

25-7210

No. \_\_\_\_\_

IN THE SUPREME COURT OF THE UNITED STATES

CHRISTINA MOORE,

Petitioner,

**ORIGINAL**

v.

HARRISONBURG POLICE DEPARTMENT, et al.,

Respondents.

On Petition for a Writ of Certiorari  
to the United States Court of Appeals  
for the Fourth Circuit

Case No. 25-1216

**PETITION FOR A WRIT OF CERTIORARI**

**PROCEEDING IN FORMA PAUPERIS**

Christina Moore

Petitioner, Pro Se

811 Sandtrap Lane

Harrisonburg, VA 22802

(540) 820-7160

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## QUESTIONS PRESENTED

1. Whether a claim under 42 U.S.C. § 1983 accrues when the underlying injury occurs, or when the plaintiff discovers, or reasonably should have discovered, government misconduct that prevented earlier filing.
2. Whether equitable tolling applies where law enforcement officers allegedly withheld, mislabeled, or failed to process critical evidence for extended periods, thereby preventing timely discovery of constitutional violations.
3. Whether a district court may dismiss a pro se complaint as time-barred at the screening stage under 28 U.S.C. § 1915(e)(2)(B) where the complaint plausibly alleges delayed accrual and equitable tolling.
4. Whether the failure to construe a pro se complaint liberally, as required by this Court's precedent, warrants reversal of a dismissal based on statute of limitations grounds.
5. Whether government concealment or delayed disclosure of material evidence constitutes an extraordinary circumstance sufficient to warrant equitable tolling under federal law.
6. Whether a continuing course of governmental misconduct can support application of the continuing violation doctrine in a § 1983 action.

List of Parties

Petitioner:

Christina Moore  
Petitioner, Pro Se

Respondents:

Harrisonburg Police Department

Kelley Warner, Former Chief of Police (at the time)

Lieutenant Todd Miller

Sergeant Megan Laprevott

Detective Bradley Matthias

Detective Jonathan Snoddy

Statement Regarding Parties:

All parties to the judgment below are listed above. There are no additional parties, intervenors, or amici curiae relevant to this petition.

## CORPORATE DISCLOSURE STATEMENT

Petitioner Christina Moore is an individual proceeding pro se. Petitioner is not a corporation.

No publicly held corporation owns 10% or more of Petitioner.

Petitioner is unaware of any parent corporations, subsidiaries, or affiliates that could be relevant to the disposition of this case.

Accordingly, no corporate disclosure statement is required under Supreme Court Rule 29.6

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Cowan v. Hospice Support Care, Inc., 268 Va. 482 (2004)

DeShaney v. Winnebago Cty. Dep't of Soc. Servs., 489 U.S. 189 (1989)

County of Sacramento v. Lewis, 523 U.S. 833 (1998)

### Statutes:

U.S. Const. amend. XIV (Due Process Clause)

Va. Code § 19.2-11.01 (Victim Bill of Rights)

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## **OPINIONS BELOW**

The judgment of the United States Court of Appeals for the Fourth Circuit affirming the dismissal of Petitioner's complaint is included in the Appendix. The opinion of the United States District Court dismissing the complaint pursuant to 28 U.S.C. § 1915(e)(2)(B) as time-barred is also included in the Appendix.

## **JURISDICTION**

The judgment of the United States Court of Appeals for the Fourth Circuit was entered on June 17, 2025. This Petition for a Writ of Certiorari is filed pursuant to 28 U.S.C. § 1254(1). This Court has jurisdiction under 28 U.S.C. § 1254(1).

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

"No State shall deprive any person of life, liberty, or property, without due process of law." U.S. Const. amend. XIV.

This case also involves 42 U.S.C. § 1983, which provides a cause of action for deprivation of constitutional rights under color of state law.

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## STATEMENT OF THE CASE

### Introduction

This case presents the question of whether justice may be denied by the passage of time when government misconduct, investigative failures, and the concealment of material evidence prevented the truth from being discovered. Petitioner, Christina Moore, seeks review of systemic failures by the Harrisonburg Police Department that resulted in the mishandling of a homicide investigation, the withholding of critical evidence, and the denial of meaningful accountability.

Petitioner's son, Towan Cappell, was murdered in August 2022. Due to premature clearance of the crime scene and investigative negligence, Petitioner was forced to personally recover portions of her son's remains on multiple occasions. The failures continued through the concealment of forensic evidence, including two unidentified male DNA profiles, and culminated in an incomplete prosecution that did not reflect the full scope of the crime.

### Chronological Timeline of Relevant Events

- August 13, 2022 – Towan Cappell reported missing.
- August 18, 2022 – Body located; scene prematurely cleared.
- August 20, 2022 – Petitioner discovers first remains.
- August 29, 2022 – Petitioner discovers additional remains.
- March 8, 2024 – Defense counsel withdraws due to withheld evidence.
- March 23, 2024 – Chief of Police acknowledges Department "failed" Petitioner's family but takes no corrective action.
- June 25, 2024 – Two unidentified DNA profiles disclosed.
- July 2024 – Trial results in voluntary manslaughter conviction.
- July 14, 2025 – Officers disciplined.
- August 28, 2025 – Limited VSP findings released.

### Closing Statement of Facts

The Harrisonburg Police Department failed Petitioner Christina Moore and her family by mishandling the homicide investigation, failing to preserve and properly process evidence, and neglecting to remedy known deficiencies after expressly acknowledging those failures. These failures were compounded by the withholding and delayed disclosure of material evidence, including two

unidentified DNA contributors, undermining the integrity of the investigation and prosecution.

Where government misconduct obscures the truth and delays discovery, procedural barriers cannot be used to shield such conduct from review. The Constitution does not permit the State to benefit from its own wrongdoing. This case presents precisely that circumstance and warrants this Court's review.

## REASONS FOR GRANTING THE PETITION

### I. THIS CASE PRESENTS IMPORTANT QUESTIONS REGARDING ACCRUAL OF § 1983 CLAIMS

This case presents the question whether a claim under 42 U.S.C. § 1983 accrues at the time of injury or upon discovery of government misconduct. The decision below conflicts with this Court's precedent in *Wallace v. Kato*, 549 U.S. 384 (2007), by fixing accrual at the time of injury despite allegations that critical facts were concealed.

### II. THE DECISION BELOW IMPROPERLY REJECTS EQUITABLE TOLLING

This case presents the question whether equitable tolling applies where law enforcement allegedly withheld or failed to process critical evidence. Under *Holland v. Florida*, 560 U.S. 631 (2010), equitable tolling is warranted where extraordinary circumstances prevent timely filing. The allegations here fit squarely within that principle.

### III. THE DECISION BELOW CONFLICTS WITH LIBERAL PLEADING STANDARDS FOR PRO SE LITIGANTS

This case presents the question whether dismissal at the screening stage is appropriate where a pro se complaint plausibly alleges delayed accrual and equitable tolling. This Court has held that pro se pleadings must be liberally construed. *Erickson v. Pardus*, 551 U.S. 89 (2007).

### IV. GOVERNMENT CONCEALMENT WARRANTS REVIEW BY THIS COURT

This case presents the question whether government concealment of material evidence constitutes an extraordinary circumstance sufficient to warrant equitable tolling. The lower courts failed to adequately consider the effect of delayed disclosure of critical evidence.

### V. CONTINUING VIOLATION DOCTRINE PRESENTS A RECURRING FEDERAL QUESTION

This case presents the question whether an ongoing course of governmental misconduct can support application of the continuing violation doctrine in a § 1983 action. This issue has broad implications for civil rights litigation nationwide.

## ARGUMENT

### Equitable Tolling & Statute of Limitations

The concealment of critical DNA evidence and the City's ongoing internal discipline of officers demonstrate that Petitioner could not reasonably have filed earlier. Equitable tolling is warranted.

### Negligence & Police Misconduct

The officers failed to properly secure the crime scene, forcing Petitioner to recover her son's remains herself on two separate occasions. This constitutes gross negligence.

### Concealment of Evidence (Brady Violation)

The June 25, 2024 disclosure of two unidentified male DNA profiles constitutes a Brady violation, as exculpatory or material evidence was withheld.

### Intentional Infliction of Emotional Distress

The conduct of officers and dismissive remarks inflicted severe emotional harm. Virginia law recognizes IIED claims under *Wornack v. Eldridge* and *Harris v. Kreutzer*.

### Due Process & Access to Courts

By dismissing Petitioner's claims solely on statute of limitations grounds despite concealed evidence, the courts violated Petitioner's right to due process under the Fourteenth Amendment.

## ARGUMENT

### Equitable Tolling & Statute of Limitations

#### Violations:

- Suppression and concealment of material DNA evidence.
- Failure to disclose two unidentified male DNA profiles until June 25, 2024.
- Withholding of exculpatory and material evidence in violation of *Brady v. Maryland*, 373 U.S. 83 (1963).
- Denial of due process under the Fourteenth Amendment by dismissing despite concealed evidence.

#### Cited Cases:

- *Holland v. Florida*, 560 U.S. 631, 645 (2010) — equitable tolling applies when extraordinary circumstances prevent timely filing.
- *Menominee Indian Tribe of Wis. v. United States*, 577 U.S. 250, 255–56 (2016) — tolling requires diligence and extraordinary circumstances.
- *Irwin v. Dep't of Veterans Affairs*, 498 U.S. 89, 96 (1990) — equitable tolling applies against government misconduct.
- *Bailey v. Glover*, 88 U.S. 342, 349–50 (1874) — concealment tolls limitations until discovery.
- *Holmberg v. Armbrrecht*, 327 U.S. 392, 397 (1946) — fraudulent concealment tolls statutes until facts are uncovered.
- *Harris v. Hutchinson*, 209 F.3d 325, 330 (4th Cir. 2000) — tolling allowed in rare cases of wrongful conduct blocking claims.
- *Logan v. Zimmerman Brush Co.*, 455 U.S. 422, 428 (1982) — statutes of limitation cannot arbitrarily deprive due process.

## Negligence & Police Misconduct

### Violations:

- Premature clearance of crime scene, leaving Petitioner to recover remains of her son on two separate occasions.
- Failure to properly investigate, secure, and collect evidence.
- Violation of Virginia Victim Bill of Rights (Va. Code § 19.2-11.01) requiring dignity and respect for victims.
- Conduct amounting to gross negligence under Virginia law: indifference, not inadvertence.
- Conduct that 'shocks the conscience' under substantive due process.

### Cited Cases:

- Colby v. Boyden, 241 Va. 125, 128 (1991) — gross negligence = utter disregard of prudence.
- Frazier v. City of Norfolk, 234 Va. 388, 393 (1987) — gross negligence = indifference, not mere inadvertence.
- Cowan v. Hospice Support Care, Inc., 268 Va. 482, 487 (2004) — heedless disregard for the rights of others = gross negligence.
- DeShaney v. Winnebago Cty. Dep't of Soc. Servs., 489 U.S. 189, 196 (1989) — state liability when conduct increases danger.
- County of Sacramento v. Lewis, 523 U.S. 833, 849 (1998) — conduct that 'shocks the conscience' violates substantive due process.
- Va. Code § 19.2-11.01 — victims must be treated with dignity, respect, and sensitivity.

## CONCLUSION

For the foregoing reasons, the petition for a writ of certiorari should be granted.

This case presents important and recurring questions of federal law concerning the proper accrual of claims under 42 U.S.C. § 1983, the application of equitable tolling where government misconduct prevents timely filing, and the standards governing dismissal of pro se complaints at the screening stage.

The decision below conflicts with this Court's precedent regarding delayed accrual and equitable tolling, and it permits dismissal of claims despite plausible allegations that critical evidence was withheld, mislabeled, or not processed for extended periods, thereby preventing timely discovery of constitutional violations.

Review by this Court is warranted to ensure uniform application of federal law and to clarify the legal consequences of government concealment or delayed disclosure of material evidence in civil rights actions.

The judgment of the United States Court of Appeals for the Fourth Circuit should be reversed, and the case remanded for further proceedings.

Respectfully submitted,

*Christina Moore*

Christina Moore

Petitioner, Pro Se