of Virginia, Article VI, Section 1 [29-30, 32; Doc. SCV – 37, A(43-44, 47-48)].
- 9) *Appellee County of Fairfax* and *Appellee Commonwealth of Virginia* are created by the same 1971 Constitution of Virginia and the *same Virginia Sovereign* (*emphasis added*) as opposed to Federal Sovereign which existence is verified by U.S. Amendment XIV, Section 1 [32-33; Doc. SCV – 37, A48].

- 10) However by *Res Judicata* in paragraphs 1 & 2 above, these two Virginia Prosecuting Authorities are separate, distinct, and ***not*** substitutable [3, 8-9, 33, C1-13].
- 11) Therefore, Petitioner has been subjected to Double Jeopardy on 9/21/2021 then 11/4/2021 in violation of his U.S. Amendment V & XIV Right through conviction by *Appellee County of Fairfax* in the FCGDC on 9/21/2021 then conviction by *Appellee Commonwealth of Virginia* in the FCCC on 11/4/2021 for the same charge (an alleged violation of the Code of Virginia §46.2-841 which was adopted into Fairfax County in the FCGDC by Fairfax County Ordinance §82-1-6). It is irrelevant that this FCCC conviction ended up being amended to a lesser charge (Fairfax County Ordinance §82-4-24) because that lesser charge acknowledges the initial violation of Petitioner's U.S. Amendment V & XIV Right.
- 12) In accordance with to *Waller v. Florida*, 397 U.S. 387, 90 S.Ct. 1184, 25 L.Ed.2d 435 (1970) [34-36, 41; Doc. SCV – 40-43, 55] after *Benton v. Maryland*, 395 U.S. 784, 89 S.Ct. 2056, 23 L.Ed.2d 707 (1969) [33-34; Doc. SCV – 39-40] overturned *Palko v. Connecticut*, 302 U.S. 319, 58 S.Ct. 149, 82 L.Ed. 288 (1937) [33-34; Doc. SCV – 38-40] making U.S. Amendment V [2, 33-36; R64-67, R78, R82-87, R90; Doc. #2 – 33-35, 47-49, 51-53, 56-58, 71, Apx 5-6; Doc. SCV – 38-43, 55] applicable to the States through U.S. Amendment XIV [3, 33-36; R64-67, R78, R82-

87, R90; Doc. #2 – 33-35, 47-49, 51-53, 56-58, 71, Apx 5-6; Doc. SCV – 38-43, 55], Petitioner’s U.S. Amendment V & XIV Right to Protection from Double Jeopardy was clearly and undeniably violated on 9/21/2021 then 11/4/2021 by *Appellee County of Fairfax* in the FCGDC then *Appellee Commonwealth of Virginia* in the FCCC for the alleged violation of the same Code of Virginia §46.2-841.

13) Petitioner filed a timely 11/4/2021 “FCCC to COAV Notice of Appeal” paying the \$50 COAV Fee in accordance with RSCV Rule 5A:6 followed by *Appellee Commonwealth of Virginia* filing a 1/11/2022 Notice of Appearance [33, B1].

14) Petitioner filed a timely 5/25/2022 “Opening Brief of Appellant” in accordance with RSCV Rule 5A:20 with Assignments of Error pertaining to the Supreme Law of the Land [Doc. #2 - 31] in *Mercer v. Commonwealth of Virginia & County of Fairfax*, COAV Record No. 1193-21-4 after 5/3/2022 COAV-granted Enlargement of Time [Doc. #2 – 22, 48-49, Apx 78] including Assignment of Error:

“Whether or not the FCCC Trial Court erred by denying Defendant’s invoked U.S. Amendment V, VI, and/or XIV Rights? [iii, Doc. #2 - 31]”

15) Neither *Appellee County of Fairfax* nor *Appellee Commonwealth of Virginia* filed COAV Responsive “Briefs of Appellee” in accordance with RSCV Rule 5A:21 and *Appellee County of Fairfax* never even appeared in COAV Record No. 1193-21-4.

- 16) Petitioner filed an 11/5/2022 “Motion for Ruling” which moved the COAV to Compel the Appearance of *Appellee County of Fairfax* and for the COAV to Compel *Appellee Commonwealth of Virginia* and *Appellee County of Fairfax* to File responsive “Briefs of Appellee” in the COAV in Accordance with RSCV Rule 5A:21 [ii-iii, 33, 37-38, B2, D17-22; Doc. #9 – 1-6; Doc. SCV – 2, 46-49, A(78-83)].
- 17) The COAV failed to rule on Petitioner’s 11/5/2022 “Motion for Ruling” [ii-iii, 37-38; Doc. SCV – 2, 46-49, A(78-83)].
- 18) The COAV by 3/28/2023 “Memorandum Opinion Per Curium” [33, D25-34; Doc. SCV - 37, A(86-95)] then 4/18/2023 “Final Order” [33, D35; Doc. SCV – 37, A96] in COAV Record No. 1193-21-4 alleged that Petitioner’s Assignments of Error in Question Form were not in accordance with RSCV Rule 5A:20(c) which says nothing about Affirmative Statement Form as opposed to Question Form [33, D8-11; Doc. #3 – 1-4, Doc. SCV – 1, 37, 45-46, A69-72] but, more specifically, RSCV Rule 5A:20(c) is not the Supreme Law of the Land where Petitioner’s Assignments of Error in COAV Record No. 1193-21-4 pertain to the Supreme Law of the Land (*emphasis added*).
- 19) The *U.S. Supremacy Clause* states:

“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 [2; R81; Doc. #2 – 34-35; Doc. SCV – 37, A17].”

- 20) The COAV unconstitutionally prioritized RSCV Rule 5A:20(c) over Assignments of Error pertaining to the Supreme Law of the Land in its 3/28/2023 “Memorandum Opinion Per Curium” [33, D25-34; Doc. SCV - 37, A(86-95)] then 4/18/2023 “Final Order” [33, D35; Doc. SCV – 37, A96] in COAV Record No. 1193-21-4.
- 21) U.S. Amendment X states:
- “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people [3; Doc. #2 – 29, 31; Doc. SCV – 3-4, 37, A18].”
- 22) The COAV did not have the CONSTITUTIONAL POWER to prioritize RSCV Rule 20(c) over Assignments of Error pertaining to the Supreme Law of the Land in its 3/28/2023 “Memorandum Opinion Per Curium” [33, D25-34; Doc. SCV - 37, A(86-95)] then 4/18/2023 “Final Order” [33, D35; Doc. SCV – 37, A96] in COAV Record No. 1193-21-4.
- 23) Petitioner filed a timely 5/8/2023 “COAV to SCV Notice of Appeal / ...” in accordance with RSCV Rules 5:9(b), 5:14(a), & 5:17(a)(2) in the SCV paying necessary SCV fees [19].
- 24) Petitioner filed a timely 5/18/2023 “SCV Petition for Appeal / ... [20]” which he corrected by 5/23/2023 “SCV Corrected Petition for Appeal / ... [20]” in accordance with RSCV Rule 5:17 in Mercer v. Commonwealth of Virginia & County of Fairfax, SCV Record No. 230354 (Pending).

- 25) Neither *Appellee County of Fairfax* nor *Appellee Commonwealth of Virginia* have appeared in the SCV nor filed timely “Briefs in Opposition” in accordance with RSCV Rule 5:18(a) in SCV Record No. 230354 by 6/8/2023 nor to date.
- 26) Petitioner filed a 6/13/2023 “SCV Motion to Compel [*Appellee*] *Commonwealth of Virginia* and [*Appellee*] *County of Fairfax* to Appear in the SCV and File Responsive SCV ‘Briefs in Opposition’ in Accordance with RSCV Rule 5:18(a) [20].”
- 27) *Appellee County of Fairfax, Appellee Commonwealth of Virginia*, the COAV Judges, and the SCV Judges are conspiring to impede the Appellate Jurisdiction of this SCOTUS so Petitioner filed this Case *In Re: Gregory Shawn Mercer*, SCOTUS No. 23-5643 (Pending) in accordance with SCOTUS Rule 20.2 finally Docketed on 9/22/2023 Petitioning the SCOTUS for a Writ of Mandamus to the Chief Judge of the SCV (S. Bernard Goodwyn) invoking 28 U.S.C. §1651(a) *Writs*:
- “The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law [2].”
- 28) The SCV on 9/22/2023 scheduled Petitioner for 10/17/2023 SCV Oral Panel Arguments by phone (See attached e-mail to Petitioner).
- 29) The SCV on 9/29/2023 **DENIED** (See attached SCV “Order”) Petitioner’s 6/13/2023 “SCV Motion to Compel [*Appellee*] *Commonwealth of Virginia* and [*Appellee*] *County of Fairfax* to

Appear in the SCV and File Responsive SCV 'Briefs in Opposition' in Accordance with RSCV Rule 5:18(a)."

- 30)** Petitioner filed a 9/29/2023 "Second SCV Motion for Continuance of 10/17/2023 Panel Arguments / Acknowledgement of Receipt and Confirmation of Appellant's Intention to Present Oral Arguments by Phone" (See attached 9/29/2023 "Second SCV Motion ...") by the 10/2/2023 Deadline communicated in the SCV 9/22/2023 SCV e-mail to Petitioner (See attached 9/22/2023 SCV e-mail to Petitioner).
- 31)** Petitioner now applies (or moves if the SCV Circuit Justice or Other SCOTUS Justice invokes SCOTUS Rule 22.5) for a SCOTUS Rule 23.1 Stay: **1)** of the 9/29/2023 SCV "Order (Attached hereto);" and **2)** of SCV Proceedings in General (including any scheduled *Ex Parte* Oral Arguments) in SCV Gregory Shawn Mercer v. Commonwealth of Virginia & County of Fairfax, SCV Record No. 230354.
- 32)** *Appellee County of Fairfax* and *Appellee Commonwealth of Virginia* are entities that cannot decide whether or not to appear or file anything but rather it is cowardice and unfair ethics of Opposing Counsel that is creating the Unfair Practice of Petitioner's Governments securing convictions in the FCGDC & FCCC then failing to appear effectively hiding from appeals in the COAV & SCV which is totally contrary to the 1971 Constitution of Virginia, Article I, Section 2:

"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 [12; R97; Doc. #2 – 45; Doc. SCV – 37, A11].”

**WHEREFORE**, Petitioner applies (or moves if the SCV Circuit Justice or Other SCOTUS Justice invokes SCOTUS Rule 22.5) for a SCOTUS Rule 23.1 Stay: **1)** of the 9/29/2023 SCV “Order” (**Attached hereto**); and **2)** of SCV Proceedings in General (including any scheduled *Ex Parte* Oral Arguments) in SCV Gregory Shawn Mercer v. Commonwealth of Virginia & County of Fairfax, SCV Record No. 230354.

Respectfully Submitted,



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

**28 U.S.C. §1746 Declaration / Signature**

**I CERTIFY** under penalty of perjury in accordance with the laws of the United States of America that the foregoing “Application to the Circuit Justice for the Supreme Court of Virginia (John G. Roberts, Jr.) or Other SCOTUS Justice for a Stay / SCOTUS Rule 29 – Certificate of Service” correctly reflect facts based on my personal knowledge, belief, and experience. Executed 10/3/2023.



Gregory Shawn Mercer, *pro se*  
3114 Borge Street  
Oakton, Virginia 22124

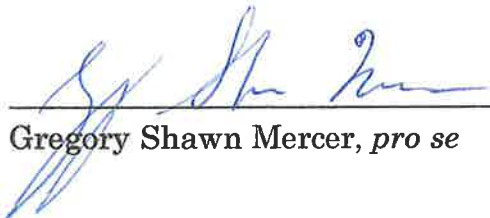
gregorysmercer@gmail.com  
202-431-9401

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

I **CERTIFY** that on this 5th day of October, 2023, I mailed by certified mail a true copy of the above “Application to the Circuit Justice for the Supreme Court of Virginia (John G. Roberts, Jr.) or Other SCOTUS Justice for a Stay:” **1)** to counsel or authorized representative accepting documents for SCV Chief Judge S. Bernard Goodwyn being Flora T. Hezel, Senior Assistant Attorney General and Chief: Financial Law and Government Support; and **2)** to Attorney General of Virginia, Jason Miyares with addresses:

Flora T. Hezel  
Senior Assistant Attorney General and Chief:  
Financial Law and Government Support  
202 North Ninth Street  
Richmond, Virginia 23219  
804-786-0067  
fhezel@oag.state.va.us (appears erroneously with “jlief” in 3/19/2023 Petition)

Jason Miyares  
Attorney General of Virginia  
202 North Ninth Street  
Richmond, Virginia 23219  
804-786-2071

  
\_\_\_\_\_  
Gregory Shawn Mercer, *pro se*

COPY

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SUPREME COURT OF VIRGINIA  
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JUN 13 2023  
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IN THE SUPREME COURT OF VIRGINIA

100 North 9th Street, 5th Floor, Richmond, Virginia, 23219-1319

804-786-2251

GREGORY SHAWN MERCER, \*

*Petitioner,* \*

v. \*

COMMONWEALTH OF VIRGINIA \*

& COUNTY OF FAIRFAX, \*

Respondents. \*

SCV Record No.


230354

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SCV Motion to Compel Respondent Commonwealth of Virginia and Respondent County of Fairfax to Appear in the SCV and File Responsive SCV "Briefs in Opposition" in Accordance with RSCV Rule 5:18(a)

COMES NOW, the Petitioner, Gregory Shawn Mercer, *pro se*, and moves this Supreme Court of Virginia (hereafter "SCV") to compel *Respondent Commonwealth of Virginia and Respondent County of Fairfax* to appear in the SCV and compel these Respondents to file responsive SCV "Briefs in Opposition" to Petitioner's 5/23/2023 "SCV Corrected Petition for Appeal / ..." in accordance with RSCV Rule 5:18(a). Respondents may be attempting to impede the Appellate Jurisdiction of the SCOTUS. [Herein, the Supreme Court of Virginia is "SCV" and the Supreme Court of the United States is "SCOTUS"].

  
\_\_\_\_\_  
Gregory Shawn Mercer, *pro se*  
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Oakton, Virginia 22124  
202-431-9401  
gregorysmercer@gmail.com

CERTIFICATE OF SERVICE

I CERTIFY that on Tuesday, June 13, 2023, I hand-delivered to *Respondent County of Fairfax* and mailed by certified mail to Respondent Commonwealth of Virginia true and exact copies of the foregoing “SCV Motion to Compel Respondent Commonwealth of Virginia and Respondent County of Fairfax to Appear in the SCV and File Responsive SCV ‘Briefs in Opposition’ in Accordance with RSCV Rule 5:18(a)” to the Office of the Attorney General for *Respondent Commonwealth of Virginia* and the Fairfax Commonwealth Attorney’s Office for *Respondent County of Fairfax* with addresses:

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

Steve Descano  
4110 Chain Bridge Road  
Suite #114  
Fairfax, Virginia 22030

  
\_\_\_\_\_  
Gregory Shawn Mercer, *pro se*

**Supreme Court of Virginia - Tuesday, October 17, 2023 Writ Panel Docket -  
RESPONSE NEEDED**

1 message

CSA Office &lt;csaoffice@vacourts.gov&gt;

Fri, Sep 22, 2023 at 12:24 PM

To: "dbh@hargettlaw.com" <dbh@hargettlaw.com>, "kbulger@vadefenders.org" <kbulger@vadefenders.org>, "pack.matthew@yahoo.com" <pack.matthew@yahoo.com>, "KBaldassari@oag.state.va.us" <KBaldassari@oag.state.va.us>, "mderrico@vadefenders.org" <mderrico@vadefenders.org>, "richiedavis@davisattys.com" <richiedavis@davisattys.com>, "Lockhart@Lockhart.biz" <Lockhart@lockhart.biz>, "elizabeth.teare@fairfaxcounty.gov" <elizabeth.teare@fairfaxcounty.gov>, "david.stoner2@fairfaxcounty.gov" <david.stoner2@fairfaxcounty.gov>, "laura.gori@fairfaxcounty.gov" <laura.gori@fairfaxcounty.gov>, "sara.silverman@fairfaxcounty.gov" <sara.silverman@fairfaxcounty.gov>, "trwardresults@gmail.com" <trwardresults@gmail.com>, "lcampbell@oag.state.va.us" <lcampbell@oag.state.va.us>, "aprilgallop@comcast.net" <aprilgallop@comcast.net>, "cccosby@verizon.net" <cccosby@verizon.net>, "kcalhoun@charlesccosby.com" <kcalhoun@charlesccosby.com>, "gregorysmcercer@gmail.com" <gregorysmcercer@gmail.com>, CSA Office <csaoffice@vacourts.gov>

Cc: "vjohnson@oag.state.va.us" <vjohnson@oag.state.va.us>, "mwilliams@oag.state.va.us" <mwilliams@oag.state.va.us>, "rbourne@oag.state.va.us" <rbourne@oag.state.va.us>, "KBaldassari@oag.state.va.us" <KBaldassari@oag.state.va.us>, "OAGCriminalLitigation@oag.state.va.us" <OAGCriminalLitigation@oag.state.va.us>, "crouthier@harrisonburglaw.com" <crouthier@harrisonburglaw.com>, "whamilton@oag.state.va.us" <whamilton@oag.state.va.us>, "srichmond@oag.state.va.us" <srichmond@oag.state.va.us>, "ahull@oag.state.va.us" <ahull@oag.state.va.us>, "kzimmerman4@gmail.com" <kzimmerman4@gmail.com>, "ssmith@cgglawyers.com" <ssmith@cgglawyers.com>, "ghampshire@bklawva.com" <ghampshire@bklawva.com>, "JMeizanis@bklawva.com" <JMeizanis@bklawva.com>, "ccrookenden@oag.state.va.us" <ccrookenden@oag.state.va.us>, "Tom@sheppardandobrien.com" <Tom@sheppardandobrien.com>, "dsolodar@solodarlaw.com" <dsolodar@solodarlaw.com>, "stephen.descano@fairfaxcounty.gov" <stephen.descano@fairfaxcounty.gov>, "lbrooker@oag.state.va.us" <lbrooker@oag.state.va.us>, "kadelfio@oag.state.va.us" <kadelfio@oag.state.va.us>

**SUPREME COURT OF VIRGINIA****CHIEF JUSTICE**

S. BERNARD GOODWYN

**JUSTICES**

CLEO E. POWELL

D. ARTHUR KELSEY

STEPHEN R. MCCULLOUGH

TERESA M. CHAFIN

WESLEY G. RUSSELL, JR.

THOMAS P. MANN

**SENIOR JUSTICES**

CHARLES S. RUSSELL

LAWRENCE L. KOONTZ, JR.

DONALD W. LEMONS

LEROY F. MILLETTE, JR.

WILLIAM C. MIMS



SUPREME COURT BUILDING  
100 NORTH NINTH STREET  
RICHMOND, VIRGINIA 23219  
(804) 786-2259

**CLERK**

MURIEL-THERESA PITNEY

**EXECUTIVE SECRETARY**

KARL R. MADE

**CHIEF STAFF ATTORNEY**

K. LORRAINE LORD

**REPORTER OF DECISIONS**

KENT SINCLAIR

**STATE LAW LIBRARIAN**

GAIL WARREN

September 22, 2023

Dear Counsel:

The Court has instructed me to inform you that oral argument on your petition for appeal has been scheduled before a panel of Justices on the morning of October 17, 2023. Argument may be presented in person, by telephone, or waived. Petitioner's counsel will have 10 minutes to present oral argument.

A draft docket is attached, and a revised docket will be provided after October 10.

**Petitioner's counsel must reply to this email by October 2, 2023, to acknowledge receipt and confirm you will be available to present oral argument. The reply must state whether you will present oral argument in person or by telephone or whether you choose to waive oral argument. When replying, please identify the case you will be arguing by case name and record number and confirm the name of the attorney who is expected to argue before the panel. If arguing by telephone, provide the telephone number from which you will be calling. Petitioners' counsel must dial in 30 minutes prior to oral argument.**

In-person arguments will be conducted in the Court's Main Courtroom in the Supreme Court Building, 100 North Ninth Street, Richmond, Virginia.

Counsel presenting oral argument before the Court may bring into the courtroom a laptop, tablet, or other personal computer solely for use during the presentation of oral argument. If counsel wishes to use a computer for this purpose, counsel must request permission in writing from the Court at least **72 hours** before the date of oral argument. This request may be included in your response to this e-mail acknowledging and confirming your oral argument. The written permission received from the Court **must be presented** to the Capitol Police Officer upon arrival at the Supreme Court building or the device will not be permitted. The Court reserves the right to deny such permission on any basis it deems reasonable.

Please note the computer may not be used to record any oral argument or other proceeding or take photographs or make a video recording, communicate via email, instant message, social media or otherwise while in the courtroom, and may not be used to access the internet via any method. The computer must be kept in a case when not being used during counsel's argument.

Cellular telephones, Apple watches and other smart watches, pagers, cameras, or other noise-making devices are not permitted in the Supreme Court Building when Writ Panels are in session.

Should a party wish to have a court reporter, notice must be given to the Office of the Chief Staff Attorney (csaoffice@vacourts.gov or (804) 786-2259) at least **5 business days before** the date of argument.

For the convenience of parties, counsel, interested members of the press, and the public, access to oral arguments is provided through a live audio stream available at <https://www.vacourts.gov/courts/scv/home.html>. The link also is available through the Court's webpage at [www.vacourts.gov](http://www.vacourts.gov). There, each panel is listed with links to the dockets and to the live-streaming feeds. The links will become live on the day of oral argument. It is best to listen through Chrome, Firefox, or Microsoft Edge.

Please note arguments may run ahead of schedule.

If intervening events occur that would prevent arguing counsel from appearing in person or by telephone, counsel should promptly notify the Office of the Chief Staff Attorney.

Very truly yours,

K. Lorraine Lord  
Chief Staff Attorney

Supreme Court of Virginia

Office of the Chief Staff Attorney

100 North 9<sup>th</sup> Street

Richmond, VA 23219

(804) 786-2259

[csaoffice@vacourts.gov](mailto:csaoffice@vacourts.gov)

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 **Supreme Court of Virginia - October 17, 2023 Writ Panel Docket (draft).pdf**  
27K

PANEL ARGUMENTS

October 17, 2023

PERSONAL APPEARANCES

9:00 a.m.

230385 DAVARN MARQUISE HANCOCK v.  
HAROLD W. CLARKE, DIRECTOR David B. Hargett, Esq.

230478 BRIAN MAURICE TYLER v. HAROLD  
W. CLARKE David B. Hargett, Esq.

230193 JUSTIN ANDREW HARVEY v.  
COMMONWEALTH OF VIRGINIA Kelsey M. Bulger, Esq.

230474 RICHARD ALAN SWEZEY v.  
COMMONWEALTH OF VIRGINIA Matthew L. Pack, Esq.

230379 COMMONWEALTH OF VIRGINIA v.  
JAMES FREDERICK BROWNE Ken J. Baldassari, Esq.

230248 SHAQUAWN DEMONTE WARREN v.  
COMMONWEALTH OF VIRGINIA Kelsey M. Bulger, Esq.

10:00 a.m.

230467 COLTON ALLEN KING v.  
COMMONWEALTH OF VIRGINIA Michelle C.F. Derrico, Esq.



230316	VERNON EUGENE HANNAH v. COMMONWEALTH OF VIRGINIA	Michelle C.F. Derrico, Esq.
230328	CLIFTON HALEY HARPER, JR. v. COMMONWEALTH OF VIRGINIA	Kelsey M. Bulger, Esq.
230486	DALE A. HAPPE v. KATHYRN ZIMMERMAN	Richard W. Davis, Jr., Esq.
230360	PATRICK O. LOCKHART v. KAREN R. LOCKHART	Patrick O. Lockhart, pro se
230355	PATRICK O. LOCKHART v. COMMONWEALTH OF VIRGINIA	Patrick O. Lockhart, pro se
230491	BOARD OF SUPERVISORS OF FAIRFAX COUNTY v. RITA M. LEACH- LEWIS, ET AL.	Elizabeth D. Teare, Esq. T. David Stoner, Esq. Laura S. Gori, Esq. Sara G. Silverman, Esq.

**11:00 a.m.**

230358	THOMAS RICHARD WARD v. COMMONWEALTH OF VIRGINIA	Thomas R. Ward, pro se
230511	COMMONWEALTH OF VIRGINIA v. STEPHEN LAMAR GARRICK	Lauren C. Campbell, Esq.

**TELECONS**

**11:30 a.m.**

230458	APRIL D. GALLOP v. CAMERON BAY HOMEOWNERS ASSOCIATION	April D. Gallop, pro se
230542	MAMDOH ABOUEMARA v. COMMONWEALTH OF VIRGINIA	Charles C. Cosby, Jr., Esq. Kevin E. Calhoun, Esq.
230354	GREGORY SHAWN MERCER v. COMMONWEALTH OF VIRGINIA, ET AL.	Gregory S. Mercer, pro se

COPY

CLERK  
SUPREME COURT OF VIRGINIA  
RECEIVED  
1 SEP 25 2023  
RICHMOND, VIRGINIA

In the Supreme Court of Virginia

100 North 9th Street, 5th Floor, Richmond, Virginia 23219-1315

(804) 786-2251

\*\*\*\*\*

GREGORY SHAWN MERCER, \*

Appellant, \*

versus \* RECORD NO. 230354

COMMONWEALTH OF VIRGINIA \*

& COUNTY OF FAIRFAX, \*

Appellees. \*

\*\*\*\*\*

**MOTION FOR RULING ON 6/13 "SCV MOTION TO COMPEL ..."  
MOTION FOR CONTINUANCE OF 10/17 PANEL ARGUMENTS  
OBJECTION TO SCHEDULED *EX PARTE* PANEL ARGUMENTS**

COMES NOW the Appellant, GREGORY SHAWN MERCER, *pro se* without notifying in advance the other Parties who have chosen not to Appear despite Appellant's 6/13/2023 "SCV Motion to Compel ... :"

(1) Moving for a SCV Ruling on Appellant's 6/13/2023 "SCV Motion to Compel [Appellee] *Commonwealth of Virginia* and [Appellee] *County of Fairfax* to Appear in the SCV and File

Responsive SCV 'Briefs in Opposition' in Accordance with RSCV Rule 5:18(a);"

(2) Moving for a SCV Continuance of Appellant's *Ex Parte* "Panel Arguments" now scheduled at 11:30 am on 10/17/2023; and

(3) Objecting to this SCV scheduling Appellant's *Ex Parte* "Panel Arguments" without first ruling on Appellant's 6/13/2023 Motion to Compel the Appearance and Response of both Appellees (See Number 1 above).

Appellant states as and for his two Motions and Objection the following:

Appellant is a Citizen of Virginia living in the County of Fairfax both governments of which are created by the 1971 Constitution of Virginia (the same Virginia Sovereign). First *Appellee County of Fairfax* then *Appellee Commonwealth of Virginia* convicted Appellant in two different Courts of the same crime being Code of Virginia §46.2-841 (on 9/21/2021 in the FCGDC & on 11/4/2021 in the FCCC, respectively) by:

(i) violating *Res Judicata* that these two Prosecutors are separate, distinct, and not substitutable from prior litigation

involving the same three Parties where Appellant alerted the Trial-Court (FCCC) on 11/4/2021 to the fact that the first Prosecutor had appeared in improper person as the second Prosecutor to no avail; and

(ii) violating Appellant's Trial-Court-invoked (FCCC) Protection from Double Jeopardy being his U.S. Amendments V & XIV Federal Right.

This case in the SCV is very similar to Waller v. Florida, 397 U.S. 387, 90 S.Ct. 1184, 25 L.Ed.2d 435 (1970) after Benton v. Maryland, 395 U.S. 784, 89 S.Ct. 2056, 23 L.Ed.2d 707 (1969) overturned Palko v. Connecticut, 302 U.S. 319, 58 S.Ct. 149, 82 L.Ed. 288 (1937) making U.S. Amendment V applicable to the States through U.S. Amendment XIV.

After violating Appellant's Federal Right, the Appellees refused to appear and file Responsive Briefs in the Court of Appeals of Virginia (herein "COAV" – only one Appellee appeared but neither Appellee filed a "Brief of Appellee") and the Supreme Court of Virginia (herein "SCV" – neither Appellee appeared nor filed a "Brief in Opposition").

The COAV even attempted to nullify Appellant's U.S. Amendment V & XIV Federal Right through COAV "Order" dated 8/9/2022 requesting from the Circuit Court of Fairfax County (herein "FCCC") the issuance of FCCC *nunc pro tunc* Orders changing the FCCC Prosecutor from "*Appellee Commonwealth of Virginia*" to the Fairfax County General District Court (herein "FCGDC") Prosecutor "*Appellee County of Fairfax*" after the fact that Appellant's U.S. Amendment V & XIV Federal Right had already been violated on 11/4/2021 in the FCCC. The FCCC chose not to issue any FCCC *nunc pro tunc* Orders on 8/10/2022. Subsequently, the COAV declined to consider Appellant's Assignments of Error where there was an alleged violation of U.S. Amendment V & XIV for a completely bogus reason being that the Assignments of Error were written in Question Form not Affirmative Statement Form!

Because Appellant's U.S. Amendment V & XIV Federal Right is the Supreme Law of the Land to which all Virginia State, County, and City Judges are bound in accordance to the *U.S. Supremacy Clause*, this SCV will be exercising powers it does not have to ignore the *U.S. Supremacy Clause* in violation of U.S. Amendment X and will be

impeding the Appellate Jurisdiction of the Supreme Court of the United States (herein "SCOTUS") if this SCV does not compel the Appearance and Response of the Appellees in this Record No. 230354. Further, Appellant argues this case must be remanded by this SCV to the COAV for the Appellees to first respond to Appellant's 5/25/2022 COAV "Opening Brief of Appellant" to which neither Appellee responded.

On 9/22/2023, Appellant called the SCV and confirmed that neither Appellee had responded yet to his 5/23/2023 "SCV Corrected Petition for Appeal / ..." nor had this SCV ruled on Appellant's 6/13/2023 "SCV Motion to Compel [Appellee] *Commonwealth of Virginia* and [Appellee] *County of Fairfax* to Appear in the SCV and File Responsive SCV 'Briefs if Opposition' in Accordance with RSCV Rule 5:18(a)." However, later on 9/22/2023, Appellant was scheduled in the SCV for Panel Arguments at 11:30 am on 10/17/2023 by phone in Record No. 230354. These Panel Arguments would be *Ex Parte* because this SCV has not ruled on Appellant's 6/13/2023 "SCV Motion to Compel ..." Additionally, RSCV Rule 5:18(a) gives Appellees 21 days to file any "Briefs in Opposition" after these Appellees appear where 10/17/2023 is 22 days away.

According to the American Bar Association, Canon 2, Rule 2.9 (*Ex*

*Parte* Communications):

“(A) A judge shall not initiate, permit, or consider *ex parte* communications, or consider other communications made to the judge outside the presence of the parties or their lawyers, concerning a pending\* or impending matter,\* except as follows:

(1) When circumstances require it, *ex parte* communication for scheduling, administrative, or emergency purposes, which does not address substantive matters, is permitted, provided:

(a) the judge reasonably believes that no party will gain a procedural, substantive, or tactical advantage as a result of the *ex parte* communication; and

(b) the judge makes provision promptly to notify all other parties of the substance of the *ex parte* communication, and gives the parties an opportunity to respond.

(2) A judge may obtain the written advice of a disinterested expert on the law applicable to a proceeding before the judge, if the judge gives advance notice to the parties of the person to be consulted and the subject matter of the advice to be solicited, and affords the parties a reasonable opportunity to object and respond to the notice and to the advice received.

(3) A judge may consult with court staff and court officials whose functions are to aid the judge in carrying out the judge’s adjudicative responsibilities, or with other judges, provided the judge makes reasonable efforts to avoid receiving factual information that is not part of the record, and does not abrogate the responsibility personally to decide the matter.



(4) A judge may, with the consent of the parties, confer separately with the parties and their lawyers in an effort to settle matters pending before the judge.

(5) A judge may initiate, permit, or consider any ex parte communication when expressly authorized by law\* to do so.

(B) If a judge inadvertently receives an unauthorized ex parte communication bearing upon the substance of a matter, the judge shall make provision promptly to notify the parties of the substance of the communication and provide the parties with an opportunity to respond.

(C) A judge shall not investigate facts in a matter independently, and shall consider only the evidence presented and any facts that may properly be judicially noticed.

(D) A judge shall make reasonable efforts, including providing appropriate supervision, to ensure that this Rule is not violated by court staff, court officials, and others subject to the judge's direction and control."

On 8/31/2023, SCOTUS Clerk Redmond Barnes received 10 copies of Appellant's SCOTUS *in forma pauperis* "Petition for Extraordinary Writ of Mandamus to the Chief Judge of the Supreme Court of Virginia, S. Bernard Goodwyn" with Complimentary FCGDC, FCCC, COAV, & SCV Record. On 9/13/2023, SCOTUS Clerk Barnes informed Appellant he would need to file an Application with SCV Circuit Justice John G. Roberts, Jr. to allow a Petition of 44 not 40 pages. Appellant filed this Application for Petition with 44 pages with SCV Circuit Justice John G.

Roberts, Jr. on 9/14/2023. There may not have been enough time for SCV Circuit Justice John G. Roberts, Jr. to consider Appellant's Application yet.

There are three reasons for a Continuance of Appellant's 10/17/2023 *Ex Parte* Panel Arguments:

(1) Appellant should not be forced to make *Ex Parte* Panel Arguments without Appellees which is seldom an idea furthering Justice (See ABA, Canon 2, Rule 2.9 above) and which is Appellant's Objection herein created by this SCV's failure to rule on his 6/13/2023 "SCV Motion to Compel ...;"

(2) SCV Circuit Justice John G. Roberts, Jr. and/or Other SCOTUS Justice needs time to consider Appellant's 9/14/2023 Application to allow Appellant's 8/31/2023-received Petition with 44 pages to be Docketed; and

(3) the SCOTUS needs time to decide whether or not to GRANT Appellant's 8/31/2023-received "Petition for Extraordinary Writ of Mandamus to the Chief Judge of the

Supreme Court of Virginia, S. Bernard Goodwyn” and intervene in the SCV.



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

### **CERTIFICATE OF SERVICE**

I CERTIFY that on Monday, September 25, 2023, I hand-delivered to ***Respondent County of Fairfax*** and mailed by certified mail to true and exact copies of the foregoing “Motion for Ruling on 6/13 ‘SCV Motion to Compel ...’ / Motion for Continuance of 10/17 Panel Arguments / Objection to Scheduled *Ex Parte* Panel Arguments” to the Office of the Attorney General for ***Respondent Commonwealth of Virginia*** and the Fairfax Commonwealth Attorney’s Office for ***Respondent County of Fairfax*** with addresses:

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

Steve Descano  
4110 Chain Bridge Road

Suite #114  
Fairfax, Virginia 22030

  
\_\_\_\_\_  
Gregory Shawn Mercer, *pro se*

**VIRGINIA:**

*In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Friday the 29th day of September, 2023.*

Gregory Shawn Mercer,

Appellant,

against

Record No. 230354  
Court of Appeals No. 1193-21-4

Commonwealth of Virginia, et al.,

Appellees.

From the Court of Appeals of Virginia

On June 13, 2023, came the appellant, who is self-represented, and filed a motion to compel the filing of briefs in opposition.

On September 25, 2023, came again the appellant and filed a motion for a ruling on the motion to compel and for "Continuance of 10/17 Panel Arguments."

Upon consideration whereof, the Court denies the motion to compel and the motion for a continuance.

Chief Justice Goodwyn took no part in the consideration of these motions.

A Copy,

Teste:

Muriel-Theresa Pitney, Clerk

By:



Deputy Clerk

COPY

In the Supreme Court of Virginia

100 North 9th Street, 5th Floor, Richmond, Virginia 23219-1315

(804) 786-2251

\*\*\*\*\*

GREGORY SHAWN MERCER, \*

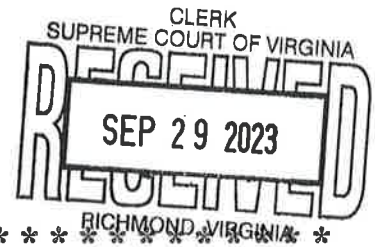
Appellant, \*

versus \* RECORD NO. 230354

COMMONWEALTH OF VIRGINIA \*

& COUNTY OF FAIRFAX, \*

Appellees. \*



\*\*\*\*\*

**SECOND SCV MOTION FOR CONTINUANCE OF  
10/17/2023 PANEL ARGUMENTS**

**ACKNOWLEDGEMENT OF RECEIPT AND CONFIRMATION OF  
APPELLANT’S INTENTION TO PRESENT ORAL ARGUMENTS  
BY PHONE**

COMES NOW the Appellant, GREGORY SHAWN MERCER, *pro se* without notifying in advance the other Parties who have chosen not to Appear despite Appellant’s 6/13/2023 “SCV Motion to Compel [Appellee] *Commonwealth of Virginia* and [Appellee] *County of Fairfax* to Appear in the SCV and File Responsive SCV ‘Briefs in Opposition’ in Accordance with RSCV Rule 5:18(a),” stating as follows:

(1) Appellant's "Panel Arguments" now scheduled at 11:30 am on 10/17/2023 would be *Ex Parte* because neither Appellee has chosen to Appear nor Respond in this SCV Record No. 230354 filed 5/8/2023 by "COAV to SCV Notice of Appeal ..." despite Appellant's 6/13/2023 "SCV Motion to Compel [Appellees] ... to Appear in the SCV and File Responsive 'Briefs in Opposition' ...;"

(2) Now on the Docket of the Supreme Court of the United States (hereafter "SCOTUS") as of 9/22/2023 is *In Re Gregory Mercer*, SCOTUS Case No. 23-5643 where Respondents a) Chief Judge of the Supreme Court of Virginia S. Bernard Goodwyn and b) Attorney General of Virginia Jason Miyares have 30 days and until 10/22/2023 to file SCOTUS "Briefs in Opposition" (SCOTUS Rule 20.3(b));

(3) Respondent S. Bernard Goodwyn and Jason Miyares now has a ***CONFLICT OF INTEREST*** to encourage Appellant to give *Ex Parte* SCV Panel Arguments scheduled for 10/17/2023 by influence from S. Bernard Goodwyn so that Appellant appears ultimately accepting of the fact that Appellees have not Appeared nor Responded in the SCV which acceptance does not exist; and

(4) The SCOTUS needs time to decide whether or not to issue an Extraordinary Writ of Mandamus to the Chief Judge of the Supreme Court of Virginia, S. Bernard Goodwyn concerning this SCV Record No. 230354.

Appellant moves for a second time (See 9/25/2023 SCV Double Motion and Objection) for a Continuance of his 10/17/2023 Panel Arguments which he still intends to give but hopefully after Appellees have Appeared and Responded in this SCV Record No. 230354.

Appellees are Appellant's Governments which are entities that do not decide whether or not to Appear nor Respond in the SCV. Rather, it is the cowardice of the Opposing Counsel herein that decide not to let Appellant's Government's Appear and Respond in this SCV Record No. 230354.

As for now and in accordance with the 10/2/2023 deadline communicated in the 9/22/2023 e-mail Appellant received from the SCV, Appellant gives his intension to present Oral Arguments hopefully not on but after 10/17/2023 by phone from phone number 202-431-9401.

  
Gregory Shawn Mercer, *pro se*



3114 Borge Street  
Oakton, Virginia 22124  
202-431-9401  
gregorysmercer@gmail.com

## CERTIFICATE OF SERVICE

I CERTIFY that on Monday, September 29, 2023, I hand-delivered to *Respondent County of Fairfax* and mailed by certified mail to true and exact copies of the foregoing “Second SCV Motion for Continuance of 10/17/2023 Panel Arguments / Acknowledgement of Receipt and Confirmation of Appellant’s Intention to Present Oral Arguments by Phone” to the Office of the Attorney General for *Respondent Commonwealth of Virginia* and the Fairfax Commonwealth Attorney’s Office for *Respondent County of Fairfax* with addresses:

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

Steve Descano  
4110 Chain Bridge Road  
Suite #114  
Fairfax, Virginia 22030

  
\_\_\_\_\_  
Gregory Shawn Mercer, *pro se*