

No.

IN THE

SUPREME COURT OF THE UNITED STATES

MARY HILL, *pro se*

*Petitioner*

v.

MALCOLM S. SPRATLEY, SR.,

*Respondent*

ON PETITION FOR A WRIT OF CERTIORARI TO

SUPREME COURT OF VIRGINIA

PETITION FOR WRIT OF CERTIORARI

Mary Hill, *pro se*  
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(757) 685-1730



**QUESTIONS PRESENTED**

Should the Appellant be denied her Constitutional Rights to be protected by law when the Court failed to accurately review the facts of the matter pertaining to the incident of March 19, 2019?

**LIST OF PARTIES**

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:

Consandra Jones

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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 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☐ is unpublished.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☐ is unpublished.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 \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported ;  
or  
☒ is unpublished.

The opinion of the SUPREME COURT OF VIRGINIA appears at Appendix B 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☒ is unpublished.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) I 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 April 18, 2025. A copy of that decision appears at Appendix D.

[ ] A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_.

[x] An extension of time to file the petition for a writ of certiorari was granted to and including 09/15/2025 (date) on 07/15/2025 (date) in Application No. 25A289.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1257  
(a).

### PROVISIONS INVOLVED

Va. Code Subsection 16.1-279.1 (A)(2006)

Baldwin v. Baldwin, Va. App. No. 0310-19-4 (December 10, 2019)

Title 16.1 of the Code of Virginia Va. Code subsection 19.2-152.10  
(2006)

### STATEMENT OF THE CASE

On March 25, 2019 Mary Hill "Appellant" was issued a Preliminary Protective order against Malcolm Spratley, Sr. deriving from an incident on March 19, 2019. The case was heard in General District Court for the City of Suffolk on April 8, 2019 whereas the Court denied Ms. Hill's Petition for a Protective Order. The appeal was heard in the Circuit Court for the City of Suffolk on February 3, 2023. The Circuit Court denied Ms. Hill's protective Order and the matter was appealed on March 6, 2023. Ms. Hill presented evidence that satisfied the legal standard, however the Court denied her Petition. The Court abused its' discretion determining that there was no credible evidence that met the criterion of issuing a protective order. The Court made mistakes by including a partition suit and an Injunction that was not a part of this case. (Virginia Declaration of Rights Section 8 (1776) Va. Code subsection 16.1-279.1 (A) (2006), Va. Code subsection 19.2 -152.10 (2006).

## REASONS FOR GRANTING THE PETITION

A protective order has no basis in common law pleadings and is solely a creature of statute, the aim of which is to “protect the health and safety of the petitioner” and his or her family. Va. Code §16.1-279.1(A) (2006); *Baldwin v. Baldwin*, Va. App. No. 0310-19-4 (December 10, 2019). Title 16.1 of the Code of Virginia explains:

It is the intention of this law that in all proceedings the welfare of the child and the family, the safety of the community, and the protection of the rights of victims are the paramount concerns of the Commonwealth and to the end that these purposes may be attained, the judge shall possess all necessary and incidental powers authority, whether legal or equitable in their nature.

Additionally, Va. Code §19.2-152.10 (2006) authorizes a court to issue a protective order if the petitioner proves by a preponderance of the evidence. that he or she is or has been, within a reasonable period of time, subjected to an act of violence, force, or threat." Physical harm or threatened physical harm to victim is not a necessary prerequisite to the granting of a protective order because under Va. Code §16.1.279.1 (2006),

reasonable apprehension of serious bodily harm is an objective standard, requiring a factual determination by the court. *Stephens v. Rose*, 762 S.E.2d 758, Va. S. No. 131780 (September 12, 2014) (see also *Blake v. Blake*, Va. App. No. 0387-07-04 (Aug 14, 2007)).

On appeal, the court will “view the evidence and all reasonable inferences therefrom in the light most favorable to the prevailing party, granting to that evidence all reasonable inferences fairly deductible therefrom.” *Martin v. Martin*, Va. App. No. 2740-01-2 (June 18 2002) (quoting *Reece v. Reece*, 470 S.E.2d 148, 151 (1996)). A factual finding by the trial court “will not be disturbed on appeal unless it is plainly wrong or unsupported by the evidence.” *Id.* (quoting *Naulty v. Commonwealth*, 346 S.E.2d 540, 542 (1986)). The trial court rather than the appellate court ‘ascertains a witness’ credibility, determines the weight to be given to [the witness] testimony, and has the discretion to accept or reject any of the witness testimony. *Vechery v. Cottet-Moine*, Va. App. No. 0636-20-4 (June 15, 2021).

Additionally, the Virginia Supreme Court has often said that “although a fact finder must determine the weight and credibility of witnesses, it may not arbitrarily disregard uncontradicted

evidence of unimpeached witnesses which is not inherently incredible and not inconsistent with the facts” in evidence, even though such witnesses are interested in the outcome of the case. *Grayson v. Westwood Bldgs. L.P.*, 300 Va. 25 (Va. App. June 24, 2021). The rule does not categorically forbid a fact finder from disregarding what may appear to be uncontradicted evidence, the rule "only forbids courts from arbitrarily disregarding such evidence" finding that "what makes a fact finders disregard of uncontradicted testimony arbitrary, therefore is its palpable unreasonableness when considered in light of the totality of the evidence." *Id.* At 59.

An abuse of discretion occurs “when the circuit court makes an error of law...the abuse of discretion standard includes review to determine that the discretion was not guided by erroneous legal conclusions”. *Baldwin v. Baldwin*, Va. App. No. 0310-19-4 (December 10, 2019). This Court has made it clear that an abuse of discretion can be found if the trial court uses an improper legal standard in exercising its discretionary function because the trial court, by definition, abuses its discretion when it makes an error of law." *Congdon v Congdon*, Va. App. No. 0522-02-2 (April 8, 2003).

The court should grant the Petition because the trial court erred by abusing its discretion in denying Ms. Hill Protective Order based on matters that were not before the court, mistakes included a a Partition Suit and an Injunction. A Protective Order solely to protect the health and safety of the Petitioner and his or her family. Ms. Hill has numerous police reports, videos and witnesses that have shown a pattern of behavior of the respondents over a long period of time towards Ms. Hill and her elderly mother.

Ms. Hill's testimony carefully recounted the events on March 19, 2019. After contacting a local water leak company to inspect a well on her property, Ms. Hill and the contractor were met by an angry Mr. Spratley, who escalated from intimidation to firing gun shots. She further testified to the previous encounters of abuse and threats of abuse made toward her by Mr. Spratley, and clearly expressed that she was in reasonable apprehension of serious bodily harm. Ms. Hill's testimony described the threats and abuse she has been subjected to in the past, including prior acts of violence against her at the hands of Mr. Spratley, along with the fear of future bodily harm. Ms. Hill described how she was driven to take precautionary measures for her safety, including hiring a private security company.



Additionally, Larry Scott (“Mr. Scott” aka Larry Scott), the contractor from the water leak inspection company testified about the events on March 19, 2019. Despite the significant time lapse, Mr. Scott recounted how he and his son, Darrell, conducted a sonic equipment test to search for any water leaks. He described how he was in his truck, when he heard multiple gunshots in the direction of Ms. Hill and his son were inspecting the valves and recalling the aftermath.

The next witness to testify was Kelly Hengler (“Ms. Hengler”), who has worked with Ms. Hill for many years on historic preservation projects. She recalled Ms. Hill having issues with her water and calling Mr. Scott out to try and get it fixed. Like many in the Suffolk community, she was well aware of the conflict between Ms. Hill and Ms. Jones and had firsthand knowledge of many events. She described multiple events including Ms. Spratley desecrating the graveyard of Ms. Hill’s family member. Ms. Hengler was present on March 19, 2019, and recalled the fear of Mr. Scott and Ms. Hill after hearing the gunshots.

At the conclusion of Appellant’s case, the Appellee moved to strike the evidence and dismiss the petition, arguing a lack of

evidence. Appellant argued that under Virginia Code the Court can find from a preponderance of the evidence that a protective order is appropriate. Appellant further reiterated that the evidence stands and that this is a longstanding dispute that must come to an end.

Nevertheless, the trial court did not see any cause or sufficient evidence to require the Court to issue a protective order and denied the petition.. Where, as here, the Court hears evidence ore tenus, its finding is entitled to great weight and will not be disturbed on appeal unless plainly wrong or without evidence to support it. *Vechery v. Cottet-Moine*, Va. App. No. 0636-20-04 (June 15, 2021).

Upon announcing the Court ruling, the trial Court declared that the statute provides that the petitioner is or has been, within a reasonable period of time, subjected to an act of violence and that the requirements have not been met by the evidence. The trial Court referenced the longstanding dispute between the parties over access to the property and found no act of force, specifically “no one has pushed anyone, touched anyone, made anyone do anything”. Regarding the legal question of whether it is an

objective or subjective standard, the Court found "it is a reasonable apprehension". After acknowledging Ms. Hill's legitimate fear of Mr. Spratley, the Court did not find anything to meet the statue. The Court declared that this was a misunderstanding between the parties about what property rights mean and don't mean.

The trial Court abused its discretion in the determination that there was no credible evidence of abuse that met the criterion of issuing a protective order. As noted above, the abuse of discretion standards includes review to determine that the discretion was not guided by erroneous legal conclusions or an improper legal standard in exercising its discretionary function. *Baldwin v. Baldwin*, Va. App. No. 0310-19-4 (December 10, 2019); See also *Congdon v. Congdon*, Va. App. No. 0522-02-2 (April 8, 2003).

The Petitioner and two separate witnesses testified to the conflict between the parties and gunshots on March 19, 2019. Even construing the evidence in the light most favorable to the Appellee, the trial Court's finding that Ms. Hill's evidence did

not meet the statutory requirements is plainly wrong and/or without evidence to support it. The Court was aware of the parties extensive history with each other, the criminal charges against Mr. Spratley, the number of police reports and protective orders in the past. Despite this, the Court referenced the parties land dispute in its decision and referred to gunshots as a "misunderstanding" and granted the motion to strike prior to hearing any of Respondent's evidence. The testimony of Ms Hill and her witnesses is sufficient to meet the legal standard for the issuance of a protective order. The trial Court failure to apply the appropriate legal standard in exercising its discretionary function is an abuse of discretion, and the trial Court should be summarily reversed for that reason (18 U.S. Code § 242- Deprivation of Rights Under Color of Law (June 25, 1948).

Lastly, Rule 5A:18 (June 1, 2021) allows exceptions for good cause or the meet the ends of justice. In order to avail oneself of the exception, a defendant must affirmatively show that a miscarriage of justice has occurred. *Ward v Baig-Ward*, Va. App. No. 0708-17-4 (December 19, 2017). Police have been called

to the home several times subsequent to the trial Court's ruling. Mr. Spratley intimidation, harassment, and threats continue to this day. Police have since responded multiple times due to gunshots and loud banging on Ms. Hill's kitchen window. After dealing with the constant fear in her own home, Ms. Marie Hill passed away on July 9, 2023, at the age of 102. Shortly after her tragic death, gunshots were again heard on Ms. Hill's property. Ms. Hill has been in reasonable fear of serious bodily harm from Ms. Jones for many years, and her fear continues to escalate with every miscarriage of justice she faces in her legal battles.

#### CONCLUSION

The petition for a writ of certiorari should be granted.  
Respectfully submitted,

MARY HILL, pro se

Date: 09/15/2025

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## APPENDIX

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