

25-5340

No. _____

FILED

OCT 30 2024

OFFICE OF THE CLERK
SUPREME COURT, U.S.

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Jeffrey James Mitchell — PETITIONER
(Your Name)

vs.

Chadwick Dotson, Director, W.D.O.C. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

Jeffrey James Mitchell
(Your Name)

Wallens Ridge State Prison
(Address)

P.O. Box 759, Big Stone Gap, VA 24219
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

- #1. Is Due Process afforded, when the Government fails to gather for testing or saving for future use if needed, exculpatory evidence from the crime scene in the form of D.N.A. (Blood allegedly in this specific case) and Finger-Print evidence? Compulsory Process? Fair Trial, is it possible after such actions?
- #2. Is the Right of Effective Assistance of Counsel afforded, when Counsel at Trial fails and refuses to introduce, let alone use, credibility challenging evidence in the form of a Prior Written Statement, made by the alleged victim, in a case the Court ruled a "Credibility" case? As well as threatening letter's, text messages and recorded phone conversations, sent and made by the alleged victim, towards the petitioner?
- #3. Is Effective Assistance of Counsel as a Constitutional Right, afforded when Trial Counsel fails to investigate all leads pertaining to the innocence or guilt of their client, when the leads are provided by the client him/herself, in the form of Jail Recorded Phone Conversations with the alleged victim, where the alleged victim admits to being a liar and being willing to lie to get what she wants. Evidence that directly effected the Credibility of the alleged victim, in a case the Court ruled a "Credibility" case. The client himself even subpoena the phone conversations and Counsel allegedly retrieved and was suppose to review the content of the conversations.
- #4. Is the Right to a Fair Trial by an impartial trier of fact afforded, when the trier of fact himself creates false facts, thus false evidence of a critical element, or better stated a critical component of the case relevant to the proof of the alleged act. (The Judge created false evidence of Bruising/Bruses all over the alleged victim in this specific case.)
- #5. Is Effective Assistance of Counsel afforded when Counsel attempts to remove herself from representation during Trial? While the actual Trial is in progress, Counsel moves the Court to remove herself from representation, as client and Counsel reached irreconcilable differences during trials, but the Court denied Counsel's request/motion.

Questions Presented (Continued)

#6. Is the Right to Testify in ones own behalf afforded, when Counsel at trial calls on client to answer questions on the bench, but never informs client that while be questioned, it will be considered his/her testimony. Counsel then never questions client in a manner that would elicit his/her account of the alleged act, nor did Counsel prepare client throughout the trial process, of how questioning would go.

#7. Is Effective Assistance of Counsel afforded when Appeal Counsel files an Appeal on the Clients behalf without first consulting with the client regarding issues of the case, nor before ever looking over the entire Clients case file? Appeal Counsel could not effectively Perfect an Appeal, without ever knowing all the facts of the case, as Counsel did in this specific case.

#8. Is the Right To Fair Trial afforded when the Prosecution willingly elicits false Testimony from the alleged victim, while being in possession of a Prior Written Statement, prepared by the alleged victim that was contrary to the Testimony elicited by the Prosecution?

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

- Mitchell v. Commonwealth of Virginia, No. CR 19-2625 and 2626-00F, Circuit Court of Henrico County. Judgement entered Dec. 3, 2020, Sentence Order entered Feb. 10, 2021
- Mitchell v. Commonwealth of Virginia, No. 0184-21-2, Court of Appeals of Virginia. Judgement entered Sep. 2, 2021.
- Mitchell v. Commonwealth of Virginia, No. 211040, Supreme Court of Virginia. Judgement entered Jul. 7, 2022.
- Mitchell v. Chadwick Dotson, No. CL 23-4493, Henrico County Circuit Court. Judgement entered Nov. 16, 2023.
- Mitchell v. Chadwick Dotson, No. CL 23-4493, Supreme Court of Virginia. Judgement entered Aug. 6, 2024.
- Mitchell v. Chadwick Dotson, No. CL 23-4493, Supreme Court of Virginia. Judgement entered Sep. 24, 2024.
- Mitchell v. Chadwick Dotson, 240622, United States Supreme Court. No Judgement.
- Mitchell v. Chadwick Dotson, No. 24-cv-1720, United States District Court Eastern District of Virginia. No Judgement.

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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 C to the petition and is

- ☒ reported at Record No. 211040; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the Virginia Appeals court appears at Appendix A to the petition and is

- ☒ reported at Court of Appeals No. 0184-21-2; 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 8-6-2024.
A copy of that decision appears at Appendix E.

☒ A timely petition for rehearing was thereafter denied on the following date: 9-24-2024, 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 Right To Testify in own Behalf, Due Process

Amendment V

No person shall be held to answer for a capital, or otherwise infamous crimes unless on presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

2. Sixth Amendment Right to Effective Assistance of Counsel, Compulsory Process, Impartial Jury

Amendment VI

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

3. Fourteenth Amendment Right to Fair Trial, Equal Protection of the Laws, Due Process

Amendment XIV

Section 1.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

STATEMENT OF THE CASE

On June 14, 2019, I was accused of Aggravated Malicious Wounding and Abduction. During the Police investigation, it was revealed to the officers that I was assaulted first by the alleged victim. However, this alleged victim was never charged with Assault nor any other crime related to the physical Battery of another citizen. As well during the Crime Scene Investigation the Investigating Officer, whom was also the Arresting Officer, took pictures of the area where the alleged Assault took place. At trial, in these photos were red spots that the Officer called Blood, saying the Blood was proof that something transpired in the area the picture was taken. This area was the closet of the alleged victim. Also, while speaking about the "Blood" the Officer revealed to the Court that he did not test the substance to determine if it were Blood or not, nor did he gather any of the alleged "Blood" for future testing if needed. This action violated the rights in *Trombetta v. California*, and my Right of Due Process, Compulsory Process, Fair Trial, Effective Assistance of Counsel and Meaning Cross-Examination. The Officer deliberately failed to gather exculpatory evidence, even having said he found the alleged crime scene, not in the shape the alleged victim said it would be in. As well, this same Officer failed to Equally protect me under the Law as he refused to charge the alleged victim after she confessed to assaulting me, opting instead to pursue me as the criminal based on the alleged victim's remaining allegations. The Officer even told the alleged victim she broke the Law. This Officer's action affected the entirety of my trial and trial process. During Trial, Trial Counsel failed to use or even mention a Prior Written statement made by the alleged victim, who was the Prosecution's key witness. Counsel had Credibility Impairing Evidence in the form of the Prior Written statement, letters written by the alleged victim to me that contained threats against my life and of revenge, as well as admissions of Jealousy and Mental Health Issues possessed by the alleged victim, Jail Recorded Phone conversations between the alleged victim and I prior to the alleged Assault, that contained the alleged victim making statements that she was a liar and she lies to get what she wants, as well as text messages sent to me by the alleged victim on the date of the alleged assault, where the alleged victim was antagonizing and patronizing me, as if to gloat that she was going to ruin my life. Trial Counsel also attempted to remove herself from representation while Trial was in progress, denied me my

Statement of the Case

①
continued

Right to Testify, and refused to use any of the evidence, leads or possible witnesses I provided her. Thus Counsel was not acting as an advocate, but that of an adversary and not in accordance with the ruling in Strickland v. Washington. Counsel denied me my Right to Effective Assistance of Counsel, Fair Trial, Meaningful Cross-Examination, Compulsory Process and Equal Protection under the Law. Counsel failed to have a Competency Evaluation conducted, while knowing I had recently been really sick, and was hospitalized in both Williamsburg Pavilion and Tucker's Pavilion, only months prior to the allegations made against me. Counsel in so doing denied me my Right to be free from Cruel and Unusual Punishment. Counsel denied me my Right to Testify in my own behalf, by not allowing me to give my side of the alleged incident, by questioning me in a manner that only placed me at the scene of the crime, and by not informing me prior to trial that once on the stand, all questions would be considered my testimony.

The Prosecution relied on false testimony, after intentionally eliciting the false testimony, knowing it to be false based on a Prior Written Statement made ^{by} the witness questioned, who was the alleged victim, the Prosecution's Key Witness. The Prosecution's actions denied me my Right to Fair Trial, and any other Constitutional Right, alienated by his actions, of which it applies.

The Trial Judge created false evidence of Bruising during my sentencing hearing, prior to sentencing me to 50 years with 30 suspended. The Judge stated the alleged victim had bruises all over, he knew because

Statement of the Case continued

he saw the photos. However, this fact was false, as the issue of there being no bruising, bruises or injuries besides the single eye injury, was a key point made by the defense counsel (Trial Counsel). The Medical Expert stated they would expect to see bruises or bruising more, if what was alleged to have happened, had actually happened. The photos made part of the prosecution's evidence cache also reflect's this truth, as does all medical records pertaining to the alleged victims injuries.

If not for the deliberate violation of the above mentioned Constitutional Rights, and all other's that may apply, there would be no conviction.

REASONS FOR GRANTING THE PETITION

- # 1. The Virginia Court of Appeals sanctioned a Lower Court's departure from accepted and usual course of judicial proceedings, that calls for an exercise of this Honorable Court's supervisory power. The Court of Appeals of Virginia sanctioned a trial conviction that violated the U.S. Supreme Court's ruling in *California v. Trombetta*, 467 U.S. 479, 489 (1984). The Appeal Court allowed the Lower Court to trample on the petitioner's Rights of Due Process, Compulsory Process, Fair Trial, Effective Assistance of Counsel in accordance with the *Strickland v. Washington* ruling, and freedom from Cruel and Unusual Punishment. For this reason alone this petition should be granted, due to the fact that this issue can and does effect all U.S. Citizens subjected to a criminal trial. If a person is allowed to stand trial, absent all relevant and exculpatory evidence, then the trial is not that envisioned by the Constitution, but it is merely a sham.
- # 2. The Virginia Court of Appeals and Supreme Court in their denial of the petitioner's Appeal and subsequent Habeas, ultimately decided a question pertaining to Due Process and the Right thereof, that ~~is in~~^{is in} conflict with a ruling already made by this Honorable Court.
- # 3. This petition should be granted to avoid a gross miscarriage of justice and to prevent another innocent life from being wrongfully taken because it was too poor to afford an Effective Assistance of Counsel.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: 6-16-2025)

J. ADAIR
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #8099857
My Commission Expires June 30, 2028

