

No. 25-6912

IN THE
SUPREME COURT OF THE UNITED STATES

THOMAS BARTHOLOMEW SIMPSON -- Petitioner

vs.

JOSEPH WALTERS, DIRECTOR, VADOC -- Respondent

OO PETITION FOR WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

PETITION FOR REHEARING

THOMAS BARTHOLOMEW SIMPSON

P.O. Box 129

Haynesville, Virginia 22472

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI
No. 25-6912

THOMAS BARTHOLOMEW SIMPSON,
Petitioner,

vs.

JOSEPH WALTERS, DIRECTOR, VADOC,
Respondent.

PETITION FOR REHEARING [U.S. SUP. CT. R. 44]

Pursuant to Rule 44 of the rules of this court, Thomas Bartholomew Simpson, in pro se, presents this petition for a rehearing of the above entitled cause, in good faith, based on "grounds not previously presented", and in support, respectfully shows:

I.

IV. Whether Counsel Was Constitutionally Effective For Failing To Move The Court To Dismiss Screenshot Text Messages When The Commonwealth Failed To Present Their Forensic Analysis Testimony Through Detective Rickens And If The Jury's Failure To Reach A Verdict On Their First Attempt In Deliberations, Reasonable Jurist Could Find A Debatable Demonstration Of Prejudice Pursuant To Strickland v. Washington.

STATEMENT OF CASE

1 1. The Petitioner filed a pro se habeas petition in the state circuit court which convicted him on September 30, 2019. The Petition contained four claims of ineffective assistance of counsel claims alleging:

I. Counsel was ineffective for failing to move for dismissal of screenshot text messages when the Commonwealth failed to present their forensic analysis testimony through witness Detective Rickens;

II. Counsel was ineffective pursuant conflict of interest for presenting to the jury that Petitioner was the author of the Commonwealth's evidence of screenshot text messages;

III. Counsel was ineffective for failure to object to hearsay evidence pursuant to son's statement in 911 tape; and

VI. Counsel was ineffective for failure to object to the Commonwealth's using of the 911 tape of son's statement as identification

All he asserted violated his 6th and 14th Amendment rights of the United States Constitution. A memorandum of law and facts was filed May 5, 2020.

2. On June 24, 2020, the Respondent submitted a 'Motion to Dismiss' along with a proposed 'Final Order' for the circuit court's endorsement.

3. On September 10, 2020, he object to "how the Commonwealth is given the right to fashion the Court's order and denial opinion." It warned that, "This will cause the Federal Court,... to be discriminatory on the face pursuant to the respondent crafting in their best interest."

4. On October 27, 2020, the Petitioner submitted his 'Reply Motion To Grant Petition' raising the fact that Counsel had yet to submit an affidavit and asked for an evidentiary hearing. The Respondent then re-submitted the proposed 'Final Order', with no changes to it from it's June 24, 2020, drafted order, , on November 4, 2020. The circuit court endorsed the Respondent's drafted 'Final Order' on December 21, 2020, denying and dismissing Petitioner's writ of habeas corpus without holding an evidentiary hearing or taking affidavit from Counsel. The order failed to consider Petitioner's

"Reply Motion To Grant Petition" and any cures to ineffective assistance claims.

5. Petitioner appeal the decision to the Supreme Court of Virginia arguing that the circuit court abused its discretion by signing Respondent's drafted 'Final Order' in violation of Va. Code § 8.01-654(B)(5) state habeas statute. The court denied his appeal on January 6, 2022, and refused his request for a rehearing on June 30, 2022.

6. On July 5, 2022, Petitioner filed his 28 U.S.C. § 2254 federal habeas petition arguing that: Claim I

"THE STATE COURT VIOLATED FEDERAL LAW BY FAILING TO REMAIN A [NEUTRAL] PARTY IN ALLOWING THE ATTORNEY GENERAL OFFICE TO SUBMIT BOTH THE 'MOTION TO DISMISS' AND 'FINAL ORDER' THAT THE CIRCUIT COURT SIGNED AND ENDORSED, WHICH WAS A ONE SIDED OPINION HIGHER COURTS RELY ON, PREJUDICING PETITIONER FROM A FULL, FAIR, AND IMPARTIAL HABEAS CORPUS PROCEEDING: IN VIOLATION OF PETITIONER'S 5th, 6th, and 14th AMENDMENT RIGHTS OF THE [UNITED STATES CONSTITUTION].

He argued the practice prejudice him pursuant to 28 U.S.C. § 2254(e)(1) "presumption of correctness" of each claim in his petition and memorandum.

7. The federal district court denied Petitioner's ineffective assistance of counsel claims on August 24, 2023, and his claims challenging the state courts final order. The court ruled that Petitioner had no federal ~~constitutional~~ constitutional right to post-conviction proceeding in state court. That his attack related to the post-collateral proceedings and not the detention itself. (Appendix B pg. 22-23)(Published opinion).

8. In a Fourth Circuit Court of Appeals unpublished opinion, ruled that Petitioner had not made the requisite showing that reasonable jurist could find it debatable that counsel was ineffective for failing to renew objections to admission of text messages after the Commonwealth failed to present promised testimony to authenticity, and that he had not shown that he was in custody due to the state habeas corpus process of adopting a pre-drafted Final Order.(Appendix A pg. 2-3).

9. Petitioner filed a Writ of Certiorari on August 22, 2025, which was denied on April 20, 2026.

STATEMENT OF THE FACTS

10. On April 24, 2015, Petitioner was arrested at the magistrates office in Sposylvania County and charged with Armed Statutory Burglary (Case #CR-15-694) in violation of Virginia Code § 18.2-91; Malicious Wounding, (Case #CR-15-695) in violation of Virginia Code § 18.2-51; and Furtively Entering the Home of a Person Protected by a Protective Order, (Case #CR-15-712) in violation of Virginia Code § 16.1-253.2.

11. A week before, Counsel Rebecca Favret informed Petitioner of alleged screenshot text messages the Commonwealth claimed he sent to the victim, Erica Simpson his wife, prior to the incident. She visited him in the jail and brought a stake of the alleged text messages. A 'Motion to Continue' was filed and granted.

12. Several weeks before trial, Counsel filed a motion in limine to: (1) Exclude text message evidence. A hearing was held on Nov. 30, 2015, before Her Honorable Sarah L.Deneke.(Tr. 11/30/2015). Counsel argued that the text messages was "unreliab[le] due to their formula and the manner in which they've been produced... depriving [Petitioner] of due process and a fair trial," among other challenges.(Tr. pg. 49-50; 11/30/2015). Arguments was that, (1) "that the text messages appear to come from multiple sources"; (2) "It is equally simple to erase text messages within a conversation, manipulating the overall appearance;" and (3) "Of the text messages at issue, only two screenshots contained date stamps: February 5 and February 6. No years is indicated," along with other reasons why the evidence was unreliable. (Petitioner's Exhibit #3). At the hearing it was argued that the text messages was unreliable "due to their format" and "manner in which they've been produced,"(Tr. pg.49;11/30/2015); that "you can delete text messages within a conversation very easily" and alter images on computers,(Tr. pg.54); that the content weren't thing that the Petitioner would only know,(Tr. pg. 55); "the text messages are subject to manipulation by the recipient, were being presented by screen shots from the phone of the alleged victim in this case,"(Tr. pg. 56); that Ms. Simpsolahad "a motive to alter the evidence", (Tr. pg. 56); and that the "content of the

text messages would deprive Mr. Simpson of due process and right to a fair trial. (Tr. pg. 49 & 65). The Commonwealth argued Bloom v. Commonwealth, 262 Va. 814(2001), to argue relevance and hearsay exceptions. (Tr. pg. 58-68). They unsure of the dates. (Tr. pg. 55, 57, 58). Counsel replied that party admission is no exception to the hearsay rule. (Tr. pg. 65).

13 The Court ruled it didn't have enough information to make a ruling then, and withheld a ruling until further testimony at trial. (Tr. pg. 65-70; 11/30/2015).

14 On Dec. 8, 2015, at trial, the motion in limine resumed outside the presence of the jury and Ms. Simpson gave testimony. (Tr. pg. 168-205; 12/8/2015). The Court sustained counsel's objection, that "it does not show motive, it does not show opportunity, certainly, it does not show... intention... in terms of relevance to identifying the individual who conducted the criminal activity in April 2015, I sustain the objection. I believe they're too remote in time." (Tr. pg. 174-176).

15 Only then did the Commonwealth allege to have forensic analysis testimony from Detective Rickens. That he would confirm the dates and that the file had not been ~~tapered~~ ^{tampered} with. (Tr. pg. 181-184).

16 That Counsel challenged that, "I would still object to those messages coming in through this witness without testimony from Detective Rickens about the forensic analysis." (Tr. pg. 185). This was the first and only time she mentioned Detective Rickens on the record.

17 When the jury reentered, the Court withheld the messages from being published to the jury during trial. This was in accordance with procedure of evidence which admission relied on further pending relevant testimony, Detective Rickens's. (Tr. pg. 204-205).

18 That Detective Rickens's testimony was never presented at the end of the Commonwealth's case and chief.

IV. Whether Counsel Was Constitutionally Effective For Failing To Move The Court To Dismiss Screenshot Text Messages When The Commonwealth Failed To Present Their Forensic Analysis Testimony Through Detective Rickens And If The Jury's Failure To Reach A Verdict On Their First Attempt In Deliberations, Reasonable Jurist Could Find A Debatable Demonstration Of Prejudice Pursuant To Strickland V. Washington.

REASONS FOR GRANTING A REHEARING

19 This Supreme Court of the United States is called on to use its Supervisory Power to determine whether Counsel can error in failing to move the court to dismiss text messages which the prosecution failed to authenticate after they promised the trial court further relevant forensic analysis testimony from an expert witness pursuant to Strickland v. Washington, 466 U.S. 668 (1984) and whether reasonable jurist could find it debatable that prejudice was demonstrated by the jury failing to reach a verdict for the first time in deliberations.

20 The question is important and has not been resolved by this Court as the ~~Fourth~~ Fourth Circuit had acknowledged in United States v. Chavez-Lopez, 767 Fed. Appx. 431 (2019), that: "The district court did not plainly err by admitting the text messages and call logs without expert testimony about the data extraction process because no Fourth Circuit or U.S. Supreme Court precedent dictated that such testimony was necessary".

21 Furthermore, the Court is called on to answer if the Fourth Circuit Court of Appeals correctly dispensed with Petitioners habeas when the state court's Final Order was one drafted by the Respondent and endorsed by the circuit court and whether it violates due process and Separation of Powers because ineffective assistance of trial counsel can only be argued on state habeas.

22 This Court left the question open in Jefferson v. Upton, 560 U.S. 284, 294 (2010) whether any of the exceptions to § 2254(d) apply to cases involving state habeas drafted and endorsed final orders.

A. The United States Court of appeals are in conflict:

23 Whether counsel was ineffective for failing to call the trial court's attention to the Commonwealth's failure to present its forensic analysis testimony, the Court it most analyze and resolve the conflict presented in United States v. Chavez-Lopez, 767 Fed. Appx. 431 (4th Cir. 2019).

24 Several U.S. appeal courts have ruled that expert testimony is required to overcome authentication objections. see United States v Ramirez, 658 Fed. Appx. 949, 2016 U.S. App. LEXIS 15384 (11th Cir 2016); United States v. Turner, 934 F.3d 794, 2019 U.S. App. LEXIS 24491 (8th Cir. 2019); United States v. Dunnican, 961 F.3d 859, 2020 FED App. 181P, 2020 U.S. App. LEXIS 18088(6th Cir. 2020); and United States v. Davis, 918 F.3d 397, 2019 U.S. App. LEXIS 8078 (4th Cir. 2019). Their review was of Fed. R. Evid. 901 and 902 which is analogy to Va. Sup. Ct. R. 2:901 and 2:902.

Virginia courts have ruled similarly. see Garnett v. Commonwealth, 2016 Va. App. Lexis 361 (Va. Ct. App. Dec. 20, 2016); Garica v. Commonwealth, 2016 Va. App. LEXIS 65 (Va. Ct. App. Mar. 1, 2016); Atkins v. Commonwealth, 68 Va. App. 1, 800 S.E.2d 827, 2017 Va. App. LEXIS 160 (2017). More recently, expert and lay witness testimony in general has exposed a conflict among circuits in United States v. Glenn, 2025 U.S. App. LEXIS 18692 (6th Cir. 2025), where the Sixth Circuit ruled that improper expert opinion testimony about the meaning of text messages caused reversible error.

25 To the contrary, the Fifth Circuit held that lay witness testimony laid a sufficient foundation for authenticating text messages in United States v. Barnes, 803 F.3d 209, 2015 U.S. App. LEXIS 17222 (5th Cir. 2015). The court held that in government established a sufficient foundation by establishing authentication through a lay witness.

26 Therefore, a conflict exist between the circuits that needs resolving in order to determine whether counsel was ineffective for failing to move the court to dismiss text messages after the promised testimony was not offered of forensic analysis. The Petitioner was not allowed to comfort the Commonwealth's expert witness and Counsel's err violated the Confrontation Clause of the Constitution.

B. The Fourth Circuit Decided An Important Federal Question In A Way That Conflicts With Jefferson v. Upton.

27 Next, to answer the question presented, the Court must analyze the Fourth Circuit's dispensation with Petitioner's COA and if it was in a way that conflicts with Jefferson v. Upton, 560 U.S. 284 (2010) because it and the district court failed to apply the 3 prong test analyzes for § 2254 petitions where, in a state court habeas proceeding, the court endorsed a Final Order drafted by the Respondent. The federal district court was to us Jefferson to analyze if the presumption of correctness should be waved.

28 Petitioner has continued to argue that the order prejudice him because the state habeas court "adopt[ed] finding[s] that contain[ed] internal evidence suggesting that the judge may not have read them." id at 294.

29 The following sections D and E proves that the drafted order omitted and misconstrued Petitioner's habeas arguments and never considered his reply brief because it was identical to the Respondent's Motion To Dismiss.

30 Furthermore, the district court relied on the drafted Final Order in dismissing Petitioner's ineffective assistance of counsel claims.

C. The Fourth Circuit Departed From the Accepted And Usual Course Of Judicial Proceeding.

31 This Court left open a question in Jefferson v. Upton as to whether any of the exceptions to § 2254(d)(post 1996) apply to cases involving state habeas drafted and endorsed final orders.

32 Such orders can not be adopted by the federal court because the violate due process and Separation of Powers of the Constitution.

33 Sixth and Fourteenth due process is violated because in Virginia one can not argue ineffective assistance of counsel claims on direct appeal. The habeas post-collateral proceeding are the only means. Pursuant to Martinez v. Ryan, in Virginia ineffective claims on a habeas are "quivalent of a prisoner's direct appeal as to that claim because the state habeas court decides the claim's merits."

34 Such final orders also violate Separations of Powers. No one branch can exercise the inherent powers of another.

D . Error Pursuant To Strickland Was Shown In The State Habeas Petition.

35 Petitioner did demonstrate in his state habeas memorandum that Counsel committed a constitutional error.

36 Counsel had challenged, argued, and filed a motion in limine informing the trial court of the lack of relevance, foundation, probative value, and authenticity of the text message evidence. Counsel had explained that the screenshot text messages were easy to manipulate and that "you can delete text messages within a conversation." Also, that "there's dozens of other ways you can alter an image on the computer." (Tr. pg. 54; 11/30/2015).

37 A ruling from the motion in limine was delayed until further testimony and evidence at trial. ~~37~~ Strictly on the basis that the screenshot text messages would be "established by a proper foundation to establish a reliability in terms of the sender" and the relevance of "each individual text message." The trial court stated that it "can't do that given the information that I have presently." (Tr. pg. 67-68; 11/30/2015).

38 At trial, during the motion in limine side bar, Counsel objected to "relevance,.. foundation,.. ~~best~~ ~~has~~ evidence rule and prejudice outweighing the probative value." (Tr. pg. 169; 12/8/2015). The trial court ruled that "in terms of relevance to identifying the individual who conducted the criminal activity in April of 2015, I sustain the objection. I believe they're too remote in time." (Tr. pg. 174-176; 12/8/2015).

39 The Commonwealth only then attempts to separate the screenshot text messages, at a second bite of the apple, and after the trial court continued to question the witness about the dates not being on the messages, states that, "Detective Rickens has forensically analyzed the laptop where the documents were maintained. Based on his forensic analysis of each set of documents he would be able to inform the Court the date" and that "the file itself does not appear to have been tampered in any way." (Tr. pg. 182-184; 12/8/2015). The trial court only then began admitting the text messages.

40 Counsel's first and last time mentioning Detective Rickens was then, when she asserted: "I will still object to those messages coming in through this witness without testimony from Detective Rickens about the forensic analysis." (Tr. pg. 185; 12/8/2015). Here Counsel placed a duty to the Petitioner.

Herein is where Counsel's error lay pursuant to Strickland v. Washington, when after the Commonwealth's case in chief she failed to move to dismiss the text messages when Rickens failed to be called to the stand. Petitioner stated in his state habeas pleading this violated Confrontation Clause.

41 Pursuant to motion in limine and Virginia and federal laws for admission of evidence, Petitioner argued in the initial habeas proceeding that a contemporaneous objection was warranted pursuant to Harward v. Commonwealth after the Commonwealth failed to present further relevant evidence. id., 5 Va. App 475, 364 S.E. 2d 514 (1988)(that it is "in the discretion of the judge" to admit evidence pending further relevant evidence and "if it is not subsequently thus connected with the issue, it is to be laid out of the case). see also Michie's Jurisprudence, Relevancy, § 38, pg. 96(5) and (6)(It is not necessary that the relevancy of evidence should appear at the time when it is offered).

42 It was also argued during the initial state habeas proceeding that VIRGINIA RULE OF EVIDENCE 2:1002 (2015)requires that the original writing be provided to prove the content of a writing. Ms. Simpson testified that Exhibit 9 was allegedly still on her cell phone. That, thus, the originals was required.(Tr. pg. 195-196; 12/8/2015). Counsel had a duty to continue challenging.

43 Also he argued, that although an exception, VIRGINIA RULE OF EVIDENCE 2:1004 (2015), there would have to be an explanation from the witness as to why the originals of a writing was destroyed or lost, except if done so in bad faith. Such copies of the alleged text messages could have been provided for by Erica Simpson's cell phone provider and their testimony. Thus, her explanation, that she turned her phone into "Verizon", was not enough to satisfy the best evidence rule alone without the need of expert testimony. That the writing was not lost or destroyed.(Tr. pg. 201-102;12/8/2015)(BEST EVIDENCE RULE OBJECTION on Tr. pg. 169; 12/8/2015).

44 Petitioner plead in the circuit court habeas proceeding that Detective Rickens testimony was of a necessity to establish relevance, foundation, and that the messages had not been tampered with in any way. That Rickens failure to testify deprived Petitioner of due process right to cross-examine the expert witness in order to disprove that the messages had came from Petitioner.

45 That the trial court withheld the text messages from the jury until deliberation is further evidence that there admission depended on Rickens relevant testimony.(Tr. pg 204-205).

46 Therefore, Petitioner did demonstrate and plead performance/error in his state habeas petition pursuant to Strickland v. Washington and the Fourth Circuit should have waved presumption of correctness.

E . That Petitioner Demonstrated Prejudice Pursuant To Strickland In His State Habeas Pleading.

47 Petitioner argued in his memorandum of facts in the state circuit court habeas pleading that he was prejudiced by Counsel's error and he demonstrated such.

48 He pled that the Commonwealth presented the documents to prove that Petitioner's alleged "messages or exchange's with Ms. Simpson became increasingly violent throughout that course of a year and it started when she commenced her separation." (Tr. pg. 170-171; 12/8/2015). That, "So on the basis for admission is that it shows the defendant's then state of mind, it goes to identity... intent to commit a violent offense... It's indicative of his motive."

49 Petitioner argued that without the "due process right" to challenge the Commonwealth's witness Detective Rickens alleged "forensic analysis" of the screenshot text messages, her error prejudiced his ability of having proved that the evidence was inconclusive. That if the Commonwealth's evidence could have proven the date, it would have still been in total contradiction of their star witness Erica Simpson. Ms. Simpson's protective order, which was filed and granted for only six months pursuant to her alleged grasping wrestling match over her cellphone with the Petitioner leaving scratches, never had threatening text messages entered into evidence during the protective order hearing on April 2, 2015, as the Commonwealth and her alleged. (Tr. pg. 168-176, 205-207; 12/8/2015). Rickens' testimony would have contradicted the Commonwealth's and Ms. Simpson's testimony that she got a protective order due to threatening text messages because the only alleged text messages in the court's record was those the Commonwealth submitted a week before the first trial date. Also, his testimony would have challenged the alleged dates. A renewed objection would have destroyed the Commonwealth's alleged timeline, date, and authentication as to relevance, which the Commonwealth promised the trial court pursuant to Detective Rickens testimony.

50 Omitted from the drafted Final Order was Petitioner's reply and cure to the Respondent's Motion To Dismiss. In it, Petitioner argued that during the jury's first attempt to reach a verdict at deliberations it failed. (Tr. pg. 385-390; 12/8/2015). He argued that for this reason prejudice was demonstrated. That "there is a reasonable probability that, but for counsel's unprofessional errors, the

result of the proceeding would have been different." Strickland (1984).

51 Also, that the text messages was inflammatory and caused prejudice to Petitioner who had denied being the author of. He argued that the Virginia Court of Appeals conceded that, "[t]he text messages contained in the admitted screenshots were relevant to proving the intent, malice, motive, and identity of the intruder, all of which were at issue in the instant case." Simpson v. Commonwealth, Nov. 21, 2017, Va. App. LEXIS 292, 18-19 (Va. Ct. App. Nov. 21, 2017).

52 Petitioner further demonstrated prejudice in his state court habeas pleading by demonstrating in this reply how Counsel did concede that the Commonwealth's case was extremely weak. That the jury :

"heard no evidence of DNA... no evidence of fingerprints or blood or hair... nothing from the vehicle... no physical evidence... connected to Thomas Simpson... No evidence that he had any bruising or injury on his arm... no evidence that the police saw Thomas Simpson near Erica's house... or near the car that they say he was driving. In fact, they never saw him at all on April 23rd... the club or this pipe... no one seems to specifically identify... they haven't presented that... because they was never found... Lisa Washington house,... around two a.m.,... Erica Simpson also testified that the break-in happen around two a.m. Javelle Rowe testified that it was around 1:30."
(Tr. pg. 359-362; 12/8/2015).

53 That therein was a reasonable probability sufficient enough to undermined the confidence in the outcome of trial existed in his claim and pleading in the state habeas circuit court. That had Counsel's omissions and errors not occurred, there is a reasonable probability that the outcome and results of trial would have been different.

54 Petitioner also argued that he relied upon facts in the court transcripts, motion in limine, sworn affidavit, and exhibits. Absent a sworn affidavit by the Respondent from Counsel as to objecting and responding to the alleged facts within the petition, the Supreme Court of Virginia had said time and time again that they will not entertain "hindsight". That it was counter productive for the Respondent and the Commonwealth to assume what, why, and the reasoning for Counsel's failure to object or to move for a mistrial or dismissal of the screenshot text messages. That because the Commonwealth could not entertain hindsight, the circuit court must grant the petition on its face or grant an evidentiary hearing to expand the record.

55 Therefore, the state court adopted and drafted Final Order from the Respondent and endorsed by the court omitted all consideration of Petitioner's reply brief and curing of his claim. Such determination violated § 2254(d)(1) and (2), due process to a fair proceeding to have his ineffective of counsel claims heard, pursuant to the Sixth and Fourteenth Amendment and Separations of Powers.

II.

WHEREFORE, upon the forgoing grounds, it is respectfully urged that this petition for a rehearing be granted and that the denials for writ of habeas corpus from the lower Fourth Circuit of Appeals be remanded back to the district or state court for further consideration.

Date: May 15, 2026

Thomas B. Simpson 5/15/2026

Thomas Simpson #1532237 Date
Haynesville Correctional Center
P.O. Box 129
Haynesville, Virginia 22472

Certificate of Counsel

I, Thomas B. Simpson in pro se, do certify that the foregoing petition for a rehearing of this cause is presented in good faith and not for delay. Thomas B. Simpson, in pro se.

Thomas B. Simpson 5/15/2026
Thomas B. Simpson #1532237 Date

No. 25-6912

IN THE
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THOMAS BARTHOLOMEW SIMPSON - PETITIONER

VS.

JOSEPH WALTERS, DIRECTOR, VADOC - RESPONDENT

PROOF OF SERVICE

I, Thomas B. Simpson, do swear or declare that on this date, May 15, 2026, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR A REHEARING on each party to the above proceeding or that party's counsel, and on every person required to be served, by depositing an envelope containing the above documents in in the United States mail properly addressed to each of them and with first-class postage prepaid by USPS mail.

The names and addresses of these served are as follows:

Ethen P. Fallon
Virginia Office of the Attorney General
202 North 9th Street

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 15, 2026

 5/15/2026
Thomas B. Simpson #1532237 Date

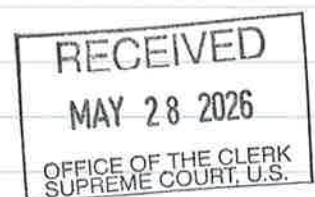
Declaration of Inmate Filing

Date Petition For Writ of Certiorari Rehearing was deposited in the institution's mail system: May 15, 2026.

That I, Thomas Bartholomew Simpson, am an inmate confined in an institution at Haysville Correctional Center and deposited my writ of 'Certiorari' Rehearing in the institution's internal mail system. First-Class postage either by me or by the institution on my behalf. (Exhibit #2)

I declare under penalty of perjury that the foregoing is true and correct (see 28 U.S.C. § 1746; 18 U.S.C. § 1621).

Signature: Thomas B. Simpson Date: 5/15/2026





HAYNESVILLE CORRECTIONAL CENTER
U.S. POSTAL - CASH WITHDRAWAL FORM

Date: 5/15/2026 Inmate Name: Thomas B. Simpson No.: 1532237 Dorm/Bed: 5B/40B

This form should be used only for mailing out packages or overweight envelopes when postage amount is unknown. It should also be used to purchase extra services and fees. It should not be used to purchase postage for individual one (1) ounce letters since stamps are available in the commissary.

Mail to: Supreme Court of the United States
Office of the Clerk
Scott S. Harris, Clerk
1 First Street, N.E.

City: Washington
State: D.C. Zip Code: 20543

Special Instructions: Certified Only (\$5.30) YES () NO (☒)
Return Receipt Only (\$4.40) YES () NO (☒)
Insurance (Up to \$50 - Cost is \$2.45) YES () NO (☒)

NOTE: ALL PACKAGES WILL BE MAILED USING THE MOST COST-EFFICIENT DELIVER METHOD.
Cannot receive return receipt with insurance unless insured for more than \$200. Cannot receive both certified and insured services. LETTERS CANNOT BE INSURED.

I HEREBY AUTHORIZE AND REQUEST THAT FUNDS BE DEDUCTED FROM MY SPEND ACCOUNT SUFFICIENT TO COVER U.S. POSTAGE COSTS FOR THE ITEMS SUBMITTED FOR MAILING.

Thomas B. Simpson 5/15/2026
Inmate's Signature Date

H.S. 5/15/26
Signature of Staff Witness Date

MAILROOM USE ONLY

ITEM	WEIGHT	POSTAGE	CERTIFIED	CERTIFIED RETURN RECEIPT	INSURANCE	OTHER COSTS	TOTAL POSTAGE

BUSINESS OFFICE PROCESSING ONLY

Sufficient Funds Yes () No () If no, form should be returned to the inmate.

Account Debited: _____, 20 Amount \$ _____

Business Manager's Signature: _____ Date: _____

Cc: Mailroom File

