

No. **25-6080** **ORIGINAL**

Supreme Court, U.S.
FILED
APR 11 2025
OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

Warren Ellwood Shelton Jr — PETITIONER
(Your Name)

vs.

Chadwick Dotson VDOC — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court of Virginia
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Warren Ellwood Shelton Jr[#] 1174573
(Your Name)

3521 Woods Way
(Address)

State Farm Va
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

- ① Why are the Courts Ignoring Petitioners Affid Plea Agreement- Crediting Petitioner the time He actually spent in incarceration as Va. code § 53.1-187 states.
- ② Why is HB5148's language Chosen not being applied to law as it was enacted into law by the General Assembly.
- ③ Why is the total application of HB5148 not being applied correctly to Petitioners Sentence from Arrest Date throughout release Date which is Petitioners entire Sentence as the amendment Va code § 53.1-187 of HB5148.
- ④ Why is this time calculation still not being enacted add calculated properly credited to Petitioners time. Even after the amendment to Va. code. 53.1-202.3
- ⑤ Why are the lower courts ignoring their duties of holding the proper persons responsible for not crediting and applying Petitioners actual time served accountable for not communicating such time credit - to be awarded & credited properly to Petitioners Sentence?
- ⑥ Why is Petitioner Serving a few months short of 10 years on a 13 year felon time - (12 month misdemeanor sentence) at an ESC-1 Good time level, of 15 days deducted for every 30 days served?
- ⑦ Why is Petitioners Jail time even calculated into a Va. D.D.C Department of Corrections felon sentence?
- ⑧ Why was Respondent given so many "past due date, dead-lines" - accepted Responses by the Virginia Supreme Court? To Petitioners Filings, some even deemed "Moot" as Petitioner challenged the late Responses of Respondent?

QUESTION(S) PRESENTED

Why is Petitioner not able to appeal Va. Supreme Court's decision through Va. Courts and instead sent straight to the U.S. Supreme Court to address these / this matter?

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

Green v. Young, 571 S.E. 2d 135 (Va. 2002)

Richmond-Ashland Ry. Co. v. Commonwealth, 1162 Va. 296, 305, 173 S.E. 892, 896

(1934); Abbott v. Willey, 253 Va 88, 91, 479 S.E. 2d 528, 530 (1997)

Western Assurance Co. v. Stone, 145 Va 776, 785, 134 S.E. 710, 713 (1926)

Greenburg v. Commonwealth, 225 Va 594, 600, 499 S.E. 2d 266, 269 (1988)

Faulkner v. Town of South Boston, 141 Va 517, 524, 127 S.E. 380, 382 (1925)

Cummings v. Fulghum, 261 Va. 73, 540, S.E. 2d 494 497-498

Regan v. Woodcroft Village Apartments 255, Va 322, 325, 497 S.E. 2d 746, 742 *1998)

Buonocore v. C³ P Tel. Co. 254, Va 469, 472-73, 492 S.E. 2d ~~at 742~~; 439, 441 (1997)

Regan, 255 Va. at 325-26, 497 S.E. 2d at 742;

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RELATED CASES

Barr v. Town Country Properties Inc. 240 Va 292, 295, 396 S.E. 2d 672, 674 (1990)

*Harrison * Bates, Inc v Featherstone Associate* 253 Va 364, 368, 484 S.E. 2d 883, 885 (1997)

Wall v. Fairfax County Scho Bd 252 Va. 156, 159, 475 S.E. 2d 803, 805, (1996)

Carr v Forst, 249 Va 66, 69-70, 453 S.E. 2d 274, 276 (1993)

Earl v. Landside, 257 Va 365, 514 S.E. 2d 153, 155 (1999)

Anderson v. Commonwealth, 182 Va. 560, 566, 29 S.E. 2d 838, 841, (1941)

Boynton v. Kilgore, 271 Va. 220 623 S.E. 2d 922, 927 (2006)

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A.....	Va. Supreme Court Response 3pgs
APPENDIX B.....	Petition for Re-hearing Denial 2 pgs Va. Supreme Court
APPENDIX C.....	Petition for Extension of time to file Rehearing 2 das Va. Supreme Court
APPENDIX D.....	Notice of Appeal Response 2das Va. Sup. Court
APPENDIX E.....	Petitioners Sentencing Order 4 pgs
APPENDIX F.....	Petitioners Affidavit Plea 12 pgs
APPENDIX G.....	Petitioner Habeas Corpus 11 pgs
APPENDIX H.....	Memorandum of Support Habeas Corpus 11 pgs
APPENDIX I.....	July 28, 2025 Response from U.S. Supreme Court 3pgs
APPENDIX J.....	Notice of Appeal & Extension of time to file Final Order Response 2pgs

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Green v. Young, 571 S.E.2d 135 (Va. 2002)	pg 5, Habease pg 5 of 11 Corpus
Richmond Ashland Ry. Co. v Commonwealth, 1162 Va. 296, 305, 173 S.E. 892, 896 (1934)	pg 3,
Western Assurance Co. v. Stone, 145 Va. 776, 785, 134 SE 710, 713 (1926)	pg 4, Memorandum of Support Habeas Corp.
Greenburg v. Commonwealth, 255 Va. 594, 600, 499 S.E. 266, 269 (1998)	pg 4, Memorandum of Support Habeas Corp.
Faulkner v. Town of South Boston, 141 Va. 517, 524, 127 S.E. 380, 382 (1925)	pg 4, Memorandum of Support Habeas Corp.
Cummings v. Fulghum, 261 Va. 73, 540 S.E. 2d 494, 497 - 498	pg 4; Memorandum of Support Habeas Corpus
Regan v. Woodcroft Village Apartments, 255 Va. 322, 325, 497 SE. 2d 740, 742 *1998	pg 4 Memorandum of Support
Bourncore v. C. & P Tel Co. 254 Va. 469, 472-73, 492 S.E. 2d 439, 441 (1997)	pg 4 Memorandum of Support Habeas Corp.
Abbott v. Willey, 253 Va. 88, 91, 479 S.E. 2d 528, 530 (1997)	pg 4 Memorandum of Support Habeas Corpus
Byrr v. Town & Country Properties, Inc., 240 Va. 292, 295, 396 S.E. 2d 672, 674 (1990)	pg 4 Memorandum of Supp.
Harrison & Bates, Inc v. Featherstone Assoc., 253 Va. 364, 368, 484, S.E. 2d 883, 885, 1997	pg 4/5 Memorandum of Support

STATUTES AND RULES

Rule 5:7(a)(2)	pg 4; 5; of 11 Habease Corpus	pg 4 of 12 Habease Cor
Va Code § 8.01-654 (A) & B(4); 8.01-660	pg 5, of 11 Habeas Corpus	
Va Code § 53.1-202.3	pg. 6; of 11 Habeas Corpus; pg 2;	
Va Code § 53.1-116	pg. 7; of 11 Habease Corpus	
Va. Code § 53.1-202.2	pg 6; pg. 7; 9; of 11 Habease Corpus. pg 6; 7;	
Va. Code § 53.1-187	pg 3, Habeas Corpus. pg 7; 8 of 8 Memorandum of Support Habeas Corpus	
Va Code § 53.1-202.2(A)	pg 3; Memorandum of Support Habease Corpus	

OTHER

Article 4 (§ 53.1-202.2 et seq.) of Chapter 6	pg 7, Habease Corpus
House Bill 5148 (HB 5148)	pg 1; 2; Memorandum of Support of Habease Corpus pg 5;

TABLE OF AUTHORITIES CITED II

CASES

PAGE NUMBER

Wall v. Fairfax County Scho. Bd., 252 Va 156, 159 475 S.E. 2d 803, 805 (1996) pg 5 Memorandum of Support of Habeas Corpus	
Carr v. Forst, 249 Va. 66, 69-70, 453, S.E. 2d 274, 276 (1995) pg 5 Memorandum of Support Habeas Corpus	
Earle v. Landside, 257 Va. 365, 514 S.E. 2d 153, 155 (1999) pg 5 Memorandum of Support Habeas Corpus	
Anderson v. Commonwealth, 182 Va. 560, 566, 29 S.E. 2d 838, 841 (1941) pg 5 Memorandum of Support Habeas Corpus	
Boynton v. Kilgore, 211 Va 220, 623 S.E. 2d 922, 927 (2006) pg 5 Memorandum of Support Habeas Corpus	

STATUTES AND RULES

OTHER

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

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

OPINIONS BELOW

☐ For cases from **federal courts**:

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

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

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

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

☒ For cases from **state courts**:

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

- ☒ reported at Virginia Supreme Court; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

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

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

JURISDICTION

☐ For cases from **federal courts**:

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

☐ No petition for rehearing was timely filed in my case.

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

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

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

☒ For cases from **state courts**:

The date on which the highest state court decided my case was November 21, 2024
A copy of that decision appears at Appendix A.

☐ A timely petition for rehearing was thereafter denied 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. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

14th Amendment

STATEMENT OF THE CASE

August 22, 2023 Submitted Habeas Corpus to Va. Supreme Court
On or about Sept 11, 2023 Submitted Memorandum of Support to Va. Supreme Court
January 4th 2024 Motion for extension to file / Motion for leave from respondent filed
January 17, 2024 Received Respondents Enlargement of time filed January 4th 2024
On or about January 11, 2024 Motion to grant Petitioners Habeas Corpus
February 06, 2024 Received Motion to grant Petitioners Habeas Corpus response
March 25, 2024 Petitioner filed Motion for Default Judgement
June 1, 2024
July 1, 2024 Received June 28, 2024 granted response for Respondents Motion for extension / Responsive Pleading
August 20, 2024 ~~response~~ response to Petitioners request of copy of Responsive Pleading / Extension to file - Granting
Petitioner until September 23, 2024 to Respond
August 22, 2024 Petitioner filed "Motion to strike from the record - Respondents Responsive Pleading, Extension to file
Responsive Pleading
On or about August 26, 2024 Petitioner filed a "Motion for Extension of time to file, to the Responsive Pleading
September 25, 2024 Extension to file to Responsive Pleading Granted until October 23, 2024
November 21, 2024 Supreme Court of Va Dismissed the Habeas without Prejudice challenging ESC calcu-
lation / otherwise dismissed
On or about Dec 1 Motion for Rehearing filed December 1, 2024 on or about this day
On or about December 5, 2024 Extension of time to file / Notice of Appeal to the Supreme Court of Va.
January 2, 2025 Notice from Supreme Court, acknowledging receipt of on or about Dec. 5, 2024 Extension to
file / Notice of Appeal re: Only Appeal is to the U.S. Supreme Court; Received January 13, 2025
On or about January 8, 2025 Petitioner received notification from Supreme Court of Va. Granting Rehearing
giving Petitioner until January 21 2025 to respond
On March 13, 2025 Rehearing denied
May 1st 2025 Response from U.S. Supreme Court "What was construed to be a Writ of Certiorari RE: Appeal
May 9 2025 Receipt of Petitioners Notice of Appeal from U.S. Supreme Court, received May 7, 2025
On or about June 1, 2025 Petitioner filed a Motion for Extension of time to file "Writ of Certiorari"
~~On or about June 1, 2025 Petitioner filed a Motion for Extension of time to file "Writ of Certiorari"~~
On or about June 1, 2025 Petitioner filed a Motion for Extension of time to file "Writ of Certiorari"
July 30 received, the July 28, 2025 Response Motion for extension to file Writ of Certiorari
Received September 02, 2025 Notice of Correction from U.S. Supreme Court Granting Petitioner 60 days
to re submit "Writ of Certiorari" Dated August 26, 2025

REASONS FOR GRANTING THE PETITION

Petitioner is entitled the time credit via Va Code 53.1-187 and Petitioners Affid Plea Agreement. The ESC time credit as written and enacted into law Petitioner is also entitled to such time for the entire sentence - for the entire duration of his incarceration due to the enactment of HB 5148 Petitioner is to receive 15 days ESC-2 good time calculation & credit for every 30 days served Per General Assembly when they chose the language of HB5148 to mean exactly what it says "Retroactive to the entire Sentence" - Petitioners entire Sentence is 13 yr felony time and 12 mo misdemeanor time which is GCA-day for ~~days~~ equivalent to 6 actual months to serve; Donna Shiflet of Va. DOC Court & legal ad. mitted in the dismissal response bottom pg 3, that if Petitioner received the approximate 154 days jail credit (per Affid plea Agreement) Petitioner would only receive 77 days of ESC2 time credit. This would also mean half of 154 which is 77 - any time spent in the jail Petitioner would receive half of the jail credit a ESC-2 good time application - This is as expressed by the General Assembly's enactment of ^{the} language of HB5148 "Entire Sentence" Meaning And the Retroactive meaning from the start. Not from CRD date - which was never mentioned in the General Assembly enactment of HB5148. Some individuals were granted this time throughout the entire sentence. Others such as Petitioner were not. Petitioner is by law entitled to the entire enactment of HB5148's retroactiveness to the entire sentence (Entire does not have interruption it's not a portion of something it's the totality of something without interruption) As amended Va Code 53.1-187 via HB5148's enactment of and by the General Assembly. Otherwise this act of not awarding Petitioner this total enactment will be holding Petitioner beyond his rightful release date, resulting in Petitioner being held against his will another violation of Petitioners right to Liberty and Violation of 14 Amendment Rights. Among a few others.

Per Jail credit Petitioners time should start April 10 2018 arrest date through August 22 2019 CRD date. Via Alford Plea ³ Va. Code 53.1-187. A total of 16 months Jail credit & twelve days. With the amended enactment of Va. Code § 53.1-202.2 & § 53.1-202.3 15 days deducted for every 30 days served. Awarding a Petition @ least 8mo. of good time with the 5mo. Credited from 4.10.18 through Sept. 11. 2018 (Petitioners current start date of this active sentence) Standing at a calculation of 13 months credit to Petitioner. Petitioner is being told he has just short of 10 years to serve on a non violent ESC/EESC 13 years 12 month (6 months to serve to satisfy the misdemeanor 12 month sentence) As to Petitioner should only be serving 50% of the sentence as introduced into law by the General Assembly. Fifteen is half of 30 = 50% So how is Petitioner's time calculated at 67%. Respondent admits if Petitioner was give the 154 days from 4.10.18 - through Sept. 11. 2018, he would receive 77 days of ESC. This is literally 1/2 of 154. Fifteen days off deducted per month for 13 years is 6.5. Eleven more months from now will be 8 years of incarceration on a 13 year sentence given to Petitioner on July 9 2019. Petitioner will have continued to serve time well beyond his rightful release date. And not as HB 5148 enactment or Va. Code 53.1-202.3

CONCLUSION

The lower courts are ignoring the law forcing Petitioner to serve time well beyond his rightful release date. Petitioner was sent straight to the U.S. Supreme Court appealing the latest judgement. Attempts to correct this since 8.16.21 Petition was filed.
The petition for a writ of certiorari should be granted.

Respectfully submitted,

Warre E Shelton Jr

Date: May 19, 2025