

AMENDED ORDER

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF ALEXANDRIA

FEDERAL INFORMATION
PROCESSING STANDARDS

CODE: 510

Hearing Date: **September 14, 2023**Judge: **James C. Clark**

COMMONWEALTH OF VIRGINIA

v.

Melvin Curtis Farmer, Defendant

This case came before the Court for sentencing of the defendant, **Melvin Curtis Farmer**, who was led to the bar in the custody of the Sheriff, and also came **Brandon R. Sloane**, his attorney. The Commonwealth was represented by Jessica Best Smith.

On **August 3, 2023** the defendant was found guilty of the following offenses:

CASE NUMBER	OFFENSE DESC. & INDICATOR (F/M)	OFFENSE DATE	VA. CODE SECTION
CF21000119	Attempted Unlawful Wounding (F) ASL-1335-F6	04-12-2021	18.2-51
CF21000119	Violent Convicted Felon in Possession of a Firearm (F) WPN-5296-F6	04-12-2021	18.2-308.2(A); 17.1-805
CF21000119	Violent Convicted Felon in Possession of a Firearm (F) WPN-5296-F6	04-15-2021	18.2-308.2(A); 17.1-805

Appendix A

88C

The presentence report was considered and is ordered filed as a part of the record in this case in accordance with the provisions of Code §19.2-299.

Pursuant to the provisions of Code §19.2-298.01, the Court has considered and reviewed the applicable discretionary sentencing guidelines and the guidelines worksheets. The sentencing guidelines worksheets and the written explanation of any departure from the guidelines are ordered filed as a part of the record in this case.

Before pronouncing the sentence, the Court inquired if the defendant desired to make a statement and if the defendant desired to advance any reason why judgment should not be pronounced.

The Court **SENTENCES** the defendant to:

Incarceration with the **Virginia Department of Corrections** for the term of: **1 year for Attempted Unlawful Wounding, 5 Years for Violent Convicted Felon in Possession of a Firearm, and 5 years for Violent Convicted Felon in Possession of a Firearm.** The total sentence imposed is **11 years.**

These sentences shall run **consecutive** to one another and **consecutive** to any other sentences imposed.

Mandatory Minimum Sentence. Count One of the sentence has a mandatory minimum sentence of 1 year, Count Two of the sentence has a mandatory minimum sentence of 5 years and Count Three of the sentence has a mandatory minimum sentence of 5 years.

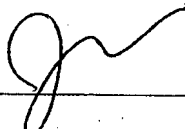
Post-Release Supervision. The defendant is placed on post-release supervision to commence on his release from incarceration for **3 years on Count 1, 1 year on Count 2, and 1 year on Count 4.** The total balance imposed is **5 years** and shall run consecutive to one another. Any term of post-release incarceration imposed pursuant to § 19.2-295.2:1 be suspended, and the defendant be placed on active supervision under a post-release supervision program operated by the Department of Corrections. The court shall order that the defendant be subject to electronic monitoring by means of a GPS tracking device, or other similar device during this period of postrelease supervision. Failure to successfully abide by the terms and conditions of the postrelease supervision program shall be grounds to terminate the period of postrelease supervision and recommit the defendant to the Department of Corrections or to a local correctional facility. Procedures for any such termination shall be conducted after a hearing in the court which originally sentenced the defendant, conducted in a manner consistent with a revocation hearing under § 19.2-306.

Appeal Rights. The defendant was advised of his appeal rights.

(CF21000119)

Costs. The defendant's payment of cost was waived in this matter by the Court.

Credit for time served. The defendant shall be given credit for time spent in confinement while awaiting trial pursuant to Code §53.1-187.

9/15/23 ENTER: 
DATE

DEFENDANT IDENTIFICATION:

SSN: 226-04-7237 DOB: 04-15-1971 Sex: Male

SENTENCING SUMMARY:

TOTAL SENTENCE IMPOSED: 11 years

TOTAL SENTENCE SUSPENDED:

VIRGINIA:

In the Court of Appeals of Virginia on Tuesday the 18th day of February, 2025.

Melvin Curtis Farmer,

Appellant,

against

Record No. 1694-23-4
Circuit Court No. CF21000119

Commonwealth of Virginia,

Appellee.

From the Circuit Court of the City of Alexandria

Before Senior Judges Annunziata, Petty and Humphreys

Counsel for Melvin Curtis Farmer filed a brief on his behalf accompanied by a motion for leave to withdraw in accordance with *Anders v. California*, 386 U.S. 738 (1967). A copy of this brief has been furnished to Farmer with sufficient time for him to raise any matter that he chooses. (Farmer has filed a *pro se* supplemental pleading) *Did not Filed Complaint why I couldn't.*

Following a jury trial, the trial court convicted Farmer of attempted unlawful wounding and two counts of possession of a firearm by a violent convicted felon. The trial court sentenced Farmer to a total of 11 years of incarceration with no time suspended. On appeal, Farmer, by counsel, argues that the trial court erred by denying his motion to suppress and his request for a *Franks*¹ hearing. He also contends that the trial court erred by sustaining the Commonwealth's hearsay objection and by refusing to strike one of the firearm charges "where both counts were for the same firearm, and where the evidence showed [Farmer] was in continuous possession of said firearm, and the counts related to dates of offense only days apart." Farmer further contends that the trial court erred by refusing his proffered instructions on self-defense. Finally, Farmer, *pro se*, appears to argue that he received ineffective assistance of counsel. We have reviewed the pleadings, fully examined the proceedings, and determined the case to be wholly frivolous as set forth below.

¹ *Franks v. Delaware*, 438 U.S. 154 (1978).

Appendix B

Thus, the panel unanimously holds that oral argument is unnecessary because the appeal is wholly without merit. *See* Code § 17.1-403(ii)(a); Rule 5A:27(a). We affirm the trial court's judgment.

BACKGROUND

On appeal, "we review the evidence in the 'light most favorable' to the Commonwealth." *Clanton v. Commonwealth*, 53 Va. App. 561, 564 (2009) (en banc) (quoting *Commonwealth v. Hudson*, 265 Va. 505, 514 (2003)). That principle requires us to "discard the evidence of the accused in conflict with that of the Commonwealth, and regard as true all the credible evidence favorable to the Commonwealth and all fair inferences that may be drawn therefrom." *Kelly v. Commonwealth*, 41 Va. App. 250, 254 (2003) (en banc) (quoting *Watkins v. Commonwealth*, 26 Va. App. 335, 348 (1998)).

Around 8:30 p.m. on April 12, 2021, Matheos Kassahun was working at a 7-Eleven convenience store in Alexandria. He and a co-worker heard gunshots outside, ran for cover inside the store, and called 911. When Kassahun returned to the main area of the store, he noticed that the store's door was damaged by what appeared to be a bullet.

Alexandria Police Officer Patrick Cushing responded to the scene. He also noted the damage to the store's door and that it looked like bullet damage. Officer Cushing spoke with James Farmer (James) and Melissa Talbert, who both described what happened at the store. Officer Cushing did not speak to anyone named Emerson McAllister that night or any time after. Officer Cushing reviewed store surveillance video and recognized Farmer inside the store, having known him from previous encounters.

Crime Scene Unit Investigator Marielsi Alvarez responded to the scene and collected a cartridge casing from the sidewalk outside the store. The casing was labeled as a .40-caliber Smith & Wesson casing. She also found a bullet that had struck a nearby trash can.

About two hours after the shooting, Alexandria Police Officer Michael Roche encountered Farmer around three blocks from the 7-Eleven. When he spoke with Farmer, Officer Roche asked if he had any weapons. In response, Farmer lifted his shirt and turned around to show he did not have a weapon.

Alexandria Police Officer Harvey also arrived at the store where he saw Talbert and James having a "very heated" argument. On cross-examination, defense counsel asked Officer Harvey to testify about "parts of the argument that [he] observed . . . Ms. Talbert yelling at [James] that he needed to stop." The Commonwealth objected on hearsay grounds. Farmer argued that Talbert's statements qualified as present sense impression and were admissible under that exception to the rule against hearsay because she was speaking with James, the victim of a crime. In sustaining the objection, the trial court ruled that James was not a victim. Farmer did not proffer what Harvey's testimony would have been.

Following their investigation, the police arrested Farmer on April 15, 2021. They found Farmer at a hotel and saw him get into a car that morning. The police had obtained an arrest warrant for Farmer and a search warrant for his car. When they stopped Farmer and arrested him, Investigator Steven Matthews informed him that they were going to take him to the police station to be interviewed by a detective. In response, Farmer announced that he had already told another detective that there was a gun and ammunition in a bag inside the car. Farmer described the gun as a .40-caliber camouflage-colored weapon. The police recovered the weapon, and testing revealed that the casing recovered at the 7-Eleven was fired from that gun.

X Before trial, Farmer moved to suppress his statements to the police following his arrest, arguing that he had been interrogated without having first been advised of his rights under *Miranda v. Arizona*, 384 U.S. 436 (1966). He also requested a *Franks* hearing. At the hearing on the motions, Investigator Matthews testified that he never read Farmer his *Miranda* rights and that neither he nor any other officer asked Farmer any questions. ^{NOT TRUE} Instead, Farmer spontaneously mentioned having told another detective about the gun in the car. ^{DID NOT SAY} Investigator Shawn Gallagher transported Farmer from the arrest scene to the detention center. During the drive, Farmer stated, without questioning: "I'll take the gun charge," and, "It was right next to me," multiple times. Farmer described the gun as a M&P .40-caliber camouflaged weapon. Investigator Francis Powers assisted Investigator Gallagher with Farmer's paperwork and noted that "[w]hen he came in with Officer Gallagher [Farmer] was very verbose, very talkative, somewhat angry, but rambling at times." Investigator Powers heard Farmer state, "I'll take the gun charge," without having been asked anything.

Following argument, the trial court denied both motions. The trial court concluded that although Farmer was in custody when he made the statements, he was not subjected to any interrogation. Further, in denying Farmer's request for a *Franks* hearing, the trial court found that what the police saw on the 7-Eleven video along with the other information they had provided sufficient probable cause to support the search warrant.

Farmer testified that he arrived at the 7-Eleven with Curtis Davis and Talbert and that Emerson McAllister was also at the store that evening. Farmer stated that he and McAllister had been having "issues" in the weeks before the shooting. Farmer alleged that McAllister had threatened him with a knife and stated his intention to kill him. Farmer told the jury that he would not "run[] from no knife." Farmer traveled in a van with Davis and Talbert and, while in the van, Davis handed Farmer a .40-caliber firearm. At the 7-Eleven, Farmer heard McAllister state that he was going to "go in and kill" Talbert. Farmer stated that he grabbed the gun Davis gave him and shot at the trash can to scare McAllister and prevent him from harming Talbert.

Farmer proffered two jury instructions regarding self-defense. The trial court rejected both instructions, finding there was no evidence of self-defense. The jury found Farmer guilty of attempted unlawful wounding and two counts of possession of a firearm by a violent convicted felon. Farmer appeals.

ANALYSIS

I.

"The law regarding appellate review of a trial court's decision on a motion to suppress is well settled. The appellant bears the burden of establishing that reversible error occurred." *Williams v. Commonwealth*, 71 Va. App. 462, 474 (2020). In *Miranda*, the U.S. Supreme Court held that a suspect must be informed of his constitutional rights before a "custodial interrogation" begins. The Court defined "custodial interrogation" as "questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way." *Miranda*, 384 U.S. at 444.

"*Miranda* announced a bright-line formula that the combination of custody and interrogation will be deemed to be presumptively coercive, though as with most presumptions, it is rebuttable." *Thomas v. Commonwealth*, 72 Va. App. 560, 578-79 (2020). "Nevertheless, custodial interrogation gives rise to the presumption of compulsion, catalyzing the therapeutic, implementing rule of *Miranda*." *Id.* at 579. Absent the combination of both custody and interrogation, there is no presumption of compulsion and there is, therefore, no call for *Miranda*'s implementing countermeasures." *Id.*; see *United States v. Washington*, 431 U.S. 181, 187-88 (1977) ("The Constitution does not prohibit every element which influences a criminal suspect to make incriminating admissions . . . [t]he constitutional guarantee is only that the witness not be compelled to give self-incriminating testimony.").

Here, after the police arrested Farmer, he spontaneously remarked that there was a gun in his car. No officer asked Farmer any questions. He further volunteered that he would "take the gun charge," accurately described the gun found in his car, and admitted that the gun "was right next to" him. The record supports the trial court's holding that although Farmer was in custody, he was not subjected to interrogation and the police were therefore not required to advise him of his *Miranda* rights. We find no error with the trial court's denial of Farmer's motion to suppress his statements to the police.

II.

An appellate court reviews the trial court's application of the law to the particular facts of the case de novo. *Davis v. Commonwealth*, 65 Va. App. 485, 497 (2015). Farmer contends that the trial court erred by denying his motion for a *Franks* hearing.

"In *Franks v. Delaware*, 438 U.S. 154 (1978), the Supreme Court held that in certain narrowly defined circumstances a defendant can attack a facially sufficient affidavit." *United States v. Colkley*, 899 F.2d 297, 300 (4th Cir. 1990). "The *Franks* Court recognized a strong 'presumption of validity with respect to the affidavit supporting the search warrant,' and thus created a rule of 'limited scope.'" *Id.* (quoting *Franks*, 438 U.S. at 167, 171). The rule requires that a dual showing be made which incorporates both a subjective and an objective threshold component. In order even to obtain an evidentiary hearing on the affidavit's integrity, a

defendant must first make “a substantial preliminary showing that a false statement knowingly and intentionally, or with reckless disregard for the truth, was included by the affiant in the warrant affidavit.” *Franks*, 438 U.S. at 155-56. This showing “must be more than conclusory” and must be accompanied by a detailed offer of proof. *Id.* at 171.

Moreover, it is clear that “circuit courts in this Commonwealth should not conduct a *Franks* hearing absent the establishment of the requisite substantial preliminary showing.” *Barnes v. Commonwealth*, 279 Va. 22, 33 (2010). Here, Farmer presented no evidence that the police falsified any information contained in the search warrant for Farmer’s car. At the hearing on the motion, Farmer did not allege that the police did anything wrong, instead he argued only that the detective who swore out the affidavit could have done more to corroborate the information in the affidavit. The unsupported, vague allegations did not rise to the level to trigger a *Franks* hearing and we find no error with the trial court’s denial of Farmer’s motion.

III.

Farmer contends that the trial court abused its discretion by sustaining the Commonwealth’s hearsay objection to Officer Harvey testifying about Talbert’s out-of-court statements.

A trial court’s decision to admit or exclude evidence is reviewed for an abuse of discretion. *Jefferson v. Commonwealth*, 298 Va. 1, 10 (2019). It is axiomatic, though, that “[e]rror may not be predicated upon . . . exclusion of evidence[] unless . . . the substance of the evidence was made known to the [trial] court by proffer.” Va. R. Evid. 2:103(a)(2); see *Murray v. Commonwealth*, 71 Va. App. 449, 458 (2020); see also *Whittaker v. Commonwealth*, 217 Va. 966, 969 (1977) (noting that “a unilateral avowal of counsel, if unchallenged,” may “constitute[] a proper proffer”). The “range of content required” for a proper proffer “depend[s], in part, on the proffer’s purpose.” *Creamer v. Commonwealth*, 64 Va. App. 185, 195 (2015). It must be “sufficiently detailed” to permit the trial court “a fair opportunity ‘to resolve the issue at trial.’” *Id.* at 195, 199 n.7 (quoting *Albert v. Albert*, 38 Va. App. 284, 290 n.1 (2002)). Additionally, the proffer must be adequate “to allow the appellate court to determine whether the trial court erred in excluding the evidence and, if so, whether that error was harmless.” *Id.* at 195. Crucially, the appellate court “can perform this

examination only when the proponent proffers the 'testimony he expected to elicit,' rather than merely his theory of the case." *Tynes v. Commonwealth*, 49 Va. App. 17, 21 (2006) (quoting *Clagett v. Commonwealth*, 252 Va. 79, 95 (1996)). A "failure to proffer the *expected testimony* is fatal to [the] claim on appeal." *Id.* (quoting *Molina v. Commonwealth*, 47 Va. App. 338, 367-68, *aff'd on other grounds*, 272 Va. 666 (2006)). The reviewing court "cannot 'speculate what the answer[s] to the questions posed] might have been.'" *Id.* at 22 (quoting *O'Dell v. Commonwealth*, 234 Va. 672, 697 (1988)).

Farmer never proffered any evidence that he would have presented but for the court's ruling that the testimony inadmissible. Without knowing what Officer Harvey's testimony would have been, we cannot address the merits of Farmer's claim. Accordingly, we do not address this assignment of error.

IV.

Farmer contends that the trial court erred "by refusing to strike one of the violent-felon-in-possession-of-a-firearm counts of the indictment, where both counts were for the same firearm, and where the evidence showed [he] was in continuous possession of said firearm, and the counts related to dates of offense only days apart." Farmer concedes that he raised this issue only in his motion to strike at the end of the Commonwealth's case but did not renew it after presenting evidence on his behalf.

"In a jury trial, the defendant preserves his objections to the sufficiency of the evidence in a motion to strike at the conclusion of the Commonwealth's case if he elects to not introduce evidence of his own, or in a motion to strike at the conclusion of all the evidence or a motion to set aside the verdict if he does elect to introduce evidence of his own." *Commonwealth v. Bass*, 292 Va. 19, 33 (2016); *see also Sabol v. Commonwealth*, 37 Va. App. 9, 20 (2001) (same).

"No ruling of the trial court . . . will be considered as a basis for reversal unless an objection was stated with reasonable certainty at the time of the ruling, except for good cause shown or to enable this Court to attain the ends of justice." Rule 5A:18. "The purpose of th[e] contemporaneous objection requirement [in Rule 5A:18] is to allow the trial court a fair opportunity to resolve the issue at trial, thereby preventing unnecessary appeals and retrials." *Creamer*, 64 Va. App. at 195. "Specificity and timeliness undergird the

contemporaneous-objection rule, animate its highly practical purpose, and allow the rule to resonate with simplicity.” *Bethea v. Commonwealth*, 297 Va. 730, 743 (2019). “Not just any objection will do. It must be both *specific* and *timely*—so that the trial judge would know the particular point being made in time to do something about it.” *Id.* (quoting *Dickerson v. Commonwealth*, 58 Va. App. 351, 356 (2011)). If a party fails to timely and specifically object, he waives his argument on appeal. *Arrington v. Commonwealth*, 53 Va. App. 635, 641 (2009).

Farmer failed to preserve his argument for appeal by renewing it in a motion to strike at the conclusion of all the evidence. He does not invoke the good cause or ends of justice exceptions to Rule 5A:18, and the Court will not apply the exceptions sua sponte. *Spanos v. Taylor*, 76 Va. App. 810, 827-28 (2023). Accordingly, Rule 5A:18 bars our consideration of this argument on appeal.

V.

“A reviewing court’s responsibility in reviewing jury instructions is ‘to see that the law has been clearly stated and that the instructions cover all issues which the evidence fairly raises.’” *Conley v. Commonwealth*, 74 Va. App. 658, 674-75 (2022) (quoting *Fahringer v. Commonwealth*, 70 Va. App. 208, 211 (2019)). “We review a trial court’s decisions in giving and denying requested jury instructions for abuse of discretion.” *Id.* at 675. “[W]hether a jury instruction accurately states the relevant law is a question of law that we review *de novo*.” *Watson v. Commonwealth*, 298 Va. 197, 207 (2019) (quoting *Payne v. Commonwealth*, 292 Va. 855, 869 (2016)). “The facts regarding a challenged instruction are viewed ‘in the light most favorable to the proponent of the instruction.’” *Davison v. Commonwealth*, 69 Va. App. 321, 326 (2018) (quoting *Cooper v. Commonwealth*, 277 Va. 377, 381 (2009)).

A proposed jury instruction must be supported by “more than a mere scintilla of evidence.” *Boone v. Commonwealth*, 14 Va. App. 130, 132 (1992). “This Court has avoided establishing a precise definition for the term ‘scintilla’ because to do so would be ‘neither practical nor helpful.’” *Williams v. Commonwealth*, 64 Va. App. 240, 247 (2015) (quoting *Brandau v. Commonwealth*, 16 Va. App. 408, 411 (1993)). “Rather, the

weight of the credible evidence that will amount to more than a mere scintilla of evidence is a matter to be resolved on a case-by-case basis.” *Id.* (quoting *Brandau*, 16 Va. App. at 411).

“Self-defense is an affirmative defense which the accused must prove by introducing sufficient evidence to raise a reasonable doubt about his guilt.” *Hughes v. Commonwealth*, 39 Va. App. 448, 464 (2002) (quoting *Smith v. Commonwealth*, 17 Va. App. 68, 71 (1993)). “Whether an accused proves circumstances sufficient to create a reasonable doubt that he acted in self-defense is a question of fact.” *Bell v. Commonwealth*, 66 Va. App. 479, 486 (2016) (quoting *Smith*, 17 Va. App. at 71). The fact finder must determine whether the appellant acted in reasonable apprehension of bodily harm. *See, e.g., Diffendal v. Commonwealth*, 8 Va. App. 417, 421 (1989) (explaining that a person “is privileged to use reasonable force” when he or she “reasonably apprehends bodily harm by another” and “exercise[s] reasonable force to repel the assault”). This defense also requires a finding that the force that the appellant used was reasonable in relation to the threatened harm. *See Caison v. Commonwealth*, 52 Va. App. 423, 440 (2008)).

“Virginia law recognizes two forms of self-defense to criminal acts of violence: self-defense without fault (‘justifiable self-defense’) and self-defense with fault (‘excusable self-defense’).” *Jones v. Commonwealth*, 71 Va. App. 70, 94 (2019) (quoting *Bell*, 66 Va. App. at 487). “Any form of conduct by the accused from which the fact finder may reasonably infer that the accused contributed to the affray constitutes ‘fault.’” *Id.* at 94-95 (quoting *Smith*, 17 Va. App. at 71). Excusable self-defense occurs where an accused, “although in some fault in the first instance in provoking or bringing on the difficulty, when attacked retreats as far as possible, announces his desire for peace, and [injures] his adversary from a reasonably apparent necessity to preserve his own life or save himself from great bodily harm.” *Avent v. Commonwealth*, 279 Va. 175, 200 (2010).

Here, nothing in the record suggests that Farmer was provoked or in any way threatened when he fired the gun in the 7-Eleven parking lot. Instead, he acted intentionally and fired the weapon towards the store’s front door and the trash can outside. The record supports the trial court’s ruling that not even a scintilla of the evidence supported Farmer’s proffered self-defense jury instructions.

VI.

* Farmer, *pro se*, appears to argue that he received ineffective assistance of counsel. *Did NOT RAISE NO CLAIM. THIS IS AN ATTEMPT TO VIOLATE POST PROCEEDING.*
"Claims raising ineffective assistance of counsel must be asserted in a habeas corpus proceeding and are not cognizable on direct appeal." *Lenz v. Commonwealth*, 261 Va. 451, 460 (2001). See also 1990 Va. Acts, ch. 74 (repealing Code § 19.2-317.1).

Accordingly, we affirm the trial court's judgment, and we grant the motion for leave to withdraw. See *Anders*, 386 U.S. at 744. This Court's records shall reflect that Melvin Curtis Farmer is now proceeding without the assistance of counsel in this matter and is representing himself on any further proceedings or appeal. Farmer must pay to the Commonwealth of Virginia \$150 damages.

The trial court shall allow Sean A. Sherlock, Esquire, the fee set forth below and also counsel's necessary direct out-of-pocket expenses. The Commonwealth shall recover of Farmer the costs in this Court and in the trial court.

Costs due the Commonwealth by appellant in
Court of Appeals of Virginia:

Attorney fee \$1,800.00 plus costs and expenses

A Copy,

Teste:

A. John Vollino, Clerk

By:

Kristen M. McKernie

Deputy Clerk

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Monday, the 6th day of October, 2025.

MELVIN CURTIS FARMER,

APPELLANT,

against

Record No. 250360

Court of Appeals No. 1694-23-4

COMMONWEALTH OF VIRGINIA,

APPELLEE.

FROM THE COURT OF APPEALS OF VIRGINIA

Upon review of the record in this case and consideration of the argument submitted in support of the granting of an appeal, the Court refuses the petition for appeal.

Upon consideration whereof, the Court denies the appellant's requests for appointment of counsel and an evidentiary hearing.

A Copy,

Teste:

Muriel-Theresa Pitney, Clerk

By:

Erin C. Tajalic

Deputy Clerk

Appendix C

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Thursday, the 11th day of December, 2025.

MELVIN CURTIS FARMER,

APPELLANT,

against Record No. 250360
 Court of Appeals No. 1694-23-4

COMMONWEALTH OF VIRGINIA,

APPELLEE.

UPON A PETITION FOR REHEARING

On consideration of the appellant's pleading titled "motion to request a rehearing in the Supreme Court of Virginia," which is treated as a petition to set aside the judgment rendered herein on October 6, 2025, and grant a rehearing thereof, the prayer of the said petition is denied.

Upon consideration whereof, the Court denies the appellant's request for appointment of counsel and evidentiary hearing.

A Copy,

Teste:

Muriel-Theresa Pitney, Clerk

By:

Ervin Pajalic

Deputy Clerk

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Appendix D

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Wednesday, the 11th day of February, 2026.

MELVIN CURTIS FARMER,

APPELLANT,

against

Record No. 250360

Court of Appeals No. 1694-23-4

COMMONWEALTH OF VIRGINIA,

APPELLEE.

FROM THE COURT OF APPEALS OF VIRGINIA

On October 6, 2025, this Court entered an order refusing the petition for appeal in the above-styled case.

Thereafter, came the appellant, who is self-represented, and filed a "Motion to Request a Rehearing."

On December 11, 2025, this Court entered an order construing the appellant's "Motion to Request a Rehearing" as a petition for rehearing and denying a rehearing in this case.

On December 11, 2025, came again the appellant, and filed a motion to compel the return of certain property.

On January 2, 2026, came again the appellant, and filed a pleading entitled "Petition for Rehearing En Banc."

Upon consideration whereof, the Court denies the motion to compel the return of property.

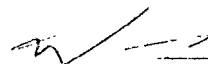
Upon further consideration, finding that the Court denied the appellant's request for a rehearing en banc in its December 11, 2025 order, the Court denies his request for another rehearing.

A Copy,

Teste:

Muriel-Theresa Pitney, Clerk

By:



Deputy Clerk

Appendix 6

**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001**

February 18, 2026

Melvin C. Farmer
#1174227
3521 Woods Way
State Farm, VA 23160

RE: Farmer v. Virginia
VASC No. 250360

Dear Mr. Farmer:

The above-entitled petition for writ of certiorari was postmarked December 29, 2025 and received January 28, 2026. The papers are returned for the following reason(s):

No motion for leave to proceed in forma pauperis, signed by the petitioner or by counsel, is attached. Rules 33.2 and 39. The motion must be signed.

No notarized affidavit or declaration of indigency is attached. Rule 39. You may use the enclosed form.

The petition fails to comply with the content requirements of Rule 14. A guide for in forma pauperis petitioners and a copy of the Rules of this Court are enclosed. The guide includes a form petition that may be used.

Please correct and resubmit as soon as possible. Unless the petition is submitted to this Office in corrected form within 60 days of the date of this letter, the petition will not be filed. Rule 14.5.

A copy of the corrected petition must be served on opposing counsel.

When making the required corrections to a petition, no change to the substance of the petition may be made.

Sincerely,
Scott S. Harris, Clerk
By:

Angela Jimenez
(202) 479-3392

Enclosures

APPENDIX F

PRIORITY MAIL
FLAT RATE ENVELOPE
POSTAGE REQUIRED

PRESS FIRMLY TO SEAL



PRESS FIRMLY TO SEAL

Package Tracking Label

Melvin Farmer

3521 Woods Way



Prison

TO: J.D.

MELVIN C. FARMER #117427
3521 WOODS WAY
STATE FARM VA 23160-0004

USPS TRACKING # USPS Shift



9205 5902 2008 6410 0248 54

See website at <http://pe.usps.com> for a liability and limitations of coverage.

MAY - 4 2026

FLAT RATE ENVELOPE

ONE RATE ■ ANY WEIGHT

TRACKED ■ INSURED ■ NTEL



PS000001000014

EP14F November 2025



To schedule free Package Pickup scan the QR code.



DELIVERED BY MAY 11 2025

**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001**

April 30, 2026

Melvin C. Farmer
#1174227
3521 Woods Way
State Farm, VA 23160

RE: Farmer v. Virginia
VASC No. 250360

Dear Mr. Farmer:

The above-entitled petition for writ of certiorari was originally postmarked December 29, 2025 and received again on April 20, 2026. The papers are returned for the following reason(s):

To the extent the petition intends to seek review of the order dated October 6, 2025 for which a rehearing was denied on December 11, 2025 from the Supreme Court of Virginia in case No. 250360 then the statement of jurisdiction must reflect the same. Rule 14.1(e).

Please correct and resubmit as soon as possible. Unless the petition is submitted to this Office in corrected form within 60 days of the date of this letter, the petition will not be filed. Rule 14.5.

A copy of the corrected petition must be served on opposing counsel.

When making the required corrections to a petition, no change to the substance of the petition may be made.

Sincerely,
Scott S. Harris, Clerk
By:

Angela Jimenez
(202) 479-3392

Enclosures

Appendix G

I, Adeline Luehis Faure, do swear or declare that on this date, May 14th, 2026, As required by Supreme Court Rule 29, I have corrected statement of jurisdiction and solved the enclosed motion for leave to present the same. Papers and corrected papers for writ of certiorari on each party to the above proceeding or that party counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States Mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party common-carrier for delivery within 3 calendar days.

Proof of Service

Commonwealth of Virginia - Respondents

vs.

Adeline Luehis Faure - Petitioner

Supreme Court of the United States

In The

At

THE NAMES AND ADDRESSES OF THOSE SERVED ARE AS
FOLLOWS:

OFFICE OF THE ATTORNEY GENERAL
DAVID A. STOCK
SENIOR ASSISTANT ATTORNEY GENERAL
202 NORTH NINTH STREET
RICHMOND, VIRGINIA 23219

I declare under Penalty of Perjury that the Fore-
going is True and Correct
EXECUTED ON MAY 14, 2026.

Signature: Mehdi

Subscribed and Sworn before me this 14 day of May,
2026,

Notary Public Print: R Collins
Signature: R Collins

My Commission Expires: 10-31-2029

