

No. 25-6974

FILED
NOV 25 2025
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

Tarun Kumar Vyas — PETITIONER
(Your Name)

vs.

Virginia — 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

Tarun Kumar Vyas

(Your Name)

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QUESTIONS PRESENTED

- ① Whether the 1st, 5th and 14th amendments allow a state court of last resort to enter a judgement that is contrary to the clearly established federal laws by this court in [USA VS Morgan, 74 S.Ct. 247 (1954)], [USA VS Densho, 129 S.Ct. 2213 (2009) and [Chaidez VS USA, 133 S.Ct. 1103 (2013)].

They should not, especially when the person is legally, actually and factually innocent.

- ② Whether the 1st, 5th and 14th amendments allow a state court of last resort to ignore essential procedural issues like timeliness and waiver.

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

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 is unpublished.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 is unpublished.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 is unpublished.

The opinion of the Rockingham county circuit court 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 is unpublished.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) 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 10/27/2025. A copy of that decision appears at Appendix C .

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

I respectfully state the following :-

- ① The 1st amendment.
- ② The unreasonable seizure clause of the IVth amendment.
- ③ The legitimate expectation of person based privacy under the IVth amendment.
- ④ The due process clause of the Vth amendment.
- ⑤ The assistance of counsel clause of the VIth amendment.
- ⑥ The cruel and unusual punishment clause of the VIIIth amendment.
- ⑦ The due process clause of the XIVth amendment.

STATEMENT OF THE CASE

I respectfully state the following :-

- ① I filed a petition for a writ of coram vobis/rohis at the rockingham county circuit court on July 18, 2023, after having exhausted all the post-conviction remedies with candor.
- ② The petition was filed with respect to the criminal judgement entered by the court on 2/11/20 for one count of threatening to commit bodily injury (record no. CR-1938).
- ③ The petition presented the following facts which were never presented to the jury at the jury trial on 2/11/20:
 - ① The texts which formed the basis of prosecution at the trial, were over 14 months old when the law enforcement were made aware of their existence.
 - ② Those texts were four in number and did not have any name mentioned in them.

- (3) (iii) The person allegedly threatened by those texts was my ex's oldest son. However, he was neither made aware of the texts nor any alleged threat.
- (iv) My ex's testimony at trial violated the confrontation clause as it constituted testimonial hearsay — she testified that her oldest son was the target of those texts and it was him who felt threatened. Her son was never made available for cross-examination.
- (v) There was no way that my ex's oldest son could have been threatened by those texts because from the time before those alleged texts were sent, up until my arrest in September 2019, he kept coming back to the house for the holidays, where I was present.
- (vi) Furthermore, there was no way my ex believed that I was a threat either to her son or anyone else, as she allowed me to be around her son and everyone else.
- (vii) At the jury trial on 2/11/20, my ex also

(3) (vii) Testified that she had to send her son to live with her sister because I was a threat. This fact is also totally countered by the fact, that the real reason why she had her son go live with her sister was because she wanted him to go to a county school, as she was a strong critic of city schools.

(viii) Those texts went from being only a couple of weeks old to over 14 months old, from the time of arrest to the time of indictment.

(ix) I never sent any of those texts.

(4) The state filed a one page reply on 12/27/23, in ~~it~~ which it failed to counter the contents of the petition, thereby not only conceding that the petition has merit, but also affirmatively waiving its chance to argue.

(5) The state's reply was also untimely by a vast margin — nearly 6 months. It

- ⑤ also failed to seek leave of the court to file a timely response, or establish good cause for having filed such a grievously untimely response.
- ⑥ The Rockingham County Circuit Court ignored all those glaring deficiencies and denied the petition "for the reasons stated in the Commonwealth's response," on 3/27/24.
- ⑦ The Supreme Court of Virginia denied the appeal on 10/27/25.
- ⑧ I was procedurally unable to raise all those issues via a petition for a writ of habeas corpus because both the Supreme Court of Virginia and the U.S. District Court for the Western District of Virginia dismissed my petitions for lack of jurisdiction, since I was no longer "in custody" when I filed them as I had already served my sentence of 9 months. However, both the federal and state habeas petitions were timely in accordance with the statutes, viz., VA Code Ann. § 8.01-654 and 28 USC § 2254; 28 USC § 2244.

REASONS FOR GRANTING THE PETITION

I. I respectfully state the following reasons in support of the first question :-

- ① The proper means of attacking the validity of a sentence (once it has been completely served) and the underlying conviction (as a corollary), is by means of a petition for a writ of coram nobis, when the petitioner has been pursuing his rights diligently [USA VS Denodo, 129 S.Ct. 2213 (2009)] [Chavez VS USA, 133 S.Ct. 1103 (2013)] [USA VS Morgan, 74 S.Ct. 247 (1954)] [USA VS Delhorno, 915 F.3d 449, 452 (7th, 2019)] [USA VS Wilkojek, 822 F.3d 364, 368 (7th, 2016)] [Stanbridge VS Scott, 791 F.3d 715, 720 n.3 (7th, 2015)] [USA VS Lesane, 40 F.4th 191 (4th, 2022)] [Estate of McKinney, VS USA, 71 F.3d 779, 781 (9th, 1995)] [USA VS Sandles, 469 F.3d 508, 517 (6th, 2000)].

② I have been pursuing my rights diligently:

① I took the matter to a jury trial.

- (2) (ii) I filed a timely direct criminal appeal.
- (iii) I filed a timely petition for a writ of habeas corpus.
- (iv) The only reason so as ^{to} why my petition for a writ of habeas corpus was dismissed, was that when I filed my petition, I had already served my sentence.
- (3) No court, either federal or state has ever ruled on the merits of my petition, and when that happens, my convictions and sentence will be reversed because I am legally, actually and factually innocent.
- (4) I have proved my actual and factual innocence under the section 'statement of the case' — please see point no. 3 therein.
- (5) My legal innocence is proven by the fact that all the allegations made by my ex at the jury trial about her oldest son being allegedly terrified of me — comprised of testimonial hearsay and, therefore, violated the confrontation clause.

⑥ Both my trial and appellate attorneys were ineffective under Strickland and Cronin for failing to argue all those meritorious, cognizable and colorful arguments.

⑦ The supreme court of Virginia's (SCOVA's) ruling, therefore, creates an unreasonable, clearly erroneous and unconstitutional state created impediment to block the vindication of federal rights.

⑧ SCOVA's ruling also establishes an unreasonable, clearly erroneous and unconstitutional lack of a corrective remedy in the state of Virginia, that is the equivalent of the petition for a writ of error coram nobis in the federal jurisprudence.

⑨ SCOVA's ruling is contrary to the clearly established federal laws by this court in Morgan, Chadez and Denodo.

⑩ SCOVA's ruling runs afoul of the 1st, 5th, 4th, 6th, 8th and 14th amendments.

II. I respectfully state the following reasons in support of the second question :-

- ① The state's response to my petition was untimely by a vast margin of nearly 6 months.
- ② The petition was served upon the commonwealth's attorney on 7/18/2023 by certified mail.
- ③ The state filed its response on 12/27/2023.
- ④ This huge delay is totally attributable to the state. It is totally inexcusable and what is perhaps even more shocking, is that the state did not even attempt to seek leave of the court to file such a grievously untimely reply, or even attempt to address this major gaffe in any form or fashion.
- ⑤ The untimely reply should have been dismissed by the state courts and a default judgement in my favor should have been entered.

⑥ Rockingham county circuit court, therefore, lacked jurisdiction to entertain the vastly untimely response.

⑦ The state affirmatively waived its chance to argue against any of the legal or factual arguments made by me in the petition, by failing to address them all in the reply ——— and by doing so conceded that they all had merit.

⑧ Both the rockingham county circuit court and the SCOA, therefore, failed to abide by the universally accepted procedural rules of timeliness and waiver.

⑨ The rulings of both the courts, therefore, ran afoul of the 1st, 5th and 14th amendments.

Therefore, I respectfully state the following reasons for granting the petition :-

① Both the SCOVA and the rockingham county circuit court abused their discretion by committing a clear error of judgement.

② Both the state courts failed to construe my pro-se petition liberally in accordance with [Boag vs Dougall (1982)] [Erickson vs Pardus (2007)] [Estate vs Gamble (1976)] [Haines vs Kerner (1972)] [Woy vs McDonnell (1974)].

③ The rulings of both the state courts violated the integrity, sanctity, fairness and public reputation of the judicial proceedings [Green vs USA, 141 S. Ct. at 2096-97 (2021)] [Puckett vs USA, 566 US 129, 135 (2009)] [USA vs Olanoff (1993)] [USA vs Marcus, 560 US 258, 262 (2010)].

④ There are no factual or procedural impediments to the court in reaching the legal issue presented :

① The facts are undisputed,

(4) (ii) The resolution of the questions was outcome-dispositive,

(iii) There is a complete record,

(iv) The case is not interdictatory and

(v) The facts are emblematic of how this legal issue generally arises.

(5) The questions presented are extremely important and warrant review in this case because they specifically address a lack of corrective remedy in the states.

(6) The case is worthy of the court's review because not only did the supreme court of virginia's ruling undermine the great power of the writ of coram nobis, but it also violated the 1st, 4th, 5th, 6th, 8th and 14th amendments.

(7) The lower court's ruling essentially creates a legal loop hole for the states to exploit — all the states have to do is: dismiss the direct criminal appeal and any probation that was imposed upon the defendant, before he/she can file a petition

- ⑦ for a writ of habeas corpus; thereby ensuring a 100% victory rate even if the defendant is legally, actually and factually innocent. Hence, this case is an ideal vehicle to address and provide guidance on this very important issue.
- ⑧ This case presents questions of fundamental legal significance, as it directly impacts the interpretation, factual determination and application of the writ of coram nobis in accordance with the court's rulings in Morgan, Chardez and Denodo, for all the fifty states.
- ⑨ Accordingly, the case is national in scope, since it addresses an extremely important legal question for everyone similarly situated nationwide in all the fifty states — the redress under the petition for a writ of coram nobis (or its equivalent depending upon the state) to the state court of last resort, in order to challenge the conviction(s) and sentence(s) where one has not only pursued his/her rights diligently, but is also legally,

actually and factually innocent; as one should be able to in accordance with Morgan, Chaidez, Denoto, 1st amendment, 4th amendment, 5th amendment, 6th amendment, 8th amendment, and 14th amendment.

CONCLUSION

Thus, I pray that the court grant the petition.

Respectfully submitted,

~~Tarun~~

Tarun Kumar Vyas # 2038877.
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