No. 26-6083

ORIGINAL

Supreme Court, U.S.
FILED
FEB - 4 2026
OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

JESSE BEEBOUT

Petitioner, pro se,

v.

VIRGINIA

Respondent.

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

PETITION FOR A WRIT OF CERTIORARI

JESSE BEEBOUT

2148558

3521 WOODS WAY

STATE FARM, VA 23160

QUESTION PRESENTED:

The first Amendment is dual aspect:
it "*forestalls compulsion by law of the acceptance of any creed or practice of any form of worship*"
and also "*safeguards the free exercise of the chosen form of religion.*"
Cantwell v. Conn., 310 U.S. 296 (1940).

A sentence based to any degree on activity or beliefs protected by the 1st amendment is constitutionally invalid.
United States v. Lemon, 723 F.2d 922 (1983).

1) May a trial courts discretion permit the introduction of evidence meant to inflame the passions of the jury with allegations of bad moral character, association with those who commit crimes, and belief in an unorthodox faith?

LIST OF PARTIES:

PETITIONER:

Jesse Dean Beebout

RESPONDENT:

State of Virginia

RELATED PROCEEDINGS:

SPOTSYLVANIA COUNTY CIRCUIT COURT

Case No's :

CR22001153;CR22001227;CR22001358

THE VIRGINIA COURT OF APPEALS

Record No : 1466-23-2

THE SUPREME COURT OF VIRGINIA

VASC No : 250474

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IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS

The opinion of the highest state court to review the merits is reported at 2025 Va. App. LEXIS 199 | 2025 LX 279762

The Virginia supreme court refused the petition for appeal without filing an opposition brief, November 18th, 2025.

JURISDICTION

The date on which the highest state court decided my case was April 8th, 2025

A timely petition for rehearing was filed and rejected without a response in opposition nor any hearing on : 11/18/2025

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CONSTITUTIONAL AND STATUTORY PROVISIONS

USCS Federal Rules of Evidence Rules 404

Character Evidence; Other Crimes Wrongs or Acts

USCS Amendment 14

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

USCS Amendment 1

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, ..."

STATEMENT OF CASE

I. Factual Background

A. Self-Defense

On May 1st, 2022, Beebout was arrested and spoke freely with police describing an attempt made on his life the evening before and his actions taken in his defense. He relayed the existence of dash camera footage of the incident and gave the location of the firearm involved.

B. Circuit Court Trial

Trial began on June 21st, 2023, Beebout pleading not guilty to all charges. An expert witness for the commonwealth, a detective, gave testimony about popular culture and religion attributing such to the defendant against first amendment protections. Additionally, he mentioned the fact that he failed to retrieve CCTV video footage from the scene. The prosecution provided interpretations of logos on clothing Beebout owns to allege bad moral character. Persons who were present at the restaurant on the night of the incident were brought to the stand, each related their feelings about Beebout and about Hastings. They reported being eyewitnesses to an altercation where Hastings at the lead of a few others accosted Beebout. No witness claimed to have seen the events for which Beebout stands convicted. The prosecution alleged that Beebout was angry when he returned to retrieve his vehicle despite no evidence of such. Beebout took the stand in his own defense, reiterating the testimony he gave freely to police immediately after the events. The trial court allowed the prosecutor to set out their entire case via allegations against Beebouts moral character during cross examination by lending his own interpretations to the meaning of lawful items that were locked in the trunk or at his home during the incident.

On August 14th, 2023, Beebout was sentenced to fifty-eight years of incarceration with thirteen years suspended

C. Virginia Court of Appeals Decision

On April 8, 2025, the appeals court affirmed the conviction stating that the cross examination of Beebout was not an abuse of discretion, and that evidence was sufficient to support premeditation necessary for a first-degree conviction.

D. Virginia Supreme Court Denial

On November 18, 2025, The Virginia Supreme Court refused the petition for appeal without filing a brief in opposition or scheduling a hearing.

II. LEGAL BACKGROUND

Virginia law has a strange arrangement with that of the United States Constitution – much of it was written by the same hands, with the state version prior to that of the federal. Thomas Jefferson in his 'Notes on Religion' said *"neither Pagan, nor Mahomedan, nor Jew, ought to be excluded from the civil rights of the commonwealth because of his religion."* Later he spoke about the Constitutions clause against establishment of religion by law, stating it was to erect *"a wall of separation between church and state."* The very basis of the enlightenment ideals the founders instilled into our nations laws comes from natural law philosophy – truth comes from either of two sources, reason or revelation. Such has a long history in the west, *religio* the generally accepted Latin root for religion had no definitive legal meaning. Thomas Aquinas and Aristotle, who preferred reason in matters of law, did allow for the existence of revelation. James Madison in 1786, argued that a true religion did not need the support of law and cruel persecutions were the inevitable result of government-established religions. Early Virginia statutes such as the 'Virginia Bill for Religious Liberty' read much like our modern first amendment – "*That no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief ...*" Today there are few rulings in criminal matters by this or any court on such a flagrant wrong as prejudice of faith. Basing a prosecution upon purported religious ideologies, especially where there is no evidence of any sort of conformity with those beliefs is against the freedom of thought. "*Freedom of thought, including religious belief, is basic in a society of free men.*" Board of Edu. v. Barnette, 319 U.S. 624 (1943). Faith, even if established evidentiarily cannot be used for or against an accused person. "*The law knows no heresy, and is committed to the support of no dogma, the establishment of no sect.*" Watson v. Jones, 13 Wall. 679 (1872). Nor can a lack of faith be held against an accused. "*No person can be punished for entertaining or professing religious beliefs or disbeliefs.*" Torasco v. Watkins, 367 U.S. 488 (1961). The first amendment's protection many faiths lends great strength to our society. "*Freedom of religious conviction, which must necessarily be extended to beliefs not shared by a large number of individuals, is the backbone of the pluralism essential to a healthy, diverse society.*" Dettmer v. Landon, 617 F. Supp. 592 (1985). Nowhere in the United States should a court of law commit injustice in its name by establishing a conviction through denial of free speech and prejudice by making allegations of the accused persons faith. While rare this sort of practice has also been before this very court – "*The first amendment demands extraordinary safeguards whenever the state would use against an individual his association with others on the basis of shared beliefs.*" United States v. Lemon, 723 F.2d 922 (1983). Conversely, actual

evidence of an adherence to certain beliefs that permit violence is allowed. United States v. Rosenberg, 806 F.2d 1169 (1986). Meanings for lawfully owned items were given meanings by the prosecution, in order to invite a determination of guilt based upon irrelevant and First Amendment shattering evidence.

Reasons for granting petition –

I. Character Evidence Admission

Even evidence of previous acts is inadmissible to infer a person's character trait, such tending to distract from what actually happened on the particular occasion. That historically a person acted in a particular manner does not prove similar action on a different occasion. Rule 404 explicitly states what many consider common sense, that use of character evidence prejudices far greater than it provides insight. The fact of intoxication does support a conviction for DUI – the possession of clothes with alcohol brands or even a keg owned by the accused would be entirely moot. Likewise, a victim of assault cannot be vilified by the sort of outfits they may own or even that worn at the time of being attacked. Following such common-sense reasoning video game and movie memorabilia in no way proves that a defendant plainly approached by a stranger, did not defend his very life. Yet that very inference was made through the prosecution's elicitation from a detective – "*whenever in Norse mythology, whenever someone was killed in battle half of the chosen would be chosen by Odin to go to Valhalla as kind of an honorary resting place.*" "*It's become popular in pop culture for being willing to fight to the death as a respectful ending to that.*" (Tr.790) This statement by a detective far from his area of expertise comes before a single witness for the defense had approached the stand. It was offered not for identification but to allege bad moral character, association with those who commit crimes, and to implant prejudice by alleging belief in an unorthodox faith. Put simply it was the conjecture that owning a hat strips an American citizen of the right to defend his very life. Rule 404 explicitly lists the exceptions where circumstantial character evidence is permitted – the defendant must first open the door by offering evidence of his own relevant trait. Not one witness for the defense had spoken – such could not have occurred. *An accused offering proof of self-defense permits evidence of alleged victims characters trait for peacefulness, but it does not permit proof of the accused character trait for violence.* (Fountain, 768 F.2d 790) Irrefutable video shows the decedent approach with face screwed up in anger. Peacefulness is not proven alleging vile thoughts from the clothing worn by the stranger whom was attacked.

There was no eyewitness to the events for which conviction was sought, the prosecution built its case entirely upon defamation instead of fact. *"... he was a little strange."* (Tr.818) Objection was overruled. "*I cannot recall exactly what he was saying. They were very – I remember they were – they were rude and – They were very degrading things about women is what I can recall. Again, I can't*

remember exactly what he was saying." (Tr.868) Objection was overruled. "*Do you have a funny term or phrase about what it is or what it's called when somebody is trying to engage somebody in conversation? Ear hustling.*" (Tr.656) Objection was overruled. The prosecution alleged to have eyewitnesses, but their testimony proved otherwise. "*So, you can't tell what happens in the couple of seconds that leads up to that first gunshot?*" A "*Correct.*" (Tr.713) The defendant cooperating with police gave a statement that he protected his very life – no witness or evidence refutes that testimony. He took the stand to relay once more how a stranger that had already attacked him previously on the same night, at the front of a group of others, launched another assault, this time with no demands only physical force. *Evidence of alleged victims' violent character, when known by the accused is admissible to prove defendant reasonably feared harm.* United States v. Burks, 470 F.2d 432 (1972).

The prosecutions attempt to refute this testimony, which was backed by video evidence, only comes in the form of improper testimony inferring bad character based upon evidence that should have been excluded for breaking rule 404, and for being clear violation of the first Amendment. "*Okay. So, you know what Valhalla is, right?*" A "*not really.*" (Tr.1017) Such does not support the statement. "*I think there was a piece of him that was proud that he gave somebody a ticket to Valhalla.*" (Tr.1142) This testimony shows the definition given by the prosecution was not even known to the defendant, whose mind it was attributed to. *Adherence to beliefs that permit violence would certainly be permissible,* United States v. Rosenberg, 806 F.2d 1169 (1986). but in this case their basis comes from definitions the state elicited and provided themselves. Such constitutes an abridgement to the freedom of speech, and violation of the free exercise clause – "*Freedom of thought, including religious belief, is basic in a society of free men.*" Board of Edu. v. Barnette, 319 U.S. 624 (1943). Furthermore, rule 404 disallows admittance of such items as clothing bearing logos and slogans from video games or movies has no relevance besides to prejudice the defendant. Only the states definitions support the inference that Beebout possesses bad moral character, associates with organizations that commit crimes, and holds unorthodox religious beliefs. The intent of such allegations is bold and plain, the prosecution stated as much – "*... the patches do have some relevance to how he thinks and what he likes and whether he's considered shooting somebody before.*" (Tr.1037) That a defendant owns memorabilia of video games and movies has no bearing on what he thinks, it does show what he likes, but that is no basis to infer what things he has ever considered. What it does show is that the prosecution willfully chose to base its case upon evidence inadmissible for being violative of the first amendment's guarantee of free speech and its protections of faith.

The Prosecution made clear while Beebout was on the stand that this case was not about facts of what occurred moments after the decedent is clearly shown approaching him on film – Q "*I'm asking why you got the patch in the first place.*" A "*Oh, it came as a bundle with a bunch of other ones, so it was just random.*" [Tr.1019-9] Q "*Is this one of your patches, too, right here? I'm your Huckleberry,*

what does that mean?" A *"it means it came in a random bunch of patches. I have no idea what it means."* [Tr.1036] This line of questioning provides no further fact to the jury other than that the prosecution is more knowledgeable in the area of movie trivia. It was as worthless in establishing prejudice as it was facts so, he gave it definition himself. *"You don't know what it means? You never heard the reference in Tombstone, it's Doc Holliday, right before he guns a man down he says, I'll be your Huckleberry, you never heard that before?"* [Tr.1036-3] An objection resulted in mere admonishment for providing testimony from the bar, not that such was wholly unrelated to matters at trial, highly prejudicial, or that it made no fact any more or less likely. This line of 'questioning' shows most clearly that the prosecution aimed to obtain conviction not upon facts but upon prejudice. *Governments intent to create improper inference to demonstrate character of the defendant is not permissible under Rule 404.* United States v. Gluk, 811 F.3d 738 (2016). These items commemorate fictional characters within fictional worlds, the attack upon Beebouts life was no such fiction – dash camera footage shows who brought on the very real altercation. With no eyewitness nor direct evidence of events at trial, Beebouts clothes and the prosecutions own definitions were the entirety of the state's case – used as evidence of bad morality, association with criminality, and the holding of unorthodox beliefs.

These innocuous possessions and the comments by strangers who did not witness the events for which conviction was sought, purportedly form an evidentiary basis for more prejudicial closing arguments. *"He was holding ill will in his heart..."* (Tr. 1147) Purely unsupported. *"... that little pot of hate and discontent that Michelle Walter tried to articulate to you."* (Tr.1149) Hate and discontent are two words never uttered by Walters in the court room, the prosecution did elicit this improper character testimony though. *"... His energy was just very kind of all over the place and chaotic"* (Tr.881) This testimony comes from a person who was over half a mile from the scene of the incident for which conviction is sought, who would not even agree with the prosecutions claim that Beebout was angry – the prosecution elicited from her statements claims there were issues with the defendant's chakras, aura, and other nonsense. *Without overwhelming evidence of guilt, admission of evidence offered to posit defendant acted in conformity with bad character is harmful error.* United States v. Souksakhone Phaknikone, 605 F.3d 1099 (2010). The case wasn't even about the events of the evening where Beebout had to defend his very life – *"These particular patches weren't found buried somewhere in his house."* (Tr.1037) In fact they were locked in the vehicle's trunk, but the prosecution had hardly offered this straw man before setting it alight in further statements – mentioning items at the defendant's home. *"He's the guy that got samurai swords next to his computer."* (Tr.1142) Bad moral character is not projected via home décor – nobody at the scene knew of these things, they hold no relevancy besides being introduced for prejudicial purposes. *Isolated remarks violating Rule 404 are harmful error where they cast doubt on verdict.* United States v. Mendoza, 522 F.3d 482 (2008).

II. Motion to Set Aside

Objections were made throughout trial against the relevancy of evidence used to support impermissible character extrapolations (Tr.1018), (Tr.1090) and also against the prosecution's supplying it by his own words. (Tr.1036), (Tr.1085). A Mistrial was requested for the accumulation of these errors which struck at the very fairness of the trial. It was claimed that circumstantial evidence supports the finding of guilt – the entire basis for those claims arises from evidence that never should have been permitted. They should not have been allowed because on their own they support no fact beyond the lawful ownership of objects, and make prejudicial implications disallowed by the constitution. The speculation of mystical energies as a factor expresses that the prosecution strove to win its case, no matter how contrary to fact such a victory is – and regardless what due process and first amendment violations must be perpetrated. *A sentence based to any degree on activity or beliefs protected by the 1st amendment is constitutionally invalid.* United States v. Lemon, 723 F.2d 922 (1983).

The defendant's testimony falls precisely in line with video footage of the decedent approaching him with face screwed up in anger, no testimony or evidence refutes this – his video game playing or movie watching, wearing of slogans from such, his faith or lack of such, has no bearing upon the events that occurred when he was attacked by a stranger. A motion to set aside was accorded to the prosecutions use of the items which ruined the fairness of Beebouts trial. [Tr.1218] On their own a few scraps of cloth held little prejudice – they became objectionable the moment the state elicited and gave its own definitions; attributing unorthodox religious beliefs, association with criminality, and bad moral character. No fact is made more or less certain by the admission of the items, but once they were used as support for improper inferences, they had no place in a court of law. *"... Mr. Beebout never ascribed or promoted or accepted the meaning of these patches."* [Tr.1219-20] The trial court responded that 'endorsement' can arise simply from wearing an item of clothing [Tr.1223-7] and that the jury is to determine if wearing such provides evidence of an intent. Definition for this item was not given by Beebout though, it was provided by a prosecution witness then from the mouth of the prosecutor directly. The message that is allegedly endorsed by the accused comes solely from the state, providing negligible effect upon facts at trial other was instilling prejudice of a kind violative of the first amendment. Items on the wall at a defendant's home and locked in a trunk where nobody involved in events at trial knew of them has not only questionable relevance but insinuates nothing except prejudice. *"I think the probative value there is substantially less than the unfair prejudice."* [Tr.1227-20] The trial court stood by its allowances, finding that the prosecutions diversion from an examination of facts to seek conviction based upon assumed beliefs was lawful.

III. Virginia Court of Appeals

The prosecution stated that the questions about the patches was for the purpose of credibility – the trial court and state appellate court held that was correct. With such a holding an accused is forced to either accept the definition given by the prosecution, or to disagree with the state's provisioned meaning – either option introduces unnecessary prejudice to the accused. Before the objection Detective Justin Basil of the Spotsylvania County Sheriff's Office had already introduced first Amendment violating testimony. *"Norse Mythology, whenever someone was killed in battle[,] half . . . would be chosen by Odin to go to Valhalla as kind of an honorary resting place."* Over Beebout's objection, Detective Basil noted that *"[i]t's become popular in pop culture for being willing to fight to the death as a respectful ending."*

The state appellate court said for Testimony to be admissible it must be relevant to an issue on trial. Their citation is Va. R. Evid. 2:402(a), which states many exceptions – evidence is irrelevant where it is disallowed by Constitution of the United States, the Constitution of Virginia, statute, Rules of the Supreme Court of Virginia, or other evidentiary principles. The very next rule of the same court Va. R. Evid. 2:403, states why such evidence is disallowed – the probative value of the evidence is substantially outweighed by (i) the danger of unfair prejudice, or (ii) its likelihood of confusing or misleading the trier of fact. The question before the court is what occurred after the decedent approached Beebout in a parking lot, the states attributions of thoughts accorded to movie and video game slogans makes no theory more likely. The accusations bring nothing beyond prejudice alleging Beebout holds bad morality, associates with criminals, and believes in an unorthodox faith. These accusations misled the jury away from answering the question before the court. Furthermore, the fabricated evidence is itself an inference that violates of the First Amendment of the United States Constitution, also disallowed by Va. R. Evid. 2:402.

Even relevant evidence should be excluded if its "probative value" is "substantially outweighed by . . . the danger of unfair prejudice." Va. R. Evid. 2:403(a)(i). The photograph showed the hat worn, if the inclusion was for identification purposes it is clearly relevant, but the further testimony provided nothing to make any fact more or less certain. Such was simple fabrication of prejudicial first Amendment violative evidence.

The state Appellate court cites Thomas v. Commonwealth, 44 Va. App. 741 (2005), Holding that *"Virginia law . . . intervenes only when the alleged prejudice tends to inflame irrational emotions or leads to illegitimate inferences."* In Thomas one item was an illegal firearm, the other small baggies typically used for distributing drugs, possessed by a person with a criminal history of distributing drugs. This case is distinct by the items brought before the court and the charge sought – many persons wear ball-caps with words on them, they do not make the commission of any crime more likely, whereas Thomas' illicit firearm and baggies actually makes the crime possible. The trial under review is more closely related to Smith v. Commonwealth, 217 Va. 336 (1976), Wherein the prosecution inferenced a reputation for criminality, because the defendant was known to frequent an area

known for the exact sort of crime he was accused of. *"This unrelated evidence tended to show defendant's 'guilt by association' and it was highly prejudicial to him."*, thus Smiths conviction was reversed. Beebout was not on trial for ownership of decorative swords at his home, or for words written upon hats in his trunk. To borrow from Smith – *"It cannot be reasonably inferred from the mere presence of the defendant"* and his owning hats *"that he was engaged in the illegal activity"* of senseless and random murder. Yet such is the inference the appellate court permitted – an inference of association with criminals from the ownership of lawful items.

A motion for mistrial followed the prosecution's evidence fabrication during argument – *"You don't know what it means? You never heard the reference in Tombstone, It's Doc Holliday, right before he guns a man down he says, I'll be your Huckleberry, you never heard that before?"* [Tr.1036] Such was considered harmless because the Judge gave a curative instruction, but this was actually the second time the prosecution had been warned not to provide testimony. He had already been admonished by the judge for provisioning a witness with the phrase *"Ear hustling"* [Tr.655] Where prejudice could not be elicited the prosecution had already provisioned such personally and was already admonished not to do so. The state appellate court cites Tizon v. Commonwealth, 60 Va. App. 1 (2012), stating that the jury is *"presumed to follow prompt, explicit, and curative instructions."* In the case at bar the prosecution did not seem affected by the trial courts admonishment, committing the same error once more. Tizon is disparate from the case at bar, the detective on the stand stated the accused requested an attorney, which was corrected by a jury instruction. Minimal prejudice was induced from mentioning an act known as a right to the accused of a crime in the United States. The error in Tizon was correctable – in the case under review there is an accusation that *"fighting to the death"* is what Beebout had in mind by putting on an item of clothing. Such was absurdly prejudicial; it is of no comparison to Tizon. Furthermore, similar comments came from the prosecutor himself, as a member of the court they impart a sense of truth through imprimatur of government – the degree of prejudice imparted is not at all equivalent.

The Mistrial arises from a fundamental flaw in how the case was presented by the prosecution, instead of facts as to what happened it became a defamation competition that has no place in any court of law. One patch read, *"Don't Shoot Once Double Tap Shoot Twice."* The only fact proven by such is that a phrase from a video game was stitched onto clothing bought in a random bundle by Beebout. The prosecutor next directed Beebout's attention to a patch that depicted *"Mr. Rogers"* holding a gun which read, *"Stay Strapped or Get Clapped Neighbor."* Beebout indicated that it referenced *"using sexual protection, like condoms."* Again, completely irrelevant to a self-defense situation, and permits a first amendment violative inference of Beebout's faith or lack thereof. *"Disregard Females, Acquire Currency."* Beebout's failure to explain a 'meme' on the stand proves nothing in the matter of his response to being attacked physically in a parking lot. The mistrial

should have been granted, as the fundamental fairness of the proceeding was clearly in question by the actions of the prosecution, which instilled prejudice contrary to court rules and procedure, and violative of very ideals and statutes of the United States Constitution. All of these causes were again listed by the Trial judge and taken into consideration of the sentence delivered. That the faith of the accused was considered is not at question – *"... unclear whether it was the victim or perhaps the Viking who would be admitted. These are not the acts of a Christian. They're not the acts of a devoted grandson. These are not the acts of a kind person."* [Tr.1326] Both verdict and sentence were tainted by the inexcusable admittance of irrelevant and prejudicial evidence, the matter is now set before this Court.

CONCLUSION

Where a trial verdict has been found by the fact finders' consideration of evidence that is prejudicial, irrelevant, and violative of First Amendment protections a mistrial was more than appropriate remedy. Facts were overcome by prejudice, clearly violative of court rules of evidence and United States Constitution. The petition for a Writ of Certiorari should be granted.

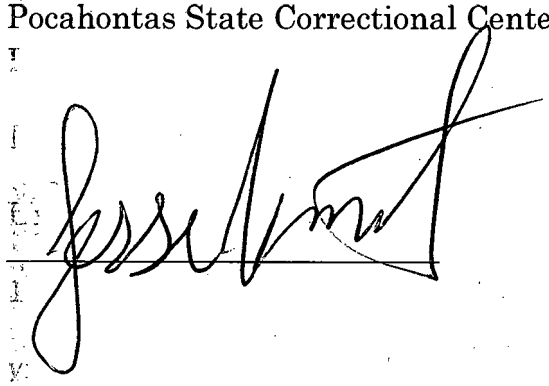
CERTIFICATE OF SERVICE

I hereby certify that on the 8 day of Aug, 2026,

I, Jesse Beebout sent enclosed PETITION FOR A WRIT OF CERTIORARI to the United States Supreme Court

1 1st street NE – Washington, DC 20543

via United States Mail, by submitting said mail to the Prison Mailroom here at Pocahontas State Correctional Center.



Jesse Beebout

(2 1 4 8 5 5 8)

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