

No. 17-7316  
CONSOLIDATED W/16-1486

---

*In The*  
**Supreme Court of the United States**

---

◆

CRYSTAL VL RIVERS,

*Petitioner,*

v.

JOSEPH SANZONE, *et al.*,

*Respondents.*

---

◆

On Petition for Writ of Certiorari  
To The Supreme Court of Virginia

---

◆

**PETITION FOR RE-HEARING**

---

◆

CRYSTAL VL RIVERS  
3831 Old Forest Rd, Ste 6  
Lynchburg, VA 24501  
434-818-2921  
*Pro se Petitioner*

---

## TABLE OF CONTENTS

|                                                                                                                                                                                                                                                                                                                                                                                                                                            |         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| TABLE OF AUTHORITIES. . . . .                                                                                                                                                                                                                                                                                                                                                                                                              | ii, iii |
| REASONS FOR REHEARING.....                                                                                                                                                                                                                                                                                                                                                                                                                 | 2       |
| I. This Court Overlooked the Factual Allegations in the Petition for Writ Certiorari that Established the Lynchburg Case was Multi-Jurisdictional Rendering it Improper for the Circuit Court Judges to hear Appellant case involving questions of federal law:<br>i) Trial Courts Jurisdictional Error was Egregious, and<br>ii) Ex-Parte Communications Deprived Appellant Her Due Process Rights...Newly discovered “fact-pattern”..... | 2, 3    |
| II. This Court Overlooked the Material Fact that the Supreme Court of Virginia was Aware the Trial Court did not have Jurisdiction over the Subject Matter in the “Amended Complaint” OR Personal Jurisdiction over the “Named” Defendants.....                                                                                                                                                                                            | 4,5,6   |
| III. This Court Overlooked the Material Facts that:<br>i) the Trial Court Incorrectly Dismissed the Case on a Motion filed by an Attorney “Named” Defendant Who Represented Another Attorney “Named” Defendant, and,<br>ii) the Petitioner did not File a Motion to Dismiss, and, the Dismissal Order is VOID AB INITIO and,<br>iii) the Supreme Court of Virginia can Reinstate the Case                                                  | 7,8     |
| IV. This Court Overlooked the Fact that the Supreme Court of Virginia Approved the Order Signed by the Chief Judge of the Twenty Fourth Circuit on behalf of the Entire Twenty Fourth Circuit Judges Rendering it Improper For Them to Hear Appellants case Due to Jurisdiction.....                                                                                                                                                       | 7       |
| V. This Court did not Consider that Multi-Jurisdictional Grand Juries, known to the Circuit Court Judges, were;<br>i) Approved by the Supreme Court of Virginia, and,<br>iii) The Constitution Determined Federal Jurisdiction entirely without Appellants knowledge.....                                                                                                                                                                  | 9       |
| CONCLUSION . . . . .                                                                                                                                                                                                                                                                                                                                                                                                                       | 10      |
| CERTIFICATE OF FILING AND SERVICE.....                                                                                                                                                                                                                                                                                                                                                                                                     | iv-vii  |
| CERTIFICATE OF WORD COUNT LIMIT.....                                                                                                                                                                                                                                                                                                                                                                                                       | viii    |

TABLE OF AUTHORITIES

**CASES**

| Cases                                                                                                          | Pages |
|----------------------------------------------------------------------------------------------------------------|-------|
| 13 Wright & Miller §3522 p 150.....                                                                            | 4     |
| Avco Corp v Aero Lodge No 735, Inst' Assn of Machinists 290<br>U.S. 557 (1968).....                            | 5     |
| Dennis V. Sparks 449 U.S. 24 (1980).....                                                                       | 3     |
| E. Gressman ET AL., SUPREME COURT PRACTICE §15.1 at<br>807 n,5, §15.6(b) at 819 (9 <sup>th</sup> ed. 2007..... | 1     |
| Franchise Tax Bd v Constr. Laborers Vacation Trust 463 U.S. 1<br>22-23 (1983).....                             | 4     |
| Grable & Sons Metal Prods Inc v Darue Eng'g. & Mfg. 545 U.S.<br>308, 312 (2005).....                           | 6     |
| Gray v. Va Sect. of Trans. 662 SE 2d 66-Va Supreme (2008).....                                                 | 3     |
| Hinchey v. Ogden, 226 Va 234, 240, 307 SE 2d 891 (1983).....                                                   | 3     |
| Kansas City S Ry v Great Lakes Carbon Corp 624, F 2d 822, 825<br>(8 <sup>th</sup> Cir 1980).....               | 2     |
| Lauersen v United States, 543, U.S. 1097 (2005).                                                               |       |
| Lawrence v Chater 516 U.S. 163, 166 (1996).....                                                                | 5, 6  |
| Melson v Allen. No 09-5373 (June 21, 2010); Hawkins v United..                                                 | 1     |
| Moore v Marketplace Rest. 754 F.2d 1336, 1352 (9 <sup>th</sup> Cir(1985)).                                     | 1, 3  |

|                                                                                              |   |
|----------------------------------------------------------------------------------------------|---|
| O'Rourke Bros. Inc v Nesbitt Burns, Inc 201 F 3d 948, 951 (7 <sup>th</sup><br>Cir 2000)..... | 2 |
| States, 543, U.S. 1097 (2005)                                                                |   |
| Stump v Sparkman 435 U.S. 349, 98 S. Ct. 1099, 55 L. Ed.<br>2d 331 (1978).....               | 4 |
| United States v. Lee, 106 U.S. 196-Supreme Court (1882).....                                 | 2 |
| Wali v Charleston Area Medical Ctr., 2004 U.S. Dist Lexis<br>21726 (SDWV Oct 27, 2004).....  | 3 |

#### OTHER AUTHORITIES

|                                                                        |      |
|------------------------------------------------------------------------|------|
| ABA's 1972 adoption of the Model Code of Judicial Conduct.....         | 9    |
| Blacks Law Dictionary, online Legal Dictionary 2 <sup>nd</sup> Ed..... | 6    |
| Canons 3(B)(1), (5), (7)(a)(i)(ii)(e), C(3)(D)(1)(2).....              | 3, 7 |
| Declaration of the Bill of Rights, Article 1, Sec 2                    |      |
| Fourth Amendment.....                                                  | 3    |
| Preamble.....                                                          | 3    |
| 28 U.S.C. §1331.....                                                   | 4    |

## PETITION FOR REHEARING

---

Petitioner Crystal VL Rivers, Pro Se, respectfully requests a response to be asked for and rehearing of the Court's order dated March 19, 2018, denying the Petition for a Writ of Certiorari, in this case. It is unusual for this Court to grant rehearing and grant plenary review, but it is far more common for this Court to grant rehearing and then grant certiorari, vacate the judgment below, and remand (a "GVR Order") for consideration of decision of this Court. See Melson v Allen, No 09-5373 (June 21, 2010); Hawkins v United States, 543, U.S. 1097 (2005); Lauersen v United States, 543, U.S. 1097 (2005). See generally E. Gressman ET AL., SUPREME COURT PRACTICE §15.1 at 807 n,5, §15.6(b) at 819 (9<sup>th</sup> ed. 2007) (citing additional cases). This would be the appropriate disposition in this case.

On October 21, 2016, Petitioner Appealed this matter to the Supreme Court of Virginia, No 161486, and on December 20, 2017, Petitioner filed her petition in this Court, there had been no instances comparable to her case and no precedence set relating to the facts alleged in her Appeal to the Supreme Court of Virginia then in her Writ of Certiorari petitioned to this Court. Accordingly, the Court should ask for the proper response, grant rehearing, vacate the order denying certiorari, and enter a "GVR Order" so that the Commonwealth of Virginia's, City of Lynchburg, 24<sup>th</sup> Circuit may be the first instance in what will be many to come if this Court does not grant rehearing and enter a "GVR Order".

A. Petitioner presented the following questions in her Writ of Certiorari:

I. Is the Circuit Court Order Void Ab Initio?

II. Did the Supreme Court of Virginia overlook the precedent Circuit Court Order signed by the entire Twenty-Fourth Circuit of judges?

III. Did Judge Edwin Burnette, Jr.'s errors violate the due process clause of the Fourteenth Amendment?

B. First, and foremost, Petitioner believes the Supreme Court of Virginia decision was based on the trial Court's Order which is "Void Ab Initio", for many reasons among others. The "Order" was front and center of the Petitioner's oral argument. The trial Court's Jurisdictional egregious actions manifested bias in the ex-parte proceedings and impaired the fairness of the due process rights of the Petitioner in her proceedings. See O'Rourke Bros., Inc v Nesbitt Burns, Inc. 201 F. 3d 948, 951 (7<sup>th</sup> Cir. 2000); In re Edwards, 962 F. 2d 641, 644 (7<sup>th</sup> Cir. 1992); Kansas City S. Ry v Great Lakes Carbon Corp., 624, F. 2d 822, 825 (8<sup>th</sup> Cir. 1980). This Court can review the actions of the appellate court, as in United States v. Lee, 106 U.S. 196-Supreme Court (1882)<sup>1</sup>.

---

<sup>1</sup> United States v Lee, 106 U.S. 196 Supreme Court (1882); "No man in this country is so high that he is above the law. No officer of the law may set that law at defiance with impunity. All the officers of the government, from the highest to the lowest, are creatures of the law, and are bound to obey it. It is the only supreme power in our system of government, and every man who by accepting office participates in its functions is only the more strongly bound to submit to that supremacy, and to observe the limitations which it imposes upon the exercise of the authority which it gives. Courts of justice are established, not only to decide upon the controverted rights of the citizens as against each other, but also upon rights in controversy between them and the government; and the docket of this court is crowded with controversies of the latter class"

Secondly, the Supreme Court of Virginia's decision conflicts with the Judicial Canon's. Canon 3(C)(3)<sup>2</sup>, the Preamble<sup>3</sup> and as in United States v Jacobsen, 466 U.S. 109, 113 (1984) when addressing the Fourth Amendment<sup>4</sup>

Here, of course, there is even more than mere silence. In Hinchey v Ogden, 226 Va. 234, 240, 307, S.E. 2d 891, 894 (1983), Gray v Virginia Secretary of Trans., 662 SE 2d 66- Va. Supreme court (2008), and in Dennis v Sparks, 449 U.S 24 (1980) the United States Supreme Court allowed application of Section 1983 against private parties who act "in concert with" a state official. In Moore v Marketplace Rest. Inc 754 F. 2d 1336, 1352 (9<sup>th</sup> Cir 1985), the Court stated,

"In order to establish a conspiracy, the plaintiff must demonstrate that the state official and the private party somehow reached an understanding to deny the plaintiffs their constitutional right."

And in Wali v Charleston Area Medical Ctr., 2004 U.S. Dist Lexis 21726 (SDWV Oct 27, 2004) the complainant alleged the defendants "met and

---

<sup>2</sup> Canon 3(C)(3); the Supreme Court's Chief Judge shall take reasonable measures to assure the prompt disposition of matters before the court.

<sup>3</sup> Preamble states: "The Canons of Judicial Conduct are intended to establish standards for ethical conduct of judges. When the text uses "shall" or "shall not" or "must" or "must not" it is intended to impose binding obligations the violation of which can result in disciplinary action", and "the text of the Canons and Sections is intended to govern conduct of judges and to be binding upon them," and "These Canon's apply to (1) all active Justices of the Supreme Court of Virginia..."

<sup>4</sup> Article 1, Sec 2 of the Declaration of Bill of Rights states: "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." "It is well settled that the Fourth and Fifty Amendments restrict only government actions, not those of private parties."

conferred” (as in this case) with the prosecutor concerning plaintiff, and “encouraged”, “collaborated” and “acted in concert” ---. Those allegations, as the allegations of the Petitioner, taken as true, adequately state a conspiracy claim under section 1983.”<sup>5</sup> See Stump v Sparkman 435 U.S. 349, 98 S. Ct. 1099, 55 L. Ed. 2d 331 (1978)

SUBSTANTIAL GROUNDS NOT PREVIOUSLY PRESENTED  
“FACT PATTERN”

And lastly, this Court completely overlooked the “fact-pattern” that Multi-Jurisdictional Grand Juries were empaneled to decide Federal Jurisdictional matters involving Appellant’s “named” Defendants, directly and indirectly, and were empaneled by application to the Supreme Court of Virginia, the very judicial body that agreed to allow all the Judges in the Twenty Fourth Circuit to recuse themselves from her “Lynchburg” case and the “City of Lynchburg” case against Peter Sackett<sup>6</sup> due to improper jurisdiction. The Sackett still remains open to this day and has not been heard. The characters in both cases were subjects involved in the Federal investigation discussed in this petition. Appellant’s case involved federal questions and

---

<sup>5</sup> 1983: “Private parties who corruptly conspire with a judge in connection with such conduct are thus acting under color of state law within the meaning of 42 U.S.C. §1983 as it has been construed in our prior cases.” Stump v Sparkman 435 U.S.349, 98 S. Ct. 1099, 55 L Ed 2d 331 (1978)

<sup>6</sup> City of Lynchburg v Peter Sackett CL11-5550, Commissioner Peters wrote a letter to Chief Judge Mosby Perrow, III and faxed a copy to Judge Alexander on February 8, 2011 stating, among other things, “All local judges and the commissioner originally assigned to the case have recused themselves due to their association with the family of Mr. Sackett. They also further recused themselves due to their knowledge of a number of suites filed by Karen Foster the maker of the note involved in the foreclosure”.

jurisdiction, 28 U.S.C §1331<sup>7</sup>, See 13 Wright & Miller §3522, p. 150 (quoting Franchise Tax Bd. V Constr. Laborers Vacation Trust, 463 U.S. 1, 22-23 (1983)<sup>8</sup> also citing: Under the complete preemption doctrine, even if a plaintiff seeks “a remedy available only under state law,” the complaint will still raise a federal question for any cause of action that “comes within the scope” of the preempting federal cause of action. (citing Avco Corp v Aero Lodge No 735, Int’l Assn of Machinists, 290 U.S. 557 (1968))

A federal court lacks jurisdiction over a claim involving federal law, as in Appellant’s case, “only when the claim is “so insubstantial, implausible, foreclosed by prior decisions of the Court, or otherwise completely devoid of merit as to not involve a federal controversy.” Steel Co v Citizens for a Better Env’t. 523 U.S. 83, 89 (1998) (citing Oneida Indian Nation of N.Y. v County of Oneida 414 U.S. 661, 666 (1974)

C. Only the this Court has the ability to reverse the Supreme Court of Virginia decisions of error into these cases and has broad power to “GVR”, as in

---

<sup>7</sup> Congress vests federal district courts with subject-matter jurisdiction over cases involving questions of federal law: “The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C. §1331

<sup>8</sup> Complete preemption arises when congressional legislation so completely preempts state law cause of action that “any complaint that comes within the scope of these laws must be considered “necessarily federal” in character, even if the plaintiff does not show a federal cause of action on the face of the complaint.” 13 Wright & Miller §3522, p. 150 (quoting Franchise Tax Bd. V Constr. Laborers Vacation Trust, 463 U.S. 22-23 (1983)

Lawrence v. Chater, 516 U.S. 163, 166 (1996) (per curiam)) is derived from 28 U.S.C. §2106, which authorizes this Court to “vacate-----any judgment” and,”remand the cause”, and “require such further proceedings---as may be just under the circumstances.” In this matter, to require the case be reinstated due to egregious jurisdictional error and the Order of the trial court being Void ab initio. A GVR Order is appropriate “where (i) intervening developments ---reveal a reasonable probability that the decision below rests upon a premise that the lower court would reject if given the opportunity for further consideration, and (ii) --- it appears that such a redetermination may determine the ultimate outcome of the litigation.” Chater, 516 U.S. at 167 (emphasis added)<sup>9</sup>

D. This Court has recognized that a case will arise under federal law in “certain state-law claims that implicate significant federal issues.” Grable & Sons Metal Prods., Inc. v Darue Eng’g & Mfg., 545 U.S. 308, 312 (2005). Under this test for arising under, “the question is, does a state-law claim necessarily raise a stated federal issue, disputed and substantial, which a federal forum may entertain without disturbing any congressionally approved balance of federal and state judicial responsibilities.”

---

<sup>9</sup> Even those Justices who have objected to certain GVRs have acknowledged that such relief is appropriate “where an intervening factor has arisen that has a legal bearing on the decision.” Webster v. Cooper, 130 S. Ct. 456 (2009) (Scalia, J., dissenting) (citation omitted), See generally E. Gressman Et Al., supra §5.12(b), at 345-49

E. This Court must have overlooked or did not read the factual allegations in Petitioners Writ of Certiorari that on appeal to the Supreme Court of Virginia, established the gross conflict of interest and adverse interest<sup>10</sup> between, Circuit Court Judge Edwin Burnette, Mark Donevant<sup>11</sup>, State Corporation Commissioner, Judge James Dimitri and Bureau of Financial Institutions, E Joseph Face, Jr.<sup>12</sup> Donevant formerly represented Rivers and was a named defendant in the Lynchburg Complaint. Donevant lacked standing to represent Joseph Sanzone, another defendant, who was his boss at the law firm of Sanzone and Baker, who was also a defendant in the Lynchburg case. Donevant was subject to testimony and discovery and could not ethically advocate for Joseph Sanzone. Therefore, Donevant's motion to dismiss would be moot and the court should have removed Donevant as

---

<sup>10</sup> Adverse interest: Any interest that will completely or partially displace your own interest in something. Blacks Law Dictionary, online Legal Dictionary 2<sup>nd</sup> Ed.

<sup>11</sup> Mark Donevant, former counsel for Petitioner, also named defendant in this matter. Donevant represented Joseph Sanzone, a defendant in this matter (also a former attorney for Petitioner) and filed the Motion to Dismiss referred to in the Order prepared by the trial judge. Donevant, as a named defendant in this matter, has an adverse interest in the law firm of Sanzone and Baker and cannot represent Sanzone, also a named defendant in this matter.

<sup>12</sup> State Corporation Commissions: Circuit Courts do not have jurisdiction over Commissioners. The trial Court did not have jurisdiction over this matter, subject matter or personal jurisdiction

counsel for Sanzone and Sanzone and Baker immediately and not had the hearing allowing Donevant to argue his motion.<sup>13</sup>

F. The main issue is the attorney named defendant filing a Motion to Dismiss on behalf of his boss, another attorney named defendant. The issue of the “ex-parte” communication between the defendants in the case, consisting of nine attorneys, including Gary M Bowman without the knowledge of the Petitioner was also argued to in front of the Supreme Court of Virginia along with the trial Judge’s comments from the bench that his conversations with his colleagues also bled into conversations with the 32 Circuit Court Judges of the Commonwealth and the other judges in the same circuit as the trial judge that had already signed an Order rendering it improper for any judge in the 24<sup>th</sup> Circuit to take the case. The ex-parte communications and knowledge of facts not known to Rivers at the time, gave the Defendants a procedural and tactical advantage over Petitioners case as a result, violating the Canons of Judicial Conduct for the State of Virginia; Canons 3(B)(1), (5), (7)(a)(i)(ii)(e), (D)(1)(2).

G. It is apparent, that this Court overlooked the Petitioners oral argument in the Supreme Court of Virginia and her verbal objections to the trial Court’s decision. Because the trail Court did not rule on the merits of the case, this

---

<sup>13</sup> The trial court admitted to ex-parte communication with all attorneys named defendant and would have known that Donevant lacked standing to represent and defend Joseph Sanzone, his boss because he was also named a defendant in the Complaint. The ex-parte communication also extended to Gary Bowman, another defendant that Rivers learned, through request for admissions in another state claim, after filing this Petition on April 13, 2018, that Bowman lied to Judge Robert Ballou about his legal and ethical ability to represent Rivers, causing the case against John L Wynne, 1650 Partners LLC and Rivermont Banking Co Inc, to settle and be dismissed from all cases including the “Lynchburg” case. The trial court would have known that when Rivers did not

Court could request responses, grant Petitioners' Petition for Rehearing, and enter the "GVR Order" ordering the reinstatement of the case.

The Petitioner maintains, that she did not file a Motion to Dismiss her case, there is no record of her Motion for Dismissal, that the trial court did not have jurisdiction over the subject matter (Amended Complaint) or the "named" defendants in this matter. The Petitioner did not have leave of the court to add named defendants, to amend the complaint or to file the amended complaint, and the defendants were not served timely or at all. The Supreme Court of Virginia merely wanted to "throw away Pandora's box". It would be an unjust to deny Petitioner's petition for rehearing.

There is no plausible argument why the Court should withhold a "GVR Order" here because the resulting costs and delays outweigh the potential benefits. The potential benefits are significant: the likelihood that the Petitioner will prevail in her Multijurisdictional Federal and State Claims are high after she defends several "res-judicata" arguments, however, the State Courts are being inundated with cases that the trial judges of several circuits render it improper to precede over cases involving certain "bad guys", and their unsavory counterparts, in the State of Virginia. RICO vs. THE STATE OF VIRGINIA. This presents a "trickle-down" effect on other victims of State and Federal Crimes in the State of Virginia because obtaining proper counsel in the State of Virginia is virtually impossible when the defendants are State banks, agency officials, SCC Commissioners, attorneys, Delegates,

etc. The likelihood that the Supreme Court of Virginia would correct its error and report the errors of the trial court Judge Burnette and the nine “named” attorneys defendant in the case, or the attorney “named” defendant that along with an adverse interest, represented another “high profile” attorney “named” defendant and filed the underlying Motion to Dismiss in the Petitioner’s case; are just not probable or realistic. There is no benefit to the Supreme Court of Virginia to reverse its ruling or admit its error regarding one of its own “brethren” including the trial Court Judge in this matter, the nine “named” attorneys defendant, two State Corporation Commissioners (1 of which is a Judge) unless this Court requests a response, grants rehearing and enters a “GVR Order”. For that reason, among others, this Court is the end-all, do-all for this case. There are checks and balances as in the ABA’s 1972 adoption of the Model Code of Judicial Conduct, and in the Constitution<sup>14</sup>, that have long since been applied and but there is no application ever been applied to such a matter like this one that is before this Court today.

Moreover, a “GVR Order” would expedite rather than delay the remand proceedings.

---

<sup>14</sup> U.S. Const. art III §2, The Constitution creates the federal judicial power and defines the maximum extent of that power: The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.

## CONCLUSION

The Court should ask for responses to gather any evidence of case law where the trial court committed an egregious jurisdictional error and had such gross conflict of interest as in this case, and grant the petition for rehearing, vacate the order denying certiorari, and enter an order that grants the petition for writ of certiorari.

Respectfully submitted,

Crystal V. Rivers, Pro Se  
3831 Old Forest Rd, Suite 6  
Lynchburg, VA 24501

434-818-2921

riversparalegalservices@gmail.com