

No. 25-7016

FILED
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OFFICE OF THE CLERK
SUPREME COURT U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL

Christopher Pullen _____ — PETITIONER
(Your Name)

vs.

Commonwealth of Virginia — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

Christopher Pullen
(Your Name)

3521 Woods Way
(Address)

State Farm, Va 23160
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

Whether the Virginia Court of Appeals erred in holding that a prosecutor's closing argument- asserting as a "reasonable inference" that the complaining witness had described a specific and rare weapon to her family, despite the absence of any testimony or evidence in the record supporting that claim- did not violate the defendant's constitutional right to a fair trial under the Due Process Clause of the Fourteenth Amendment, when the argument relied solely on Duncan v. Commonwealth, 2 Va. App. 717(1986), and permitted the jury to consider as evidence a factual assertion never introduced or supported at trial.

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:

Petitioner: Christopher Pullen, defendant in the trial court and appellant in the Virginia Court of Appeals and Supreme Court of Virginia.

Respondent: Commonwealth of Virginia, plaintiff in the trial court and appellee in the Virginia Court of Appeals and Supreme Court of Virginia.

RELATED CASES

1. Spotsylvania County Circuit Court: Nos. CR20-1255 and CR20-1257

Commonwealth of Virginia v. Christopher Pullen

Final Judgment Entered: February 6, 2023

2. Court of Appeals of Virginia: Record No. 0257-23-2

Christopher Pullen v. Commonwealth of Virginia

Final Judgment Entered: September 19, 2024

3. Supreme Court of Virginia: Record No. 241072

Christopher Pullen v. Commonwealth of Virginia

Petition Refused on September 2, 2025

Final Judgment, Rehearing Denied: October 15, 2025

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APPENDIX A: Decision of the Virginia Court of Appeals and it's analysis. 6 total pages with relevant analysis (II.) on pg.5

APPENDIX B: Final Judgment of the trial court.
(Spotsylvania County Circuit Court) 3 total pages

APPENDIX C: Virginia Supreme Court's Decision to refuse review.
1 page total

APPENDIX D: Virginia Supreme Court's denial of the timely petition for rehearing. 1 page total

APPENDIX E: Excerpts from trial transcript of the Commonwealth's closing and rebuttal arguments. Emphasis on relevance. 22 pages total

APPENDIX F: Excerpts from trial transcript of the complainant's mother's testimony. (Commonwealth's witness) 1 page total

APPENDIX G: Excerpts from trial transcript of the Complainant's testimony. (Commonwealth's witness) 3 pages total

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Berger v. United States, 295 U.S. 78(1935).....	7
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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 C,D 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 Virginia Appellate _____ court appears at Appendix A 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 9/2/2025.
A copy of that decision appears at Appendix C.

A timely petition for rehearing was thereafter denied on the following date: 10/15/2025, and a copy of the order denying rehearing appears at Appendix D.

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

-U.S. Const. amend. XIV, §1 (Due Process Clause):

"...nor shall any State deprive any person of life, liberty, or property, without due process of law..."

-Va. Code Ann. §19.2-268.2 and Virginia Supreme Court Rule 2:803(23) (hearsay exception for recent complaint):

"the fact that the person injured made complaint of the offense recently after commission of the offense is admissible, not as independent evidence of the offense, but for the purpose of corroborating the testimony of the complaining witness."

STATEMENT OF THE CASE

This case stems from events that occurred between two adults, Christopher Pullen and Shakira Richards, on September 25, 2019. The pair met on Tinder, an adult dating app. After two weeks of sharing sexually explicit texts, photos and videos, they agreed to meet for consensual casual sex at Pullen's residence.

That night, Richards left Pullen's property and drove herself home. Before taking a shower and going to bed, Richards had conversations with three people. Richards had spoken to a "friend" and to her mother. Her third conversation was with Pullen via text messages. During those conversations, Richards made no mention to anyone of any wrong doing on part of Mr. Pullen.

Pullen did however, text Richards stating that he did not wish to have further contact with Richards. Then on the following day, Richards left her place of work and went to NOVA Hospital in Fairfax, Virginia where she reported that she'd been raped by Pullen.

On August 17, 2020 Pullen was indicted on two counts of forcible sodomy, and one count of abduction with intent to defile. Pullen plead not guilty and a jury trial was held in Spotsylvania, Virginia on December 1, 2021.

During trial, the Commonwealth's attorney argued in closing that the complaining witness had described a specific and uncommon weapon to her family- a claim presented to the jury as a central piece of corroboration. However, no testimony or physical evidence introduced at trial established that the complaining witness ever made such a description. (Appendix E, pages 1-2)

STATEMENT OF THE CASE (continued)

The only related testimony came from the complainant's mother, who testified under Va. Code Ann. §19.2-268 and Rule 2:803(23) that she had learned the "entire story" through conversation but had no first hand knowledge. (Appendix F, page 1, lines 14-17) No family member testified to hearing any such description directly from complainant.

The complainant's testimony disputed her mother's claim of having learned the "entire story." During direct examination, the Commonwealth's attorney asked the complainant two separate times to testify regarding whether or not she told her mother the full story. To both questions the complainant answered in the negative stating that she did not tell her mother the full story or full details. (Appendix G, pages 1-2 lines 20-5, and page 3 lines 1-6)

Despite this evidentiary gap, the Commonwealth's attorney urged the jury to view the supposed description as proven, arguing it as a "reasonable inference" drawn from the mother's testimony. The trial court overruled defense objections and motions for mistrial. (Appendix E, pages 1-5)

During the Commonwealth's closing and rebuttal that followed, the Commonwealth's attorney repeatedly argued that the "very specific flashlight Taser of a certain length" was the "key to this case" and "the only thing the jury needs to think about". The last words that the jury heard before deliberating was that the jury was required to "find the defendant guilty of all three charges" if the Commonwealth proved only the "Taser". (Appendix E pages 1-22) This relieved the Commonwealth of it's

STATEMENT OF THE CASE (continued)

of it's burden of proving the criminal elements and made the "Taser" issue a matter of great materiality. The jury then deliberated and convicted without admonishment from the trial court. (Appendix B contains final judgment of the trial court)

The petitioner appealed and his second assignment of error stated that the trial court erred by denying defense motions for mistrial made during the Commonwealth's closing when facts not in evidence were argued to the jury.

On appeal the Virginia Court of Appeals affirmed, relying on Duncan v. Commonwealth, 2 Va. App. 717(1986), holding that the prosecutor's argument fell within permissible inference from evidence. (Appendix A page 5, analysis II. Request for Mistrial)

The Supreme Court of Virginia denied review, allowing the conviction to stand.(Appendix C)

REASONS FOR GRANTING THE PETITION

I. The Decision Below Conflicts With The Due Process Standards Established By This Court

This Court has repeatedly held that a prosecutor's argument must be confined to the evidence introduced at trial and reasonable inferences therefrom. See: Berger v. United States, 295 U.S. 78(1935); Donnelly v. DeChristoforo, 416 U.S. 637(1974). When prosecutors assert facts not in evidence, they deny defendants the fair trial guaranteed by the Fourteenth Amendment.

The Commonwealth's attorney argued that the complainant had "described" a particular and rare weapon in detail to her family, despite the complete absence of testimony or evidence to that effect. The Virginia Court of Appeals' approval of this practice conflicts directly with this Court's precedent and dilutes fundamental due process protections.

II. Other State Appellate Courts Reject The Virginia Rule Permitting Inference From Speculation

Other state appellate courts have expressly refused to treat unsupported assertions as "reasonable inferences". Their reasoning directly contradicts the Virginia approach endorsed in this case.

A. North Carolina- State v. Tucker, 273 N.C. App. 174,848 S.E.2d 265(2020)

The North Carolina Court of Appeals reversed a conviction where the State relied on circumstantial evidence that was "simply too tenuous to form a basis for a reasonable inference by the jury." *id.* at 178. There, as here, the prosecution invited the jury to

REASONS FOR GRANTING THE PETITION (continued)

infer a critical fact- knowledge of a protective order -without any evidentiary foundation. The court held such reasoning impermissible because it crossed the line from inference into speculation.

B. Washington- State v. Benn, 127 Wash. 2d 186,897 P.2d 964(1995)

The Washington Supreme Court held that "an inference cannot be based upon another inference... nor may a verdict rest upon speculation or possibility." *id.* at 195-96. The court emphasized that verdicts must rest on direct evidence or logical inferences grounded in the record- not stacked assumptions or speculation.

These holdings stand in direct contrast to the Virginia decision below, which allowed the Commonwealth's attorney to argue a fact of "great materiality" never entered into evidence, under the guise of "reasonable inference." The conflicting outcomes among these state appellate courts demonstrate inconsistent constitutional standards for what evidence can support a criminal conviction.

III. The Decision Undermines The Constitutional Line Between Inference And Speculation

Closing argument allows counsel to draw reasonable inferences from the record- but it does not allow creation of new "facts" unsupported by testimony or exhibits. By rebranding speculation as inference, the Virginia courts have erased this crucial constitutional boundary.

REASONS FOR GRANTING THE PETITION (continued)

This ruling effectively permits prosecutors to present conjecture as evidence, misleading juries and eroding confidence in verdicts based on actual proof. The petitioner's conviction turned on precisely such conjecture, making this case an ideal vehicle for review.

IV. The Issue Is Recurring And Nationally Important

Courts nationwide struggle to define the limits of permissible argument and what constitutes a "reasonable inference." The Virginia court's approach, which allows unsupported factual assertions to reach the jury, threatens to erode uniform constitutional standards of fair trial and prosecutorial conduct.

This Court's intervention is needed to reaffirm that due process forbids prosecutors from asserting facts not in evidence, even when couched as "inferences." Clarification will ensure consistent application of fair-trial principles across jurisdictions.

CONCLUSION

The Virginia Court of Appeals' decision sanctions prosecutorial argument unsupported by any evidence, permitting speculation to replace proof in the courtroom. That ruling conflicts with precedent from this Court and with decisions of other state appellate courts applying stricter due-process standards. It also undermines fundamental fairness guaranteed by the Fourteenth Amendment.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Christopher Thomas Pullen, Pro Se

Date:

12/9/2025



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