

TURNER, JOHN PAUL

**Decision Review Officer Decision
January 15, 2010**

INTRODUCTION

The records reflect that you are a veteran of the Vietnam Era and Peacetime. You served in the Navy from October 16, 1967 to December 4, 1968, from May 31, 1970 to August 28, 1970, from June 6, 1971 to August 4, 1971, from June 3, 1972 to August 31, 1972, from November 28, 1976 to May 28, 1977 and from July 11, 1977 to May 17, 1978.

Results from your mental health exam established a clinical diagnosis of psychotic disorder, not otherwise specified. The psychologist reviewed your records and noted you have a rather complicated psychiatric history with numerous examples of long, rambling, disjointed statements and a self-imposed diagnosis of "existential neurosis". You have a limited work history and a history of several significant legal problems resulting in jail time. Currently you work on a Christmas tree farm that you inherited from your parents and live by yourself in a trailer on the property. (in a camper)

During the exam, you had difficulty giving concise answers and reported a history of very limited social relationships. Your affect was broad and mood was quite euthymic. There was evidence of significant impairment of thought processing and communication. Thinking and speech were tangential and circumstantial with loose associations. You denied having hallucinations but did believe you have the ability to predict things. You minimized any significant paranoia although admitted to some paranoid thoughts. The psychologist felt you were capable of managing your own benefits but you are likely unable to be gainfully employed due to significant thought disorder, odd behaviors and beliefs consistent with a psychotic process, and inability to adequately socially interact.

Entitlement to nonservice-connected pension from VA effective March 6, 2000.

You are unable to secure and follow a substantially gainful occupation due to disability. Records show you are 60 years old, have a level of education reported as finishing college, and last worked full-time when you were in the Navy. Since then, you have worked part-time for the Post Office for a year and also been self-employed and worked on your tree farm. The evidence shows you are disabled due to your disabilities of psychotic disorder and hypertension. (likely to be permanent)

My service-connected and March 15, 2009 effective pension from Navy is for my over 42 years of active and reserve Navy Duty. (42 years, 3 months and 15 days.)
Attachment (1)



COMMONWEALTH of VIRGINIA
Secretary of the Commonwealth

POST OFFICE BOX 2454

RICHMOND, VIRGINIA 23218-2454

December 13, 2010

Mr. John Paul Turner
2237 Hankey Mountain Highway
Churchville, VA 24421-2814

Dear Mr. Turner:

I am writing with regard to your petition for a pardon.

You may submit another petition for the Governor's consideration following a two year waiting period from the date that your petition was denied. You will be able to ask for another pardon in December 2011.

If you would like the proper restoration of civil rights form, please respond to this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Hennig", with a long horizontal line extending to the right.

Greg Hennig,
Extradition and Clemency

CLERK'S OFFICE

SUPREME COURT OF VIRGINIA

In Ref: John Paul "Pops" Turner, Record No. 110197

In Re: Appeals to Supreme Court of Virginia (eff. 7/1/10)

Dear Appellant:

You are being provided with the following information in response to the notice of appeal that you recently filed with this Court. Please read this information carefully as the time limits, including the filing of the notice of appeal with the Court of Appeals and payment of the filing fee, are mandatory and a failure to follow such requirements will result in the dismissal of your appeal.

In order to appeal a **criminal case from the Court of Appeals of Virginia** to the Supreme Court, among other requirements, the appealing party or his/her attorney must take the following jurisdictional steps:

Rule 5:17. Petition for Appeal.

(h) *Procedure for an Anders appeal.* If counsel for appellant finds appellant's appeal to be without merit, counsel must comply with the requirements of *Anders v. California*, 386 U.S. 738 (1967), and *Brown v. Warden of Virginia State Penitentiary*, 238 Va. 551, 385 S.E.2d 587 (1989). In compliance therewith, counsel is required to file (1) a petition for appeal which refers to anything in the record which might arguably support the appeal and which demonstrates to this Court counsel's conscientious examination of the merits of the appeal; (2) a motion for leave to withdraw as counsel; and (3) a motion for an extension of time to allow the appellant to file a supplemental petition for appeal. The petition for appeal and the motion for leave to withdraw as counsel should specifically cite to *Anders*. All three pleadings must be served on opposing counsel and upon the client and must contain a certificate providing evidence of such service. This Court will rule upon the motion for extension of time upon its receipt, but will not rule on the motion to withdraw until this Court considers the case in its entirety, including any supplemental petition for appeal that may be filed.

Veterans Administration, John P. Turner, File No. 24 468 391

An "Anders" is similar to the Benefit of the Doubt Doctrine of Title 38 of the Code of Federal Regulations for veterans.

My Certiorari Petition & My Own "95-Theses" Manifesto of July 4, 2011

Indeed, I am a totally and permanently and officially 100% unable enemy of the state. I am even prohibited from publicly posting at the public library that the U.S. Government authorized me my own "July 4th, Independence Day" U.S. Capitol Flown American Flag to do with whatever I like. I am a 80% psychiatric and permanently disabled but Silver Star, Bronze Star and Hourglass decorated veteran who retired from the U.S. Military on March 15, 2009 with 42 years, 3 months and 15 days of honorable service and the Commonwealth of Virginia has verified me as firearms safety certified and licensed me to hunt and fish as a Lifetime Disabled Resident. I am also a violent medical marijuana drug convicted and civil rights disenfranchised felon—but because I am acknowledging in writing that I am Raising Holy Hell in my mind as a victim of the drugs vs. drugs idiosyncracies of the Judicial Bench, the library is constituting my written word to be a political petition rather than a public service announcement and barring it from being being posted and displayed on its bulletin board as information of community interest.

John Paul "Pops" Turner John P. Turner, July 4, 2011, 540-397-6793.



www.augustacountylibrary.org

June 13, 2011

John Paul "Pops" Turner
2237 Hankey Mt. Hwy.
Churchville, VA 24421-2814

Dear Mr. Turner:

I have received your letter of June 8, 2011, requesting an appeal of the decision denying your request to post your petition on the Churchville Branch Library's bulletin board, as stated in my letter of May 31, 2011.

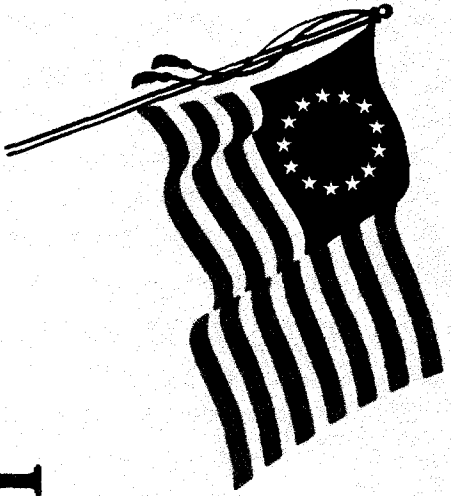
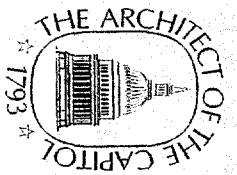
The Bulletin Board Policy says that the decisions of the Library Director may be appealed to the Library Board. Your appeal will be added to the agenda of their next meeting, which will be held on July 20, 2011, at 7:00 p.m. at the library in Fishersville.

Sincerely,

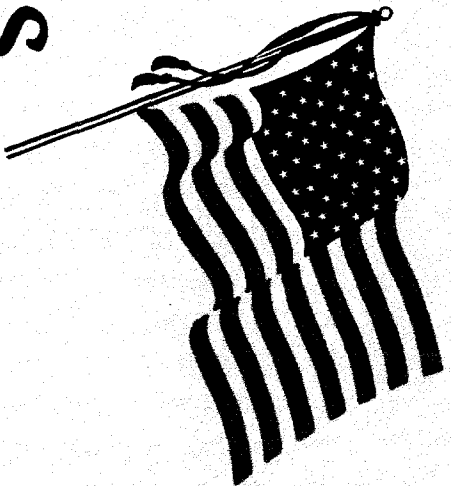
A handwritten signature in cursive script that reads "Diantha McCauley".

Diantha McCauley
Director

Cc: Patrick J. Coffield, County Administrator
Patrick J. Morgan, County Attorney



THE FLAG OF THE UNITED STATES OF AMERICA



This is to certify that the accompanying flag was flown over the United States Capitol on July 4, 2010, Independence Day.

At the request of the Honorable Bob Goodlatte, Member of Congress, this flag was flown in recognition of John P. Turner for his retirement from the United States Navy.

Stephen T. Ayers, AIA, LEED AP
Architect of the Capitol

In the Court of Appeals of Virginia on Friday the 28th day of January, 2011.

Memorial to Judge Wood

John Paul Turner,

Petitioner,

against Record No. 0066-11-3

Turner also alleges he was convicted of manufacturing marijuana in Augusta County Circuit Court on January 22, 1997 and that he is innocent of that offense. Turner provides no evidence of such a conviction. Turner supplies a copy of an order of the Augusta County Circuit Court dated January 22, 1997, dismissing a "petition to reopen" filed by him. The January 22, 1997 order does not indicate Turner was convicted of an offense on that date. We do not consider whether Turner is entitled to a writ of actual innocence pertaining to a conviction he has not proven to exist.

Sunday, January 16, 2011 | The News Leader

JUDGE WOOD DIES



Judge Thomas H. Wood, who served for 25 years in the 25th Circuit and primarily heard cases for Augusta County, died Friday night.

After battling lung cancer, Wood died of renal failure at University of Virginia Transitional Care Hospital, his daughter, Sally Wood, said.

Rupen Shah, chief deputy commonwealth's attorney of Augusta County, who spent about an hour with Wood and his family on Friday, described the judge as a mentor

In his personal life, Wood loved "steak, scotch and cigarettes," Shah said, though he quit smoking after being diagnosed with lung cancer.

Honorable Wood, my own presiding circuit court judge, was condemned to die by bad law is a conviction I have proved to exist. Alcohol (Scotch whiskey in his case) and cigarettes are legal, but Judge Wood died from lung cancer on January 14, 2011 at age 68 though he quit smoking after being diagnosed with it.

Others, too, have been given inadequate counsel and a conviction accompanied by a death sentence under the same bad law; or a life-long condemnation particularly where pertaining to a marijuana felony conviction and the for-life disenfranchisement of one's civil rights because of it.

Unlike health-destroying alcohol and cigarettes, however: As ruled by the Drug Enforcement Administration on September 6, 1988 in Docket No. 86-22, marijuana in its natural form is one of the safest therapeutically active substances known.

I pray that the Food and Drug Administration and the Veterans Administration will accept from me, particularly as a Veterans Medical Center-Salem (Virginia), retired U.S. Military TRICARE health coverage and 10 USC 1074(b) outpatient, any experimental data that marijuana smoke—when the marijuana is smoked in a water or wine bong and the smoke is swallowed rather than inhaled into the lungs—is less harmful than breathing in someone else's second-hand cigarette nicotine-tobacco smoke; and that any marijuana experimentation will bring spiritual atonement and absolution for us all including Judge Wood.

John Paul "Pop" Turner 7-23-11
John Paul "Pops" Turner

HBUSA-MHP Awards Program
2237 Hankey Mountain Hwy
Churchville, VA 24421-2814
PH. 540-337-6793

SUMMARY OF EVIDENCE

On February 8, 2011 the claimant, John Turner, submitted to the agency his bank statements to report that he had received a lump sum payment for his Veterans pension. The statements reflected that he had received \$89,419.80, which he deposited on his account on December 22, 2010.

According to the agency, Mr. Turner transferred \$50,000.00 to a money market account and retained approximately \$32,000.00 in his checking account. The agency provided a copy of the bank statements from Community Bank.

The agency stated in the Summary of Facts that Mr. Turner was ineligible to receive assistance because his resources exceeded the \$3000 resource limit. The agency included the policy citations used to make the determination: SNAP Manual Part 9, Chapters A, B and C; Part 11, Chapter F (9) and Part 14, Chapter A and Part 19, page 5. With the Summary of Facts, the agency included a copy of the Notice of Action, copy of the statements from Community Bank, a letter sent by Mr. Turner on April 14, 2011 and a letter mailed by the agency on April 21, 2011.

Mr. Turner mailed a letter dated May 1st, 2011 in which he requested to waive his right to an oral argument and proceed with the written record. He stated that he received his lump sum payments because he was jobless, homeless and had an 80% disability. He stated that his pension should be treated as a housing deduction or as a damage award. He indicated that the agency denied his application because of his gross income. With his letter, Mr. Turner included a letter from the Department of Veterans Affairs and various other letters from other agencies and organizations.

ISSUE

Whether the local agency's actions were consistent with applicable authority.

APPLICABLE AUTHORITY

**VIRGINIA DEPARTMENT OF SOCIAL SERVICES, VOLUME V,
SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) MANUAL**

PART XI – INCOME

...

F. EXCLUDED INCOME (7 CFR 273.9(b)(5); 273.9(c))

The following income will not count in determining eligibility or benefit level:

...

9. Lump Sum Payments

UNIVERSITY of VIRGINIA MEDICAL CENTER
Patient Financial Services



JOHN PAUL TURNER
Medical Record Number: 1532656

Date: 12/23/2010

JOHN PAUL TURNER
2237 HANKEY MT HWY

CHURCHVILLE, VA 24421

Dear JOHN PAUL TURNER:

We have completed processing your application for financial assistance and determined that you do not qualify for financial assistance based upon:

- Gross Income**
- Assets (for example: Bank accounts, Ira's, Cd's, 401K's, Stocks, Bonds, Vehicles, Real Estate, Life Insurance)**

While you may not agree with the decision, we are unable to make exceptions or judgment calls in the handling of the thousands of applications we process. These guidelines are set by the Commonwealth of Virginia and do not permit us to consider anything beyond gross income and assets. Therefore patients' monthly expenses are not considered as part of the qualification process. The state conducts regular audits of our process to assure compliance with these guidelines.

Sincerely,
Financial Verification Department

This form is available in Spanish. To request, please call 1 866-320-9659.
Esta forma está disponible en Español. Para solicitar, satisfacer la llamada 1 866-320-9659.

Revised 10/31/08

P.O. Box 800750 • Charlottesville, VA 22908-0750
434-924-8718 • Toll free: 866-320-9659 • Fax: 434-924-9322

Attachment (7)



DEPARTMENT OF VETERANS AFFAIRS
Medical Center
Salem VA 24153

November 5, 2010

In Reply Refer To:

658/11AC

Mr. John Paul "Pops" Turner
2237 Hankey Mountain Highway
Churchville, VA 24421-2814

Dear Mr. Turner:

Thank you for your inquiry dated August 6, 2010, regarding your request to be prescribed medical marijuana. I apologize for the delay in responding to your letter.

Ms. Susannah Hamel, RN, Primary Care, contacted you by phone on October 13th to discuss your request, and to explain that it is illegal to prescribe marijuana in Virginia. She also explained that currently, Salem VA Medical Center is not conducting any research regarding marijuana.

If you have any further questions regarding this matter, please feel free to contact Ms. Hamel at (540) 982-2463, ext. 3079.

Thank you for your service.

Sincerely,

A handwritten signature in cursive script that reads "Carol S. Bogedain".

CAROL BOGEDAIN, FACHE
Interim Director

Commonwealth of Virginia • Department of Rehabilitative Services

DISABILITY DETERMINATION SERVICES

NORTHERN REGIONAL OFFICE • 11150 FAIRFAX BLVD STE 200 • FAIRFAX VA 22030-5066
Telephone: 703-934-7400 Fax: 866 843 3075 Toll Free: 800 379-9548 TTY: 703 934-7400



February 14, 2011

9790
DEPARTMENT OF SOCIAL SERVICES
68 DICK HUFF LANE
PO BOX 7
VERONA VA 24482 0007

ATTN: Kimberly Caldwell

RE: JOHN PAUL TURNER
SSN: 230-72-4013

Claim Number: LDSS# 015047574002 Shen. Valley DSS

The determination with respect to the disability requirement for Medicaid is:

DISABLED - Medical onset is 09/01/2010.

BASIS CODE: A63

LISTING CODE: body system 12

VOCATIONAL RULE:

COMMENTS:

J HERBST
Disability Analyst

Date 02/10/2011

Social Security Administration
Retirement, Survivors, and Disability Insurance
Notice of Disapproved Claim

Date: July 15, 2011
Claim Number: 230-72-4013

JOHN PAUL TURNER
2237 HANKEY MTN HWY
CHURCHVILLE VA 24421

We are writing about your claim for Social Security disability benefits. Based on a review of your health problems you do not qualify for benefits on this claim. This is because you are not disabled under our rules.

We have enclosed information about the disability rules.

About The Decision

Doctors and other trained staff looked at your case and made this decision. They work for your State but used our rules.

Please remember that there are many types of disability programs, both government and private, which use different rules. A person may be receiving benefits under another program and still not be entitled under our rules. This may be true in your case.

How We Made The Decision

We obtained and evaluated all available evidence.

VA MEDICAL CENTER - SALEM report received 06/20/2011

You said that you are unable to work because of Psychotic disorder and high/low blood pressure.

You have severe mental problems that are shown in the recent past. You note limitation in your daily activities. We have obtain all available medical evidence and they do not date prior to 2009. We need to show you were disabled since 2000 to the present. There is insufficient evidence during that period of time.

In order to be entitled for benefits, your condition must be found to be severe prior to 12/31/2000, when you were last insured for disability benefits. The evidence in file is not sufficient to fully evaluate your claim and the evidence needed cannot be obtained. We have determined your condition was not disabling on any date through 12/31/2000, when you were last insured for disability benefits. In deciding this, we considered the medical records, your statements, and how your condition affected your ability to work.

CONFIDENTIAL TO BE DESTROYED
P. P. BENNETT, Jr.

VA FILE NO.
C 24 468 391

CLINICAL RECORD

CONSULTATION SHEET

REQUEST

TO NP---NOB	FROM: (Requesting agency, unit, or activity) MEDICAL PROCESSING ---NOB	DATE OF REQUEST 10-16-67
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REASON FOR REQUEST (Complaints and findings)

This 18 yo wm is being evaluated for two years of active duty. He indicates on the SF89 that he has experienced somnambulism as recently as 1966. Pursuant to current policy, he is accordingly referred to you for psychiatric evaluation.

Thanks,
Dave W.

Dave W.

PROVISIONAL DIAGNOSIS

Somnambulism

DOCTOR'S SIGNATURE <i>D. O. WESTMARK</i>	APPROVED	PLACE OF CONSULTATION <input type="checkbox"/> BEDSIDE <input type="checkbox"/> ON CALL	EMERGENCY <input type="checkbox"/> ROUTINE
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D. O. WESTMARK, LT MC USA

CONSULTATION REPORT

This 18 yrd S. USNR has been interviewed and some length. While he was enroute to age 8 he has not been since. He reportedly occasionally walked in his sleep during childhood - the first time he was reported as having done so being about 5 yrs age. He did awaken a year ago in bed the wrong way - and on another occasion he awoke in another (empty) bed.

There is no evidence of emotional disturbance and if he were to be found unfit for service his somnambulism would have to be observed & documented.

At this point he appears suitable for retention & happens will motivate.

OK to process
[Signature]

SIGNATURE AND TITLE <i>[Signature]</i>		(Continued on reverse side)	
DATE 10-25-67	IDENTIFICATION NO	ORGANIZATION	
PATIENT'S IDENTIFICATION For typed or written entries give: Name—last, first, middle; grade; date; hospital or medical facility		REGISTER NO	WARD NO

Turner, John P
B 28 22 61
Blas J-50

CONSULTATION SHEET
Standard Form 513
513-104-02

ADMINISTRATIVE REMARKS

See Art. B-2305, BuPers Manual

SHIP OR STATION

NTC, GREAT LAKES, ILLINOIS, RECRUIT TRAINING

DEC 31 1966

DEC 31 1966

: While attached to this command from _____ to _____
in training duty status, performance of duty was;

- _____ (1) Outstanding and recommended for advancement.
- _____ (2) Satisfactory and recommended for advancement.
- (3) Satisfactory and is not recommended for advancement for the following reasons:
- _____ (4) Unsatisfactory for the following reasons.

COMPLETED THE FOLLOWING PRACTICAL FACTORS, UNLESS LINED-OUT

<u>First Aid</u>	<u>ABC Defense</u>	<u>Damage Control</u>	<u>Small Arms</u>	<u>Mil. Drill & Watchstanding</u>	<u>Swimming & Survival</u>
L1.21	01.21	Pl.31	Q1.21	II.21	MI.21
L1.22	01.22		Q1.22	VI.21	MI.22
L1.23	01.23			VI.22	MI.23
L1.24				VI.23	MI.24

Customs & Courtesies
A1.21
A1.22

J. ...
ASSIGNED TO ... OFFICER
BY ... CHIEF OF CHIC

BEST DOCUMENT AVAILABLE

NAME (Last, First, Middle) TURNER, JOHN PAUL	SERVICE NO. B28 22 61	BRANCH AND CLASS ...
--	---------------------------------	--------------------------------

DATE

SYMPTOMS SIGNS C. TREATMENT TREATING ORGANIZATION (on each entry)

DILATED SLIT LAMP AND FUNDUS EXAMINATION

Health Hx

Ocular Hx

VA c/s c R 20'

Age:

Reason for dilation

L 20

Time in

SLE

OD

OS

Dr

Lids

Lashes

IOP: NCT/AP

Conj

Cornea

OU

AC

OS

Ins

Dilated @

Lens

with-

FUNDUSCOPY c Direct Indirect 90D / Hruby / Goldman 4- mirror

DFEX: 1/11 GTT 1.0 TROPICAMIDE OS/OD
4 152 E

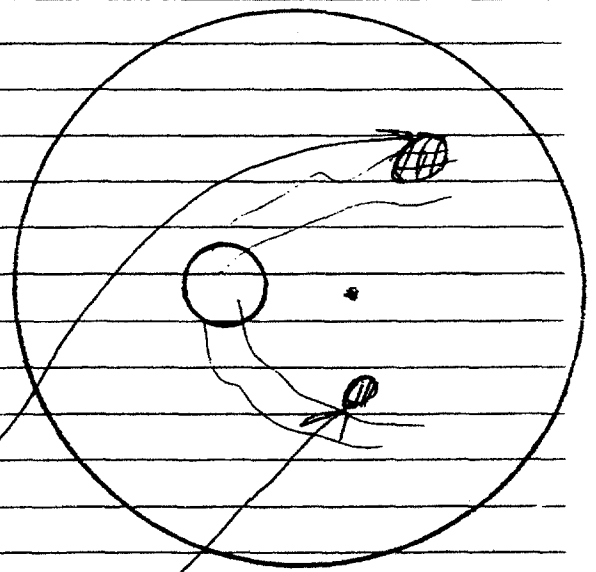
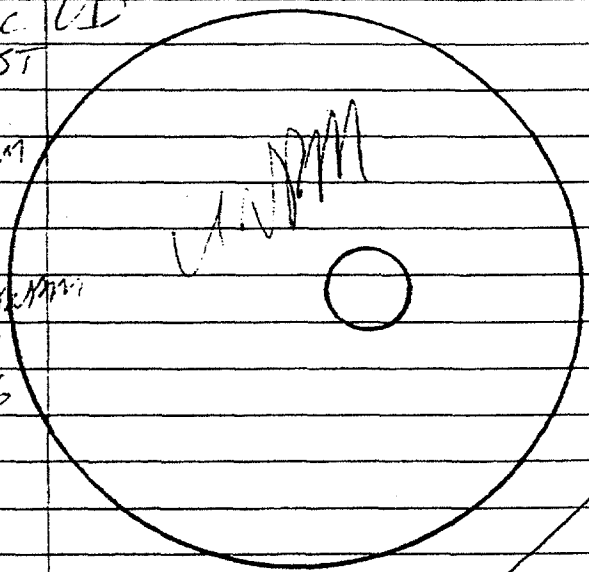
OD OS

DISC
30/0.30 OD 0.30/0.30
2.5 DEPTH
OF C2 C2-IP
PCSTHAE CIRC. VI
DIST MTRG DIST

PERIPH

OS

MAC
VAMM VAMM
VESSELS
VAMM-X-ING VAMM
0.3 ALK 0.3
0.6 A/V 0.6
F SUP +



CHOROIDAL
NEVUS,
FLAT, GRAYISH-WHITE,
~ 4/5 DD

CHOROIDAL
NEVUS,
FLAT, GRAYISH,
~ 1/2 DD

STANDARD FORM 600 BACK (REV 5-84)

Attachment (13)