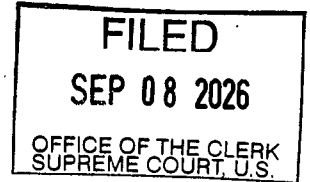


ORIGINAL

26-5536

No. _____



IN THE
SUPREME COURT OF THE UNITED STATES

Jacqueline Lynne Ortiz — PETITIONER
(Your Name)

VS.

Commonwealth of Virginia — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Please check the appropriate boxes:

☒ Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

The Court of Appeals of Virginia, for purposes of appeal in that Court as well as in the Supreme Court of Virginia, appointed counsel because Ms. Ortiz is indigent. (orders attached from the appellate courts as well as the trial court finding of indigency).

☐ Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

☐ Petitioner's affidavit or declaration in support of this motion is attached hereto.

☒ Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

☐ The appointment was made under the following provision of law: _____, or

☒ a copy of the order of appointment is appended.


(Signature)

VIRGINIA:

In the Court of Appeals of Virginia on Monday the 24th day of March, 2025.

Jacqueline Lynn Ortiz, s/k/a
Jacqueline Lynn Ortiz-Whitaker,

Appellant,

against

Record No. 1918-23-1
Circuit Court No. CR23-567

Commonwealth of Virginia,

Appellee.

From the Circuit Court of the City of Virginia Beach

On March 21, 2025, Meghan Shapiro, Esquire, court-appointed counsel for the appellant, filed a motion requesting that she be allowed to withdraw as counsel in this case because she is leaving the Virginia Indigent Defense Commission (Office of the Public Defender). Counsel further requests that the Court allow her to continue to represent the appellant as court-appointed counsel in her private capacity, and states that the Commonwealth does not oppose the request.

Upon consideration whereof, the Court grants the motion, and the Office of the Public Defender is considered withdrawn. The Court hereby appoints Meghan Shapiro, Esquire, to represent the appellant on the further proceedings in this appeal.

A Copy,

Teste:

A. John Vollino, Clerk

By:

San R. Antip
Deputy Clerk

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Wednesday, the 1st day of July, 2026.

COMMONWEALTH OF VIRGINIA,

APPELLANT,

against Record No. 250679
 Court of Appeals No. 1918-23-1

JACQUELINE LYNN ORTIZ, A/K/A
JACQUELINE LYNN ORTIZ-WHITAKER,

APPELLEE.

UPON AN APPEAL FROM A
JUDGMENT RENDERED BY THE
COURT OF APPEALS OF VIRGINIA.

For reasons stated in this Court's order dated June 11, 2026, and filed with the record, the Court is of the opinion that there is error in part in the judgment from which the appeal was filed. Accordingly, that portion of the judgment of the Court of Appeals that reversed appellee's conviction for felony receiving stolen property is reversed and annulled, and final judgment is entered reinstating the conviction.

It is ordered that the Circuit Court of the City of Virginia Beach allow counsel for the appellee a fee of \$3,250 for services rendered the appellee on this appeal, in addition to counsel's costs and necessary direct out-of-pocket expenses.

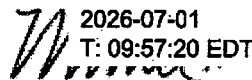
This order shall be certified to the Court of Appeals of Virginia and to the Circuit Court of the City of Virginia Beach.

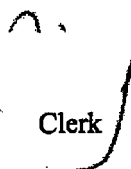
Costs due the Commonwealth
by appellee in Supreme
Court of Virginia:

Attorney's fee \$3,250.00 plus costs and expenses

A Copy,

Teste:

 2026-07-01
T: 09:57:20 EDT


Clerk

REQUEST FOR APPOINTMENT OF A LAWYER

Commonwealth of Virginia

VA. CODE ANN. §§ 16.1-266, 267 §§ 19.2-159, 160, 163

Case No. GC22012667-00
GC22012669-00 - 2667☐ Circuit Court
☒ General District Court
☐ Juvenile and Domestic Relations District Court

CITY OR COUNTY

VA BEACH
Ortiz Whitaker, Jacqueline

Adult

ADDRESS

TELEPHONE NUMBER

TO THE ADULT: You have been charged with an offense punishable by death or confinement in a state correctional facility or in jail, including charges for revocation of suspension of imposition or execution of sentence or probation; or you are a party in a case involving allegations of abuse and/or neglect or a case in which you may be subjected to termination of your residual parental rights and responsibilities. You have the right to be represented by a lawyer with respect to this matter. In addition, the court shall consider appointing counsel to represent the parent or guardian of a child who is the subject of a foster care plan, foster care review or permanency planning hearing. You may retain a lawyer at your own expense or, if it is determined by the court that you are unable to afford a lawyer, this court will appoint a lawyer to represent you. If the judge appoints a lawyer to represent you, the lawyer will be paid with public funds whether or not you are convicted. However, if you are convicted, you shall pay the amount of the court-appointed lawyer's fee as part of the costs of prosecution. You may also waive your right to a lawyer.

REQUEST FOR APPOINTMENT OF A LAWYER—STATEMENT OF INDIGENCY

I, the undersigned, have been advised this day by this Court of my right to be represented by a lawyer in the case involving me; I certify that I am without means to employ a lawyer and I hereby request the Court to appoint a lawyer for me. My financial statement accompanies this request.

I have been informed that the lawyer appointed for me will be paid with public funds, but if I am convicted of a criminal offense, I shall have to pay the amount of the court-appointed lawyer's fee as part of the costs of prosecution. This lawyer will represent me in this case in all state courts until relieved or replaced by another lawyer.

If the court finds me to be not indigent, and if the court then declines to appoint a lawyer to represent me, I understand that I may employ my own lawyer. But, if I appear without counsel on the trial date, I may be deemed to have waived my right to counsel.

020 Ec 22

DATE

ADULT

The Court was advised that _____, a lawyer, has been retained to represent the accused in this Court.

This information was provided by:

☐ the above-named person ☐ the lawyer ☐ _____

DATE

☐ JUDGE ☐ CLERK**ORDER OF APPOINTMENT OF COUNSEL**

**THE REQUEST FOR APPOINTMENT OF A LAWYER WAS EXECUTED UNDER OATH.
HAVING EXAMINED THE ADULT AND CONSIDERED OTHER COMPETENT EVIDENCE, I FIND
THAT**

☐ the Adult is not indigent and not entitled to representation by a court-appointed attorney.

☒ the Adult is indigent within the guideline set forth in the law and is entitled to representation by court-appointed counsel;

☐ the Adult is not indigent and the Adult refuses to either employ counsel or waive his right to representation by a lawyer, but that the following circumstances and the ends of justice require the appointment of counsel:

Therefore I appoint the lawyer indicated below to represent the adult at such hearings and all other stages of the proceeding in this court and in any other court to which this case may be appealed or certified until relieved or replaced by another lawyer.

☐ The Clerk shall send a copy of this Order to the Indigent Defense Commission as notice that the lawyer indicated below is not on the list maintained by the Commission, but has otherwise demonstrated to the Court an appropriate level of training and experience.

NAME, ADDRESS
OF COURT
APPOINTED
LAWYERP.D3/10/238:30 #2

NEXT HEARING DATE AND TIME

12/2/22

DATE

JUDGE

**FINANCIAL STATEMENT - ELIGIBILITY DETERMINATION
FOR INDIGENT DEFENSE SERVICES**
PRESUMPTIVE ELIGIBILITY

Commonwealth of Virginia

Case No. _____
VA. CODE § 19.2-159

☐ I currently receive the following type(s) of public assistance in _____

CITY/COUNTY

☐ TANF \$ _____ ☐ Medicaid ☐ Supplemental Security Income \$ _____
☒ SNAP (food stamps) \$ 210 ☐ Other (specify type and amount) _____

☐ I currently do not receive public assistance.

Names and address of employer(s) for defendant and spouse:

Self 7-11 Norfolk
Spouse (not applicable if alleged victim) N/A

NET INCOME:

Pay period (weekly, every second week, twice monthly, monthly) _____

Net take home pay (salary/wages, minus deductions required by law) _____

Other income sources (please specify) _____

Self

Spouse

EMPLOYMENT HISTORY:

Were you employed at the time of your arrest? ☒ yes ☐ no

If yes, my net take home pay was ☐ per week ☐ month \$ _____

If no, length of time since last employed? _____

Total wages earned last calendar year? \$ _____

TOTAL INCOME

\$ 500

+

COURT USE ONLY
500

A

ASSETS:

Cash on hand _____

Bank Accounts at: _____

Any other assets: (please specify) _____

Real estate - \$ _____

NET VALUE

with a
value of _____

with net
value of _____

with net
value of _____

Motor
Vehicles

YEAR AND MAKE

YEAR AND MAKE

Other Personal Property: (describe) _____

TOTAL ASSETS

\$ _____

+

COURT USE ONLY

0

B

1 Number in household defendant has financial responsibility for, including defendant.

EXCEPTIONAL EXPENSES (Total Exceptional Expenses of Family)

Medical Expenses (list only unusual and continuing expenses) _____

Court-ordered support payments/alimony _____

☐ deducted from paycheck ☐ not deducted from paycheck

Child-care payments (e.g. day care) _____

Other (describe): _____

TOTAL EXPENSES

\$ _____
COLUMN "A" plus COLUMN "B" minus
COLUMN "C" equals available funds

COURT USE ONLY

0

C

This statement is made under oath. Any false statement may
constitute a violation of law under Virginia Code § 19.2-161
and be subject to criminal penalty, including incarceration.

I hereby state that the above information is correct to the best of my knowledge.

Name of defendant (type or print) _____

02 DEC 22

DATE

SIGNATURE

Sworn/affirmed and signed before me this day.

02 DEC 22

DATE

SIGNATURE

DEPUTY

TITLE 19