26-5070

FILED
DEC 29 2025
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SUPREME COURT, U.S.

No.

IN THE
SUPREME COURT OF THE UNITED STATES

MELVIN CURTIS FARMER - Petitioner

VS.

COMMONWEALTH OF VIRGINIA RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO
SUPREME COURT OF VIRGINIA

PETITION FOR WRIT OF CERTIORARI

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Question(s) Presented

- Whether Virginia Appeals Court did a thorough examination of the records required by Anders?
- Whether Virginia Supreme Court violated by denying to review Petitioner meritorious brief?
- Whether the Anders brief filed by the excused trial attorney or appellate attorney?
- Whether trial judge abused his discretion by not allowing trial attorney to withdraw, even when provided with evidence of intentional misrepresentation?
- Whether the void ab initio indictment should have been squash before the Baker claim?
- Whether Prosecutor did its due diligence when she knew trial attorney was assisting her?
- Whether Trial Judge appointing an appellate attorney whom he knew a serious conflict of interest existed, violate Petitioner's right to an affective appeal?
- Whether trial judge denial/refusal to question any of Petitioner attorney's, when they all intentionally failed to file requested meritorious Miranda and Franks motions and Brady?
- Whether trial judge in violation for denying attorney Patrick Edwards motion to withdraw, before the competency evaluation motion of the Prosecutor. Denying Petitioner an argument?
- Whether Prosecutor and trial attorney intentional act of refusing to subpoen any initial arresting officers violates Brady and Petitioners due process?

Question(s) Presented Cont.

• Whether trial judge should have recused the Prosecutor for vindictiveness?

• Whether Petitioner Rights was violated when trial Judge compelled Petitioner to wear visible restraints, jail jump-suit, with extra deputies throughout trial? 8th Amendment.

• Whether sending Petitioner to be evaluated for requesting meritorious motions violated Petitioners 8th Amendment

• Whether trial Court should have disclosed before trial that trial attorney did not prosecute Petitioner?

• Whether it is fraud on the Court when trial judge played dual roles to help convict Petitioner?

• Whether trial judge statement violated his judicial duty knowing that the suppression motion was fraudulent on July 14, 2023?

• Whether Petitioner's Conviction matched the April 12, 2021 Indictment of a silver gun?

• Whether Prosecutor and Defense attorney collaborated in Petitioner's Conviction?

• Whether the copy and paste fraudulent affidavit was obtained through misleading facts to the magistrate to avoid the Miranda, Franks and the poisonous tree doctrine.

• Whether the Petitioner had a right to Prosecutor's supp-ressed witnesses whose ~~t~~testimonies was exculpatory evidence (Impeachable) under Brady.

LIST OF PARTIES

[✓] All parties appears 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 judgement is the subject of this Petition as follows:

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NO. ____________

IN THE
SUPREME COURT OF THE UNITED STATES

MELVIN CURTIS FARMER - PETITIONER

VS.

COMMONWEALTH OF VIRGINIA - RESPONDANT(S)

OPINIONS BELOW

Petitioner Respectfully prays that a writ of Certiorari Issue to Review the judgement below.

The Opinion of the State Circuit Court dated August 3, 2023 appears in Appendix A to this Petition.

The Opinion of State Court of Appeals dated February 18, 2025 appears in Appendix B to this Petition.

The Opinion of State Supreme Court denial for Review dated October 6, 2025 appears in Appendix C to this Petition.

The Opinion of State Supreme Court denying Rehearing dated December 11, 2025 appears in Appendix D to this Petition.

The State Supreme Court denial of Second Rehearing En Banc dated February 11, 2026 appears in Appendix E to this Petition

Supreme Court of the United states granted Petitioner 60 days Extention appears in Appendix F to this Petition. (See letter Sent to Court January 28, 2026, Petition timely filed see mail Post Mark).

Supreme Court of the United States Ordered Correction of Statement of Jurisdiction dated April 30, 2026 appears in Appendix G to this Petition, with a 60 day Extention.

Jurisdiction

The date on which the State highest Court decided Petitioner Case was December 11, 2025. Petitioner Received His Copy of that order December 23, 2025

The Jurisdiction of this Court is Invoked under U.S.C. § 1257(a).

Constitutional and Statutory Provisions Involved

- The Fourth Amendment to the United States Constitution (Protects against unreasonable searches and seizures, Requires probable cause for warrants, Govens: arrests, searches of homes, cars, phones, seizure of evidence).

- The Fifth Amendment to the United States Constitution (Protects against self-Incrimination (Right to Remain silence, prohibits double jeopardy).

- The Sixth Amendment to the United States Constitution (Right to impartial jury, Right to a lawyer, Right to Confront witnesses, Right to call witnesses).

- The Eighth Amendment to the United states Constitution (No cruel and unusual punishment).

- The Fourteenth Amendment to the United States Constitution (ensures due Process and equal protection).

STATEMENT OF THE CASE

On April 12, 2021, Petitioner was getting off work. Petitioner and Melissa Talbert was at the 7-11 store on Braddock Road in the City of Alexandria, Virginia. Petitioner and Ms. Talbert was standing at the check out Counter and Emerson McAllister enter the store. (McAllister is Petitioner's First Cousin and also he has 3 children by Ms. Talbert niece). As normal McAllister high off of drugs (PCP) pulled out a knife and stated that Petitioner and Ms. Talbert, we both will die once we leave. Exactly what Ms. Talbert stated to Alexandria Officer in his Report April 12, 2021.

Petitioner decided to leave before Ms. Talbert to lure McAllister away from her. Petitioner was cut off by Mr. McAllister, and McAllister stated "Meet me around the Corner. Petitioner left the store and walked to the passenger side of his van and gave the two bags of grocery that was in each hand to his other Cousin (Curtis Davis), and met Mr. McAllister with his knife in his hand around the Corner.

Petitioner tried to Reason and Calm Mr. McAllister by stating "Every time you smoke that shit you keep attacking Family". Petitioner then walked to his van driver side to get in, simultaneously Mc.Allister stated "I'll kill this Bitch" (Referring to Ms Talbert, who is oblivious to what is about to happen, Curtis Davis (Ms. Talbert boyfriend Handed petitioner a gun as McAllister was about to go into the store and stab Ms. Talbert. Petitioner fired one shot to scare McAllister. He ran past Ms. Talbert. Petitioner went in the store and told Ms. Talbert to come on, he's about to stab you. Scared of the gun shot, not knowing what happened outside, Ms. Talbert declined and waited for police.

Petitioner later returned to check on Ms. Talbert's safety.

On April 15, 2021 (Petitioner's birthday and drinking all night), Petitioner left the Hotel and was pulled over by joint task force (Fairfax County Swat team and Alexandria police department). Fairfax Swat team told Petitioner to exit the vehicle, swat team grabbed Petitioners arm and Alexandria officer Seth Weinstein placed the handcuffs on the Petitioner.

After Petitioner was arrested, a Fairfax swat team officer with body camera on questioned drunk Petitioner "Where is the gun". Petitioner stated something to the affect "In the van with the bullets in the back pack". A clear Miranda violation (see Steven Matthew Police Report where Fairfax Detective Bryant statement acknowledging the Miranda violation occurred before the call to Detective Brattelli). Then Petitioner was taken to jail.

The Prosecutor sent a threatening E-mail dated 6/9/2021 stating that if the Petitioner don't take the Plea he would be charged with a different gun, different from the gun obtained through the Miranda violation (camouflage colored). Petitioner declined the plea and was indicted on two seperate guns. A witness had claimed that he saw a silver gun on April, 12, 2021 (see officer Bramhall police Report). That Indictment of April 12, 2021 was never squashed.

Approximately a year later the ballistic returned revealing that the gun was the same camouflage gun (August 30, 2022), and a silver gun never existed on April 12, 2021, and that Indictment was never squashed.

Thoughout Petitioner proceeding (2 years 5 months), Petitioner Requested to every attorney to file Petitioner suppression motion under Miranda, Franks and file Petitioner Brady motion. Every attorne failed to do so intentionally (Petitioner have all letters to support this Request) and (Letters to trial judge of these attorney's ineffectiveness.

Trial attorney Intentionally filed an unconstitutional suppression motion only right before trial, subpoenaed not one witness (Initial arresting officer, failed to subpoena body camera footages and abused Petitioner medical records he retrieved illegally).

Petitioner was unconstitutionally found guilty for two possession of a firearm by convicted felon and attempt unlawful wounding; but was found not guilty for discharging the fire arm. Petitioner was forced to sit through two days of trial with visible handcuffs, a prison jumpsuit with "PRISONER" written on the back, and was surround by exact deputies.

Trial judge intentionally appointed Petitioner an appellate attorney he knew was a serious conflict of interest (a letter written to trial judge December 19, 2021, filed in the court December 28, 2021) existed. Appellate attorney had denied filing what Petitioner requested and filed an unconstitutional Anders brief.

Virginia Court of Appeals could not have done a thorough examination of the records required by Anders, and denied Petitioner appeal claiming on the grounds that Petitioner appeal is wholely frivious on February 18, 2025.

Petitioner timely filed to the Virginia Supreme Court with in 30 days, and Virginia Supreme Court denied review on October 6, 2025.

Petitioner had filed for a rehearing (forgot to use En Banc), Virginia Supreme Court denied rehearing December 11, 2025

Petitioner filed a corrected En Banc request for a rehearing to the Virginia Supreme Court, that rehearing was denied February 11, 2026.

Petitioner timely files this writ of Certiorari, with the United State Supreme Court granting said Petitioner an extention of 60 days on February 18, 2026.

Reasons For Granting the writ

Reason's For granting said Petitioner writ of Certiorari, Petitioner is Raising Serious Issues that the Virginia Appeals Court Failed to Recognize under Anders v. California. Appellate Court must, as Required by Ander's to do a thorough examination of the Records, Ander's v. California, 386 U.S. 738 (1967). It appears to the Petitioner, Instead of meeting the requirements of thoroughly searching the Records, The Virginia Court of Appeals is Attempting to Further Sabotage Petitioner Future Post Conviction Proceedings by claiming that the Petitioner Filed a Pro se' Supplemental Pleading, and on page #10 of the order stated "Farmer, Pro se appears to argue that he had ineffective Assistance of Counsel", Petitioner only Filed motions which was Complaints on why he Couldn't file a pro se supplemental brief. Trial Counsel and Appellate Counsel intentional Denied to Send the Petitioner all his Records and video's Footages of His initial Arrest.

Quoting out of United States v. Glass, 317 F.2d 200, (1963) Prisoners are often unlearned in the Law and unfamiliar with the Complicated Rules of Pleadings. Since they Act so often as their own Counsel we Cannot Impose on them the Same high Standards of legal

¶ Act which we might place on the members of legal profession, Price v. Johnston, 334 U.S. 266, 292, 68 S.Ct. 1049 L.Ed 1356 (1948), See also, Darr v. Burford, 339 U.S. 200, 203-204, 70 S.Ct. 587, 94 L.Ed 761 (1950), See also, HN2 Va. Code Ann. 1-217.

The Virginia Court of Appeal should not have misconstrued Petitioner Complaint, it is an attempt to sabotage Petitioner future post conviction proceedings, and it violates the integrity of the judicial system as well as the United States Constitution. The Virginia Court of Appeals should have noticed meritorious United States Constitutional violations, if in fact they have done a thorough examination of the Records per Anders. And trying to cover up jurisdictional defect.

#1 - The Virginia Court of Appeals could not have done a thorough examination of the Records per Anders v. California, 386 U.S. 738 (1967), because in the Anders Brief it self seems to be of suspicious filing. On page #1 it stated "The course of the case at the trial level was, to put it mildly, tortured".

Petitioner Appellate Attorney was not Petitioner's Trial Attorney to be able to give such prejudice leading Emotions, this is fact that Trial Attorney is the perpetrator behind this Anders Brief.

Also in the Anders Brief it spoke on the fact that Petitioner had several Pro Bono Attorneys. However, Every Attorney that trial Court appointed Refused to File requested Brady, Miranda and Franks motions as well, and Petitioner wrote every Attorney asking and Continuously wrote trial Court every time Petitioner was denied Sixth Amendment Representation. Not once did trial Court Inquire About these Attorney's Intentional misrepresentation, Benitez v. United States, 521 F.3d 625, 632 (6th Cir. 2008). The Request for these motions had merit and was Supported with Suppressed Evidence of the Prosecutor and defense Attorneys (Attorney Dan Steinberg accidently showed Petitioner the video footage on laptop) Brady Exculpatory Evidence, Brady v. Maryland, 373 U.S. 83 (1963), there was a Miranda violation when the Initial Arresting officer question the Petitioner After He was arrested without Miranda Right warning, Miranda v. Arizona, 384 U.S. 436 (1966), And the Evidence Should have Been properly Suppressed under the Poisonous Tree doctrine and Franks motion, Franks v. Delaware, 438 U.S. 154 (1978). For the Virginia Court of Appeals to have missed this shows that no thorough Review of the Records was done.

To make this matter worse, the Petitioner was appointed Patrick Edwards to Represent Him, He had told the Petitioner and the Virginia State Bar that He would File Petitioner's Brady motion and motion In Limine, Around that same time Petitioner Filed two Pro se Recusal motions to recuse the prosecutor and trial judge with merit. Once Attorney Patrick Edwards Acknowledged to the trial Court that He wanted and intended to file the motions (with the prosecutor attempting to persuade the Court to only hear Petitioner pro se' Brady motion, (Read Transcript dated June 9, 2022). Attorney Patrick Edwards was Compelled not to file the motions, and attempted to withdraw (denied), while the prosecutor and trial Court Conspired to try to have Petitioner Deemed Incompetent through the prosecutor motion. (granted). Attorney Patrick Edwards Suspiciously stalled and Continued to ignore and not Respond to the Virginia State Bar (See Virginia State Bar, Docket #22-444-125950), while the Court Continued to use Mr. Edwards, this was done Intentionally to excuse Mr. Edwards from his obligations to the Virginia State Bar of Filing those motions He had promised Petitioner (Brady motion and motion In Limine). The Virginia Court of appeals should have notice this through their thorough examination of the Records Required by Anders v. California, 386 U.S. 738 (1967).

#2 The Virginia Court of Appeals Should have recognized in it's thorough Examination of the Records that trial Court erred by denying Petitioner and trial Attorney Motions to withdraw knowing through Evidence that an irreconcilable Conflict of Interest existed, Stenson v. Lambert, 504 F.3d 873, 886 (9th Cir. 2007) and denied it's obligation to inquire, Benitez v. United States, 521, F.3d 625, 632 (6th Cir. 2008), Trial Court abused it discretion by not allowing Trial Counsel to withdraw three seperate times (after each violation, passing the blame), United States v. Powell, 847 F.3d 760 (6th Cir. 2017), even after Petitioner showed an actual conflict existed, Cuyler v. Sullivan, 446 U.S. 335, 348 (1980)

A.- Trial Attorney was appointed to represent Petitioner after the attempt to deem the Petitioner incompetent failed. Approximately around December 2, 2022.

On Petitioner first visit with trial counsel at the court house holding cell area, trial counsel acknowledged to Petitioner that he was an ex-prosecutor and he had prosecuted the Petitioner (on unrelated charges, they was eventual dismissed, and Petitioner didn't know who the prosecutor was in Arlington Virginia). Petitioner immediate wrote to the trial judge and to the Arlington Court for verification (which Arlington Court didn't respond until almost a year after trial, when i wrote them again. But they did send me a copy of my letter back). After continuous complaining to trial court, Trial Court left the Petitioner to believe that trial attorney prosecuted Petitioner for eight months and throughout the Trial. Petitioner was forced to take the stand and forfeit his Fifth Amendment Right to let the jury know that trial attorney prosecuted him. Petitioner was deceived by his own attorney and trial court never said a word the entire eight month, nor though Trial.

Clearly Fraud of the Court. This act had substantial and Injurious Effect in the determining of the jury verdict of guilt. Before Petitioner had testified on August 3, 2023, On August 2, 2023 doing jury selection, Petitioner wrote on a piece of trial Attorney tablet (yellow paper) "you need to mention you prosecuted me and I'm not comfortable" trial Attorney wrote back "Pretty sure you already told them that"

3. The Virginia Court of Appeal should have notice in it's examining of the Records, how trial Attorney lied on the Alexandria jail Investigator and Prosecutor trying to deceive his own client, by obtaining exculpatory Evidence, and claiming that he got it with out the prosecutor knowledge. The Evidence was a Recording from the jail of Petitioner witness for his self defense claim, but also in the Coversation, Petitioner witness disclosed evidence to pursued detective on Petitioners Case, whom are the prosecutors Husband Friends and co-worker (this is why the Prosecutor denied Petitioner his Right to cross examine witnesses by not subpoenaing them doing Fraudulent Suppression Hearing and Trial). Trial Attorney Had taken the Exculpatory Evidence, made his own Transcript and taken the Petitioner witness state-of-mind out the Evidence.

Petitioner made copies of trial Attorney letters, with Evidence from the jail (Request Forms and grievance) and made three copies and presented the Evidence to trial Court, prosecutor and trial attorney, and Read A letter to the Court on how trial Attorney is violating Petitioners Exculpatory evidence and intentionally botching Petitioner entire Case. Trial Court neglected to do it's due diligence and Allow trial attorney to withdraw, even After trial Attorney had Filed His second withdrawal motion. Trial Court was very aware that Petitioner had lost Complete trust and shut down, Daniels v. Woodford, 428 F.3d 1181, 1198 (9th Cir. 2005).

C. The Virginia Court of Appeal Should have Recognized that's thorough examination of the Record Required under Anders, trial attorney intentional Fraudulent Suppression motion Dated july 14, 2023, And the trial judge Condoning the motion knowing it was to deceive Petitioner.

Trial Attorney did not call Any witnesses, And the prosecutor Subpoenaed three, who was not present doing the Initial Arrest at all.

Trial Attorney intentionally Failed to Call the initial Arresting officer, Subpoena Brady material (Body Camera Footages, misused Petitioner Medical Record obtained Illegally through the Court)

Trial Attorney Clearly Attempt to Suppress only Statements Made After the Miranda Violation, So that the Evidence Can not be Suppressed under Franks (the Poisonous Tree Doctrine). And the Trial Judge Made Statement, Praising this Fraudulent motion, July 14, 2023 Suppression Motion. See

Transcript on page #5. The Court stated "I've Read the briefs. They were detailed, they were thorough, and I appreciate it. Trial judge was aware that Miranda and Franks was being Constitutionally tainted and should have suppress all the Fraudulent evidence, and Prevented the unfair prosecutorial Argument, Chapman v. California, 386 U.S. 18 (1967). Trial Court instead Condoned the Fraud of the Court because He knew Trial attorney did not call any witnesses, and was suppressing statements made after the Miranda violation. In Canon of judicial Conduct, Section III (H), A judge must not in the Performance of judicial Duties, by words or Conduct manifest Bias or Prejudice... Welsh v. Commonwealth, 14 VA. App. 300, 315 (1992)

Through out the proceeding trial judge Constantly Blamed Petitioner for ~~try~~ trying to Assert His Rights to Requested Brady, Miranda and Franks motions, instead of inquiring to Counsel's, the Court and Prosecuted Retaliated attempting to deem Petitioner Incompetent with an incoherent attorney who had Refused to Respond to the Virginia State Bar. Trial judge should have recused himself because His Bias and Prejudice Statement and actions to Assist the Prosecutor denied Petitioner A Fair Trial, Welsh v. Commonwealth, 14 VA. App. 300, 315 (1992), quoting, Justus v. Commonwea-

1th, 222 Va. 667, 673. (1981).

Trial judge should have considered the public perception and preserve the judicial system integrity, Scott v. Ruth-erfoord, 30 Va. 176, 189 (1999).

Petitioner continuously wrote begging letters, and filed many pro se' motions to withdraw counsel, Brown v. Cravens, 424 F.2d 1166 (9th Cir. 1970), and trial attorney filed motions to withdraw each time petitioner caught trial attorney violating discovery and petitioner right to a fair trial. Trial court seriously abused its discretion and denied trial counsel to withdraw even after the court was supported with evidence, United States v. Marrero, F.3d 453, 464 (6th Cir. 2011).

Virginia Court of Appeals should have noticed the issue of trial court abusing its discretion in its examination of all the records required by Anders v. California, 386 U.S. 738 (1967)

#13. Virginia Court of Appeals should have noticed per Anders v. California, 386 U.S. 738 (1967), that the prosecutor ethical duties is not to mislead the grand jury, and may not obtain an indictment based on evidence known to be per-jurious, United States v. Williams, 504 U.S. 36 (1992). And shall not change the basis for conviction with out grand jury approval, Stirone v. United States, 361 U.S. 212 (1960). A conviction must align with those specifics sufficient and specificity of the indictment, Russell v. United States, 369 U.S. 749 (1962)

The Evidence proves that the April 12, 2021 Count #2 Indictment is a void ab initio Indictment (that a witness had stated to Officer Matthews Bramhall, see police Report). Indictment is void ab initio can be attacked by any person, anywhere, at any time, or in any manner, ECF No. 1 at 50, (quoting Wright v. Commonwealth, 52 Va. App. 690, 667 S.E.2d 787, 794 (2008).

This is Also supported with the prosecutors own threatening E-mail dated June 4, 2021 to Attorney Doug Steinberg that if the Petitioner don't accept to the five years, He will be charged with a "different" gun, Bordenkircher v. Hayes, 434 U.S. 357 (1978). Prosecutor Statement linking new charges to defendant's Refusal to plea guilty effectively Admitted Vindictive motive, State v. Halling, 672 P.2d 1386, 1388 (Or. Ct. of App. (1983). A defendant must be free to pursue his statutory Rights to a fair trial de novo without apprehension of facing increase Penalties, United States v. Goodwin, 457 U.S. 368, 372, 73 L.Ed. 2d 74, 102 S.Ct. 2485 (1982), Blackledge v. Perry, 417 U.S. 21, 27, 40 L.Ed. 2d 628, 94 S.Ct. 2098 (1974), See Also Thigpen v. Roberts, 468 U.S. 27, 30, 82 L.Ed. 2d 23, 104 S.Ct. 2916 (1984).

This is further Supported by the prosecutor own Statement at trial on August 3, 2023 at page 85 #5 (do you Remember one of them saying the gun was silver). The ballistics did not Return until a year after the Prosecutor threatening E-mail and indictments, the ballistics Confirmed that a Silver gun never existed, but was actually the same gun (Camouflage Color), that was Unconstitutionally and Illegally seized under A Miranda and Franks violation on April 15, 2021.

There is no dispute, the prosecutor threatening E-mail was vindictive, and it was Animus where the prosecutor Refuse to move and Squash the April 12, 2021 Count #2 void ab initio Indictment. this cannot be justified as a proper exercise of prosecutorial discretion, United States v. Sanders, F.3d 711, 717 (2d Cir. 2000).

The April 12, 2021 Count #2 Indictment was brought about through false testimony to the grand jury, and the conviction did not match the Indictment, A Constitutional violation of the grand jury clause of fatal variance indictment and proof, Johnson v. Commonwealth, 259 Va. 654, 529 S.E. 2d 769 (1999)

Appellate Attorney Anders brief was to deceive the Virginia Court of Appeals or The Court Refuses to do a thorough examination of the records to Cover up the United States Constitution Violations. The jurors was deceived, the Petitioner was found guilty of possession of the same gun on a different day (Camouflage Color) but was indicted on April 12, 2021 of A Silver gun, and indicted on April 15, 2021 of A Camouflage Color gun.

The Prosecutor was very aware of the Miranda and Franks violations on April 15, 2021. If the gun Illegally seized was properly suppressed, there wouldn't be a gun to prejudice petitioner trial.

The Virginia Appeals Court should have properly and thoroughly examined the records required by Anders v. California, 386 U.S. 738 (1967), the trial transcript would have shown vindictive motives in the prosecutor's closing arguments when she refused to stipulate the variance of the guns that the petitioner was indicted on, see prosecutor statement on August 3, 2023 (Closing Arguments) "So, his belief that he's being charged with a different gun. .." Knowing that the Petitioner facts are support through the prosecutors own e-mail and statements, and sealed by the ballistics which came back a year after the threat and Indictment. Intentionally deceiving the jurors knowing that she had obtained the Count #2 April 12, 2021 Indictment on purjured testimony to the grand jury. That Indictment is clearly void ab initio.

A miscarriage of justice occurs when the Petitioner provided evidence to the trial court and Virginia Supreme Court who ignored this miscarriage of justice, House v. Bell, 547 U.S. 518, 536-537, 126 S.Ct. 2064, 165 L.Ed. 2d (2006).

Around the same time the ballistics returned in 2022, Petitioner had filed two seperate motions requesting that trial judge and prosecutor recuse themselves, because it is surprising to any reasonable person when every pro bono defense attorney continuously refuses to file constitutional merit orious motions (Brady, Miranda and Franks), and the Court

Refuses to address the Complaint, it has to be Fraud on the Court involvement.

Defense Attorney Patrick Edwards was forced to argue with the Court and prosecutor because he was planning to file Petitioners Brady motion and motion in limine. (June 9, 2022) (Letter from Virginia State Bar dated (June 16, 2022). To avoid those motions, the Prosecutor vindictively filed a Competency Evaluation with no Constitutional merit, but not before defense Attorney filed a motion to withdraw. The Evaluation motion was fraudulent because it was based on all defense Attorney's refusing to file Requested Constitutional meritorious Brady, Miranda and Franks motions (Body Camera footages of Petitioner initial Arrest by Fairfax County Swat Team).

The Virginia Court of Appeals should have Recognized these violations through a thorough examination of the Records per Anders v. California, 386 U.S. 738 (1967). This is evidence that a thorough examination of the Anders brief was not properly done, instead it is being used as a tool to cover up unconstitutional and unlawful Convictions, Petitioner Fourth, Fifth, Sixth and Fourteenth Amendment Rights have been gravely violated Intentionally, because the Prosecutor maintained a void ab initio Indictment and Refuse to correct falsehood, Giglio v. United States, 405 U.S. 150 (1972), and didn't Refrain from

Improper Methods to produce Petitioner wrongful Conviction, Berger V. United States, 295 U.S. 78 Id. at 88 (1935). A void ab initio Indictment is clearly a jurisdictional defect and shouldn't be ignored.

#4. The Virginia Appeals Court should have Recognized In it's thorough examination of the Records required by Anders V. California, 386 U.S. 738 (1967).

A Prosecutor have an Independent Constitutional duty to disclosed Evidence and preserve Due Process Integrity, (Brady V. Maryland, 373 U.S. 83 (1963) and its progeny).

On July 14, 2023, Trial Attorney Filed a Fraudulent Suppression motion that the prosecutor knew was Fraudulent and Favored Her victory in Petitioner up coming trial. Either the prosecutor failed to disclose the exculpatory evidence or trial Attorney intentionally misrepresented the Suppression of the Evidence, violating Brady V. Maryland, 373 U.S. 83 (1963) (A gun Illegally Seized under A Miranda and Franks Violation).

A Conviction Can not Stand when both Counsel and prosecutor Allow False Factual basis to go uncorrected, Commonwealth V. St. Germain, 381 Mass. 256 (1980). Withholding meritorious exculpatory evidence and Impeachment evidence violates Brady V. Maryland, 373 U.S. 83 (1963), (video Footages of Petitioners initial arrest by by Fairfax County Swat Team).

The Virginia Appeals Court should have recognized that, without these United States Constitutional violations protected by the Fourth, Fifth, Sixth and Fourteenth Amendments, the prosecutor has no meritorious case. All appointed defense attorneys knew this.

The video body camera footages shows that the Petitioner was intoxicated and on Prednisone medication (evidence found in Petitioner's van) during Petitioner initial arrest. (A deadly mixture per medical report from the jail that was obtained through a void affidavit from trial attorney, which he also misused on the fraudulent suppression motion dated July 14, 2023).

The initial arresting officers custodial interrogating question violated Petitioners Fifth Amendment right, Miranda v. Arizona, 384 U.S. 436 (1966). After Petitioner was obtained by Fairfax Swat Team and handcuffed by Alexandria Officer Seth Weinstein.

Fairfax officer questioned Petitioner "where is the gun" without any Miranda right warning. Petitioner intoxicated and on Prednisone medication stated something like "In the van with the bullets in the backpack". Miranda restricts a prosecutor from using defendants statements obtained through interrogated questioning without proper Miranda warning.

In Petitioner's case, the prosecutor and all defense knew that a Miranda violation occurred through the evidence sent by Fairfax County. Petitioner had seen the body camera footages by accident on Attorney Doug Steinberg laptop, who quickly cut it off and wouldn't show more. Doug Sternberg, like all the Pro Bono Attorneys refused to file Petitioners Miranda and Frank motions to suppress the statement and challenge the fraudulent affidavit under Franks v. Delaware, 438 U.S. 154 (1978).

The affidavit is fraudulent because Detective Brattelli did not bring about the search and affidavit on his own, but by Detective Bryant relaying the message that the gun was in the van from the Miranda violation. This is also supported by Alexandria Officer Steve Matthews police report and body camera footages of Fairfax County SWAT team doing Petitioner's initial arrest, to prove the affidavit was initiated by the Miranda violation. Detective Brattelli did a copy and paste from the affidavit of the motel, crossing out the motel and typed in Petitioner vehicle, to cover up the true reason for the search. This is common behavior of Detective Brattelli, the Prosecutor's husband friend.

When Trial Attorney intentionally filed the fraudulent suppression motion on July 14, 2023, it was done to deceive his own client and an attempt to to justify future proceedings arguments for opposing parties. However, suppression of statements made after Miranda violation can not satisfy the violations of Petitioner's Fourth, Fifth, Sixth and Fourteenth Amendment Rights to the United States Constitution.

Trial Attorney intentionally refused to call any witnesses, including the initial arresting officers where the violation occurred on April 15, 2021, intentionally neglecting to subpoena the body camera footages of the initial arrest and intentionally misused exculpatory evidence that he fraudulent obtained through the court on a void affidavit (no date).

The Prosecutor knew that Defense Attorney was advancing a false theory, because suppression of statements made after the Miranda violation held no weight, and the evidence can't be suppressed under the Poisonous Tree doctrine and Franks. The Petitioner Trial Attorney was intentionally violating all Petitioner's United States Constitutional Rights to a fair trial. A conviction can not stand when both counsel and Prosecutor allows false factual bases to go uncorrected, Commonwealth v. St. Germain, 381 Mass. 256 (1980), the prosecutor silence can invalidate the conviction, State v. McCoy, 692 N.W. 2d 6 (2005) (Wis. 2005), People v. Savvides, 1 N.Y. 2d 554 (1956).

The Prosecutor intentionally and vindictively

Violated ABA Model Rule 3.3 And 3.8, A Prosecutor must correct False statements of material Facts and must disclose known Falsity even when defense Counsel is Responsible, to protect the integrity over winning. Prosecutorial duty is to seek justice, not merely to convict, Berger v. United States, 295 U.S. 78 (1935).

This miscarriage of justice had a serious affect on the entire out come of Petitioner Trial and Verdict. The gun was Brandished to prejudice the Trial and was permitted by Trial judge For it to taken with the jury doing jury deliberation.

Prosecutor Can not Exploit False or misleading Representation even if originating from defense Counsel, United States v. Kattar, 840 F.2d 118 (1st Cir. 1988) (Prosecutor knew defense Filing was materially False and misleading representations was evident. The prosecutor was aware of the defense Attorneys Intentional misrepresentation through evidence that was provided to the Prosecutor and the Court on March 16, 2023 (tampering with his own client exculpatory evidence by taking out this witness state of mind From the prosecutor evidence, so if Suppress the Prosecutor would win the Suppression, lying on the prosecutor to Petitioner on how he Retrieved the evidence without the Prosecutor knowledge (lying on

Sheriff department investigator, even indirectly taking the blame for these actions). Claimed that He had prosecuted the Petitioner (that went uncorrected), Attempting to sever Petitioner cases for the Prosecutor advantage, lying about Petitioner's Pro se Brady Motion).

Prosecutor duty exist even when defense Counsel Fails or Acts Improperly, In re Jackson, 3 Cal. 5th 133 (2017).

#5. The Virginia Court of Appeals should have Recognized in their Examination of the Records that the prosecutor have a duty to seek justice, not simply to convict, Serious prosecutorial misconduct Can warrant Reversal, Bergers v. United States, 295 U.S. 78 (1935). The prosecutor intentional withheld Favorable Evidence that affected a fair proceeding violated Petitioner's Due Process Right Protected by the Fourteenth Amendment to the United States Constitution. Prosecutor had intentionally denied to call Favorable witnesses (initial arresting officers and Detective Brattelli) doing trial and on Suppression Motion hearing dated July 14, 2023. The Testimony of the witnesses would have prove purjury and Supported that the Miranda and Franks violations Occured doing Petitioners initial Arrest by the Initial Arresting officers Brady v. Maryland, 373 U.S. 83 (1963). Withholding Favorable witnesses From the Defense also violate Brady because that is Evidence that was intentionally Concealed so that the defense could not properly challenge the Miranda and Franks violations, and to allow this false bases to go uncorrected, <u>Commonwealth v. St. Germain</u>, 381 Mass. 256 (1980). The Prosecutor has an affirmative duty to correct known falsehood regardless who introduced them, <u>Napue v. Illinois</u>, 360 U.S. 264 (1959).

These initial arresting officer testimonies are relevant exculpatory evidence under <u>Brady v. Maryland</u>, 373 U.S. 83 (1963), and would have contradicted the prosecutor's case by exposing that the Miranda violation actually occurred, and the search was illegal under Franks, because the affidavit of the search was altered to avoid Franks and Miranda violations. <u>Franks v. Delaware</u>, 438 U.S. 154 (1978). (The affidavit was a copy and paste, the motel location scratched out and replaced with the location obtained through the Miranda violation to justify the search of Petitioner vehicle).

After Petitioner was arrested and the Miranda violation occurred, Detective Bryant past the word to Officer Steve Matthews, who past the word to Officer Sean Gallagher and eventually some one called Detective Brattelli who was made aware of the unconstitutional Petitioner's statement <u>before</u> an affidavit and warrant was issued, to avoid a suppression, Detective Brattelli did a copy and paste of the locations, instead of writing a new affidavit of the truth of how he received the

the location of the gun, (obtained through an unconstitutional interrogated questioning from the initial arresting officers).

The initial arresting officers (witnesses) would have provided under oath relevant information that the Miranda violation actually occurred, and Detective Brattelli affidavit was misleading by omission, (refuse to disclose that he received a phone call and the unconstitutional statement lead to the search warrant to obtain the gun).

• The affidavit was obtained with undisclosed facts, a violation of misleading the magistrate, because the true facts was not presented to the magistrate, Whiteley v. Warden, 401 U.S. 560 (1971). This is why Detective Brattelli had taken the copy and paste rout, crossing out the hotel and adding Petitioner's vehicle. Therefore, any undisclosed facts cannot cure a deficient warrant, Franks v. Delaware, 438 U.S. 154 (1978) (false statements/omission).

Suppression of key witnesses (initial arresting officers and Detective Brattelli) and their testimonies is clearly withheld exculpatory evidence under Brady v. Maryland, 373 U.S. 83 (1963), because if the witnesses and their testimonies was not with held the out come of the proceedings would have been different. Failure to call key officer's maybe part of the Due Process obligations, Mapue v. Illinois, 360 U.S. 264 (1959), Giglio v. United States, 405 U.S. 150 (1972).

The prosecutor strategy to violate Petitioner right to a Fair trial was intentional and Vindictive, this has prejudice the Petitioner's trial and the out come would have been different if

- Petitioner had Received all Exculpatory evidence, witnesses and Body Camera Footages
- If the Miranda Right motion was properly done to Suppress the interrogated question of the gun location by the initial arresting officers.
- If the Affidavit was proper Suppress, and the poisonous Tree doctrine used.

Petitioner charges would have been dismissed or suppressed, and liberty Restored.

Instead, the gun was admitted into trial, brandished to the jury, and was allowed with the jury (in a deputy hand) doing deliberation.

This is more evidence that the Virginia Court of Appeals did not do a thorough examination of the Records, and the Anders Brief was used to cover up Petitioner's United States Constitutional violations protected by the Fourth, Fifth, Sixth and Fourteenth Amendment.

#6. Virginia Court of Appeals can not believe through their thorough Examination of the Records because, on Petitioner's trial date by jury August 2 and 3, 2023, Petitioner was forced to wear visible Restraints (in Front of him) with no covering. This was intentionally done to prejudice Petitioners trial, and the Trial Court gave no justification the these Unconstitutional Due Process violations.

A. The United States Supreme Court Ruled 7-2 that visible Shackling of a defendant during a jury Trial or Sentencing, is unconstitutional, Deck v. Missouri, 544 U.S. 622 (2005). Holding in Deck, the Constitution forbids visible shackling during trial or sentencing unless justified by specific security need, and the trial judge must place case specific reason on record. If not, it creates inherent prejudice, Illinois v. Allen, 397 U.S. 337 (1970). In People v. Duran, 16 Cal. 3d 282 (Cal. Sup. Ct. (1976), Court Ruled defendant can not be shackled absent manifest need. Trial Court gave no justification or manifested any need for shackling the Petitioner throughout jury selection and Trial, and failed to make a record explaining the shackling, State v. Finch, 975 P.2d 967 (Wash. Sup. Ct. 1999)

Visible Shackling without findings violates Due Process that is protected by the Fourteenth Amendment, and violates presumption of innocence, Estelle v. Williams, 425 U.S. 501 (1976), Because this violation suggested to jurors that the Petitioner was dangerous. Visible Restraints harms:

#1. presumption of Innocence
#2. Ability to Consult with Counsel
#3. Dignity of the Court and,
#4. Fair Jury Perception.

Petitioner appeared in Court over thirty times throughout His proceeding, and Restraints was never used until Trial. Visible Shackling without Findings violates Due Process, State v. Davidson, 351 N.W.2d 8 (1984).

B. On Petitioners trial date August 2 and 3, 2023, Petitioner (handcuffed) also was Compelled to wear a jail jumpsuit with PRISONER written on the back of it. The Petitioner was seated with his back towards the jurors doing jury selection, Open for them to see PRISONER on the back of the jumpsuit. Court Ruled that forcing a defendant to appear in Prison clothing before a jury, violates presumption of Innocence. Estelle v. Williams, 425 U.S. 501 (1976).

C. On Petitioners trial date August 2 and 3, 2023, Petitioner appeared in Court (handcuffed), had Recognized that there was extra Security (Deputies) Present than usually. There was jurors, Court Related Personell and Petitioner Nephew. There was Deputies standing directly behind the Petitioner and Counsel, Courtroom security practices Imply guilt can prejudice a juror, Holbrook v.

Flynn, 475 U.S. 560 (1986). This is no coincident that the Petitioner was violated in three different ways to prejudice the Petitioner's trial.

If the Virginia Appeals Court would have done a thorough examination of the Records they would see Petitioner Requesting the Court Camera's to be preserved through letters to trial Court. This also proves that Petitioner appeal was not wholly Frivilous.

#7. The Virginia Appeals Court should have Recognized in it's thorough examination of the records Required by Anders v. California, 386 U.S. 738 (1967). That the trial judge intentionally appointed the Petitioner an Appellate Attorney trial judge knew or should have known a serious potential conflict of interest existed, Wood v. Georgia, 450 U.S. 261 (1981). Trial Judge was made aware of the potential conflict of interest through a letter written by Petitioner December 19, 2021, and filed in the Court Records on December 28, 2021, that Appellate Attorney Mr. Sherlock was assisting the same prosecutor on unrelated case 19 months and 14 days before Petitioner's trial on August 2-3, 2023.

Petitioner letter to trial judge on December 19, 2021 Concerning Mr. Sherlock involvement of assisting the prosecutor to cover up Detective Brattelli bad acts (Prosecutors husband coworker and friend), by convincing his clients to plea to avoid exposing threats on witnesses, and to avoid lawsuits and resignation. The same prosecutor and detective was doing similar bad acts to petitioner because they was both on Petitioner case, with the same judge presiding on both cases.

There is no way that trial judge should have appointed Mr. Sherlock to handle Petitioner appeal, and deny any kind of inquiry, Wood v. Georgia, 450 U.S. 261 (1981). It later proved Mr. Sherlocks assisting the same prosecutor existed when he had intentionally refused to what the Petitioner requested (Court abused it discretion by not allowing trial attorney to withdraw 3 separate times knowing a serious irreconcilable conflict of interest existed, void ab initio indictment and Miranda and Franks violations). Instead appellate attorney filed an unconstitutional deficient Anders brief to cover up all the United States Constitutional violations protected by the Fourth, Fifth, Sixth, Eighth (visual shackling during trial) and the Fourteenth Amendments.

If the Virginia Appeals Court would have done a thorough examination of the records, the Virginia Appeals Court would have clearly seen that the Anders Brief was deficient. In the records it is evident that the ineffective trial attorney introduced the Baker v. Commonwealth, 284 Va. 572, 733 S.E.2d 642 (2012), on Petitioners second day of trial, (fraudulently striking with no merit, and leading the prosecutor to her argument, then again, appellate attorney deficient Anders Brief did the same, arguing for the prosecufor, to lead the Virginia Appeals Court to believe that the Petitioner was indicted for the same gun on a different day, which was impossible because the prosecutor had no evidence at the time of the indictment, no witnesses or Ballistics. The Record Reflects the only evidence the Prosecutor had at the time of the indictment was officer Bramhall's Police Report where a witness said silver gun on April 12, 2021.

This has brought about the threatening email dated June 4, 2021 to Attorney Doug Steinberg that i will be charged with a different gun (different from the gun unconstitutionally seized on April 15, 2021). That is evident that the Petitioner was indicted on two separate guns because the Ballistics didn't come back until August 30, 2022, a little over a year after Petitioner was indicted. Thats when the Prosecutor switch strategy, and trying to get Petitioner deemed incompetent and trial judge assured an Attorney would be appointed to assist the Prosecutor, for trial and appeal.

The Virginia Appeals Court clearly should have Recognized the Anders brief was unconstitutional and it was an intentional violation where trial judge appointed Appellate Attorney Pre knowing a serious conflict of interest existed, and fail to do an inquiry on Appellate Attorney before appointing Appellate Attorney to Represent Petitioner on his appeal. Appellate Attorney withdrew knowing a proper Anders Procedure was not followed. Penson v.

Ohio, 488 U.S. 75 (1988)

Conclusion

Pro se Indigent Petitioner diligently files this writ of Certiorari with the best legal language and knowledge he knows how. Petitioner is confident that the Anders Brief is an unconstitutional and deficient filing to cover up Petitioners United States Constitutional violations throughout Petitioner proceedings.

Virginia Appeals Court should have recognized that trial judge was playing a dual role, In re Murchinson, 349 U.S. 133 (1955), and intentionally appointed Appellate Attorney knowing a serious conflict of interest existed.

Virginia Appeals Court could not have done a thorough examination of the records required by Anders v. California, 386 U.S. 738 (1967), because if they had, they would have recognized the letter to trial judge that was filed, and knew by all the other violations it can only be understood that Petitioner was stripped of all United States Constitutional Rights to a fair trial. The filing of the Anders Brief is clearing an S.O.S. to cover up all the violations of Petitioners United States Constitutional Rights protected by the Fourth, Fifth, Sixth, Eighth (handcuffed during trial, and attempted to have Petitioner deemed incompetent with no merit) and the Fourteenth Amendments.

Petitioner ask the United States Supreme Court in

Good Faith to please grant Petitioner Writ of Certiorari Reviews and Request All Records and Evidence and Render the proper Judgement with in the United States Constitution, By Reversing Petitioner's Conviction.

There is No chance that Virginia Judicial System Will give the Petitioner Fair Justice

Petitioner thanks the United States Supreme Court In Advance.

This Petition For a Writ of Certiorari Should be granted, Note: Ineffective Assistance is not Filed yet.

Respectfully Submitted

Signature: Melvin C Farmer

March 30, 2026

Subscribed and sworn before me this 30 day of March 2026,

Notary Public sign: 10-31-2026 R. Collins

Signature: R. Collin

My Commission Expires: 10/31/2026

ROBYN COLLINS
NOTARY PUBLIC
Commonwealth of Virginia
Registration #00370111
My Commission Expires October 31, 2029