(EXHIBIT A) Virginia Supreme Court Denial

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Tuesday, the 18th day of November, 2025.

JESSE DEAN BEEBOUT, APPELLANT,

Against Record No. 250474

Court of Appeals No. 1466-23-2

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 grant of an appeal, the Court refuses the petition for appeal.

A Copy,

Teste:

Muriel-Theresa Pitney, Clerk

(EXHIBIT B) Spotsylvania Co. Trial Transcripts

-----Transcript Page 655-----

Direct – Williams

Describe his demeanor and him talking to himself a little bit, what that looked like?

A He was just making conversation with himself. He was making comments, I guess as one would say, you're trying to engage someone in a conversation and so you were just making comments king of trying to pull somebody into a conversation. He was talking about going across the street and drinking more over across the street, and that was basically it.

Q Do you have a funny term or a phrase about what it is or what it's called when somebody is trying to engage somebody in conversation?

A Ear hustling

Q Ear hustling

A Yeah. Sorry.

Q Okay.

A It slipped my mind.

Q Were the words that you just said some ear hustle?

A Yes. Ear hustle, yes, sir.

-----Transcript Page 656-----

Direct – Williams

MR COSBY: Object to that, Your Honor, as a conclusional word.

THE COURT: Just ask questions.

MR. MEHAFFEY: Okay.

Q Now, was there ever a time where somebody sat in between where you and Shawn originally sat and Mr. Beebout sat?

A Yes. There was a woman that had sat in between, she was sitting directly next to me.

Q Did Mr. Beebout have any interaction with that woman?

A He tried to talk to her, but she didn't talk at all. She was just eating her food.

Q Okay. And how long did she stay?

A Just enough to finish her food and then she left.

Q Okay. Did she – did you see her interacting to any significant degree with Mr. Beebout?

A No, sir.

Q During the course of the night, did

-----Transcript Page 713-----

Cross – Williams

Q And Shawn is frustrated with Mr. Beebout?

A Maybe at the situation.

Q Was he upset a little bit?

A Not upset. Just wondering why he's there.

Q All right. And so as you're walking to your car, that's when you hear the first gunshot, right?

A When I turn to go back, yes.

Q All right. And it's fair to say that when that first gunshot happens, obviously you're facing towards your car, right?

A Correct.

Q So you can't tell what happens in the couple seconds that leads up to that first gunshot?

A Correct.

Q And when you turn around, you said that you could see Mr. Beebout essentially standing up and Mr. Hastings is on the ground?

A Yes.

-----Transcript Page 714-----

Cross – Williams

Q But Mr. Hastings' body is behind Mr. Beebouts car, correct?

A Correct.

Q And you're in front of Mr. Beebouts car, right?

A Correct.

Q so how is it that you can see Mr. Hastings' body is there's a car blocking your view?

A So – correct.

Q All right. So what you said on direct, that you could see Mr. Hastings' body moving around, is not accurate, then, because this car is blocking –

MR MEHAFFEY: (Interjecting)

Objection. Mischaracterization of the testimony. She did say that his body was moving.

The COURT: Break it down, counsel, because that's not exactly what she said.

Q So you would agree on direct that you

-----Transcript Page 781-----

Direct – Basil

Telephone, received a statement from him. After that I attempted to get security camera footage from the business, however, it wasn't cooperating and it just kept giving us a still image of nothing. Basically a blank hallway. And then while I was on scene I proceeded to help Detective Handy and Detective Horn finish processing.

Q And later in the morning, what did you do?

A I responded to Caroline to assist with a search warrant of the suspects residence.

Q Okay. And when you got to Caroline, did there come a time when you dealt with Mr. Beebout?

A Briefly. Their SWAT team was removing him from the residence and I was assisting and escorting him over to Detective Swift.

Q Okay. And were you able to take pictures regarding Mr. Beebout?

A I did.

Q And what was that regarding?

-----Transcript Page 790-----

Direct – Basil

A Yes.

Q JB-29?

A

A This image shows a ball cap that is highlighted and circled down on the floorboard.

Q JB-30?

A A close-up of that ball cap.

Q JB-31?

A And the front of the ball cap.

Q What does the ball cap say?

A Valhalla Admit One.

Q What is Valhalla?

A 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.

Q Okay. And why is that hat relevant?

A It's become popular in pop culture for being willing to fight to the death as a respectful ending to that.

MR COSBY: I object to that, Your Honor.

-----Transcript Page 817-----

Direct – Sanchez

See if I can – do you recognize this person in the red tie right there? (Indicating)

A Maybe. He looks a little bit different.

Q Okay. Thinking back to that night, do you remember another person in the bar that looked like him?

A The person that did the crime, possibly.

Q Yes.

MR CALHOUN: Judge, I would just object to that phrasing, of doing a crime.

THE WITNESS: Yeah.

MR. MEHAFFEY: I think she's just trying to identify the person in her mind, Your Honor. We can strike the –

THE WITNESS: (Interjecting)

It's kind of traumatizing, so I'm sorry.

Q It's okay. Thinking back to the bar, and do you remember – do you recall a person that

-----Transcript Page 818-----

Direct – Sanchez

Looked like the person I just showed you being there that night?

A Yeah.

Q Okay. Can you describe how that person was acting?

A He, I mean, he was a little strange, but nothing –

MR CALHOUN: (Interjecting)

Judge, I would object to the –

THE COURT: (interjecting)

Hold on. Ma'am, hold on. There is an objection.

MR MEHAFFEY: One second, ma'am.

THE COURT: All right. State your objection for the record.

MR CALHOUN: I just think its improper for her to characterize it as strange. I think that's her opinion. I think she can explain maybe what he's doing without reaching a conclusion that it's strange. So I would object on that ground.

-----Transcript Page 867-----

Direct – Senn

Q Was anybody saying anything to Mr. Beebout while he was saying things?

A No.

Q And do you remember what sort of things Mr. Beebout was saying?

A He was saying things about Dana. I cannot recall exactly what he was saying. They were very – I remember they were – they were ride and –

MR. COSBY: (Interjecting)

Objection, Your Honor.

THE COURT: What is your objection Mr. Cosby?

MR. COSBY: Well, that a conclusion, Judge. I mean, what is rude to one person may not be rude to another person, so I think she can explain exactly what he said.

THE COURT: Overruled. Go ahead.

Q You can continue describing to the best of your ability the sorts of things that he was

-----Transcript Page 868-----

Direct – Senn

Saying.

A They were very – they were degrading things about women is what I can recall. Again, I can't remember exactly what he was saying, but that when I walked over and stepped in and just asked him to leave.

Q And can you describe how you asked him to leave?

A Yes. He had told our bartender previously that he did not have a vehicle, and so when I walked over I told him that I did not care if he did not have a vehicle, he needed to find a way home and to leave the restaurant.

Q And did he comply with that?

A Yes. He got up and walked straight out our side door.

Q When he walked out, did he appear to be falling down drunk or very intoxicated or anything like that?

A No.

Q After he left out of Fatty's was

-----Transcript Page 881-----

Direct – Walters

When he first comes into the Red Robin?

A He comes in to the bar area and goes right to the bar. And immediately I thought this man has been drinking. His energy was just very kind of all over the place and chaotic. And then I looked at him and his face wasn't red or his speech wasn't slurred, and so I was like, oh, I can't not – he's not showing signs of intoxication, I don't have to cut him off, but I felt immediately uncomfortable.

And then he was very flirtatious, which is port of the job, but it was such a level of discomfort that I ended up asking one of my cooks, hey, can you come and just sit in the bar area with me, I don't feel comfortable right now.

Q Is that something that you do all the time?

A No.

Q Had you ever done that before?

A No.

Q Okay.

A I have been uncomfortable with

-----Transcript Page 882-----

Direct – Walters

Somebody kind of flirting, but never to the point of where it was like I don't feel okay right now. Not only did I call a cook, I Called another kind of server to sit in that bar area as well. And I told my manager, look, he's not showing signs of being drunk, but I don't feel right right now. Like that intuition was like blaring and...

Q Did you serve him anything?

A I served him a beer.

Q Did he drink the entire beer?

A No. He drank half of a tall Blue Moon. And I remember because that was my favorite beer.

Q How was he acting when he was sitting there with him beer?

A Chaotic to the point where I – chaotic is not – every not and again – the conversations were normal. They were, you know, what are you doing here, you could be making so much money somewhere else, you should work at Outback, or, you know, what do you do for a living. But then every

-----Transcript Page 1017-----

Cross – J. Beebout

Everybody is overly familiar with what this hat might mean. What does this hat mean to you?

A I love the show on the History Channel with Brad and those guys. It's pretty cool.

Q Okay. so you know what Valhalla is, right?

A Not really.

Q You don't know what Valhalla is?

A I think it's like their religion or something like that.

Q Okay. So why did you like this patch?

A Because I like the show. It's a good show. History Channel does good work.

Q And what is this a picture of?

A I don't know. It says Valhalla on it.

Q It's a ticket, right?

A Is it?

Q Valhalla Admit One.

A What is that? Ten Tactical?

-----Transcript Page 1018-----

Cross – J. Beebout

Q The way it works is you answer my questions. I don't answer your questions. It says Valhalla Admit One?

A It says Valhalla Admit One.

Q Okay. And then it's got some numbers just like a ticket would have if you're trying to gain admission into a place like a circus or --

A (Interjecting) It has number like the ones that occur everywhere.

Q Okay. So you don't think that that is a ticket like you would use to get into a circus?

A It looks promotional to me. It has a website.

Q Okay. So what specifically did you like about this particular patch so much that you thought that that represents what you like about the Viking show?

MR COSBY: Object, Your Honor. I don't see the relevance of the Viking show or his hat

THE COURT: Overruled. Go

-----Transcript Page 1035-----

Cross – J. Beebout

A Did I?

Q That's what I wrote down. Did you say that?

A Yes.

Q All right. So you got two statues with their dukes up that you believe to be a posse at that point; is that fair?

A I have two human beings that I complied with once, and then asked me something further, and I did not comply the second time.

Q All right. Do you watch a lot of westerns?

A Not really.

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 bundle of patches. I have no idea what I means.

Q Did that come with the Valhalla one?

A I got multiple random grab packs.

Q Do you like this one?

-----Transcript Page 1036-----

Cross – J. Beebout

A I don't even know what it means. I don't think I've ever worn it.

Q 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?

MR COSBY: Judge, I have an objection and a motion.

TH COURT: All right. Do you need the motion outside the presence of the jury?

MR COSBY: Yes, sir.

THE COURT: All right.

NOTE: The jury panel now exits the courtroom.

JURY OUT

THE COURT: All right. Mr. Cosby, what is your motion?

MR COSBY: Judge, with all due respect to the Commonwealth, I'm a collector

-----Transcript Page 1037-----

Cross – J. Beebout/JURY OUT

Of books, I have a lot of books in my library on battles of wars, and I think if I were charged with a crime it would be improper for somebody to go through my library and say, well, you've got these books by John Grisham on murder, you have these books on war, and then all of a sudden try to use patches to infer a violent disposition or a disposition to kill. So I object to it and move for a mistrial, Judge.

MR MEHAFFER: So these are patches that he had in the trunk of his car at the scene of the crime. He is both being testing as to his credibility, as to his knowledge of what these patches mean, and, also, the patches do have some relevance to how

he thinks and what he likes and whether he's considered shooting somebody before. So they're both relevant to his state of mind, and relevant to his credibility.

These particular patches

-----Transcript Page 1038-----

Cross – J. Beebout/JURY OUT

Weren't found buried somewhere in his house. They were what he had in the trunk of his vehicle at the murder scene. So for all of those reasons it's relevant, and a mistrial wouldn't be appropriate, anyways, because the jury could properly be instructed in limiting whatever usefulness of the testimony, however you see fit.

THE COURT: All right. Well, I think there are two different things that are raised by the motion made on behalf of the defendant. The first is where it is appropriate for the defendant to be cross-examined about items in his possession and there were recovered as a result of the search warrant, including the patches that was on the front of the hat that he was asked about, the patches that he was asked about that's on that screen now, and perhaps the patches next to it, and perhaps other patches that are on that, and from the Court's

----Transcript Page 1085-----

Cross – J. Beebout

A It looks like a gun.

Q Okay.

MR COSBY: Same objection, Judge.

THE COURT: Your objection is noted for the record. Overruled for the same reason.

Q Mr. Beebout, do you see yourself as a tough guy?

A No, sir.

Q Do you have body armor in your basement?

A I have surplus armored plates and a plate carrier.

Q Is that your body armor depicted in that photograph right there, IMG underscore 2034?

A Thats my plate carrier, yeah.

THE COURT: I'm sorry. I can't hear you. Speak up.

DEFENDANT BEEBOUT: That is my plate carrier.

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Cross – J. Beebout

Q And where is it?

A In the window

Q Why?

A Why not.

Q Do you keep a Kevlar helmet in your trunk?

A I have a paint ball helmet next to my paint ball mask in my trunk.

Q Is this your Kevlar helmet right there? (Indicating)

A That's my paint ball helmet, yes.

Q What is this right here? (Indicating)

A That's a hat.

Q Is that a patch hat?

A That is Velcro and a hat.

Q Okay. Why do you – do you change out the patches and put them on that hat?

A Yes.

Q And all those patches we were looking at, those were found in your car right?

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Cross – J. Beebout

A No.

Q Were you upset that the waitresses at Fatty's weren't into you?

A No.

Q Were you upset that the Red Robin waitress wasn't into you?

A No.

Q Were you upset that nobody wanted to drink with you?

A No.

Q Were you upset that Shawn was having a good time drinking with a girl and some other guys?

A Not at all.

Q Were you upset that the guys at the bar told you to stop being disrespectful to Dana?

A They never said it.

Q I'll show you one more patch. What does this patch mean to you?

A That one is a PVC one.

Q And what does it say?

A It's a joke using Old English for rap

-----Transcript Page 1090-----

Cross – J. Beebout

Music lyrics, and it says, Disregard Females, Acquire Current, a/k/a Fuck Bitches, Get Money.

MR COSBY: Judge, I'll object to this one. It doesn't seem to have any connection with guns or violence. I don't know what this is all about and why its relevant here.

THE COURT: Mr. Mehaffey?

MR MEHAFFEY: So I believe similarly to the other patches this enlightens the state of mind of the defendant. This is one of the patches that he has and he keeps in his trunk, presumably that he changes out with other patches depending on how he's feeling on any particular day. And his disrespect to Dana from inside of the bar I feel like is a fair inference to connect it with a patch of him being – of him having a patch that says disregard females that he sometimes wears.

THE COURT: At least one of the

-----Transcript Page 1141-----

That. Eight shell casings were found at the scene. His pistol that he had on him had a seven-round magazine, one in the chamber. There's craters underneath of Shawn Hastings. You saw the video of the flashes going on a downward fashion as Shawn was lying on the ground. No doubt he killed Shawn hastings.

And I would submit to you that that is the exact scenario that many people fear as they go out to their cars in darkened parking lots. Jesse Beebout is the person that your mother warned you about. Is he not. Everyone worries about somebody like him waiting for them. He's a tough guy, and he murdered Shawn Hastings for no other reason than he had a bruised ego.

He told everybody in the bar that he could take everybody in there.

He thinks he's a tough guy. He's the guy that's got samurai swords next to his computer. He's the guy that got a Kevlar

-----Transcript Page 1142-----

Helmet in the back of his car. In the trunk. He's got a mask in the back of his trunk. He not only has to carry a pistol, he's got to carry a pistol with two extra magazines. It you believe a word he says, he does that while he's chopping wood, which I submit to you that he only says because he wants to deny knowing what the Ticket to Valhalla patch means on the top of his head. Everybody knowns what that means. I think there was a piece of him that was proud that he gave somebody a ticket to Valhalla.

That's what tough guys do. Right. As he put it to Detective Swift, he dumped a magazine into him. That's tough talk

But his perception of himself could never live up to how he presented himself to the world, or who he really was. You heard from everybody in the bar, they though he was strange, they thought he was weird, they thought he was a

-----Transcript Page 1147-----

Disproves his best story that he can come up with a year later, that means there's no reasonable hypothesis of why he stopped there in front of the entrance to Fatty's apart from waiting for them to come out. He sat there lying in wait, which is exactly what you do when you commit first-degree murder.

There shouldn't be any doubt in anyone's mind that he was looking for Dana and Shawn when he went back to his car from Fatty's, shouldn't be any doubt in anyone's mind that he was holding ill will in his heart towards them. Malice is that legal word for that concept, that little simmering pot of hate and discontent that Michelle Walters tried to articulate to you. That's that malice. That's what she couldn't articulate exactly, but that that malice living in his heart.

And Beebout, I believe psychiatrists call it projecting, when he

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Starts saying they must have been waiting for me because they sprinted out literally as soon as I was coming out of the car., He's projecting. That's what he was doing. He was waiting, not them.

All of the evidence was that they left out of Fatty's Shawn and Dana, without any sort of problem. Right. Shawn was asking Jordan who was pregnant at the time, you know, hey, good luck with your baby. That's what he was telling her. He was getting some numbers from the guys he was taking shots with at the bar. Alexis Heureta said there wasn't any problem at all. He actually apologized to me about making the difficulty, even though the difficulty wasn't even his fault. He was polite about asking Mr. Beebout to move.

What's unusual about the way Dana and Shawn left. What gives rise to even an inkling that there was anything

-----Transcript Page 1149-----

Unusual about the way they left, you heard Dana testify, you hear Alexis Heurta testify, you heard Jordan Senn testify, you heard Erika Sanchez testify, you heard four different people describe that they werent a problem at all, and there was no problem at all until that man left, Jesse Dean Beebout.

Even Mr. Beebout agrees that he killed Shawn Hastings. There no doubt about that.

I'm going to run through the jury instructions and apply the facts to the law that you will have to find according to these instructions. So number nine, the statements presented to you as having been made by the defendant are submitted for your consideration along with all other evidence. The weight, value, credibility and reliability of those statements are for you to decide. He's inherently incredible. He was impeached at length ad nauseam for two

-----Transcript Page 1215-----

Filed a unitart response. So, I think it's probably safe to just do them – do your positions together and then we'll let the Commonwealth respond. But we're not in a hurry, so we'll take each one of them all – at – go ahead and do all three of them.

Mr Calhousn: Yes, Sir.

The Court: If we need to spend additional time on any one, we will.

Mr Calhous: Yes, Judge. So, on the first one I was going to start with was about the aptches, insignias and design –

The Court: All right.

Mr. Calhous – the Court had prosuced over out objection. I thin the first place I'd like to start on that motion is that in the Commonwealth' s response, they suggested that out objection was not timely because we did not object at the admission of the pictures of the patches

The court: Right.

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Mr Calhoun: But we objected later on.; I thinkj our response to that is that the patches and insignias at the time – whatever you'd like to call them – did not becomes objectionable until the Commonwealth used them for what we're sating is a non-relevant and extremely prejudicial purpose. That's when they were using them to try to show kind of what they meant through Mr. Beebout and whether he adopted the meaning of those patches. And that's when we objected,. Not once but it was tiwce there was an objection, and then they were allowed to continue some

questioning. We objected to that and put a mistrial. So thais when it became objectionable.

But turning to the merits of that motion ot set aside. I think the question that keeps coming back to our mind is how these patches could be relevant or have any kind of probative value when Mr. Beebout never ascribed or promoted or accepted the meaning of these

-----Transcript Page 1220-----

Patches.

I think if I recall, the evidence in trial is that he – he never said, yes, I understand what these patches mean, I endorse those meanings. I think the the large part his testimony was that I – I don't really know what the – the meaning behind these patches are, that I bought them, essentially in a – a bundle of other pathces. And that he had jkust kind of picked that one to wear, but he – he didn't admit to, you know, endorsing the meaning behind them.

So, I think without some kind of link there between him, you know, endorsing these badges or at least knowing what the meaning behind them are, then I don't see how they could becomes relevant through his intent.

And so, I think there would be circumstance where maybe you could do that, but you'd have to have some indication from him that he's essentially using this message or expressing

-----Transcript Page 1221-----

That that's contained in the badges. So, if after this incident he had gone on to Social Media and made some kind of post that said like, "I've admitted one to Valhalla" suggesting that he had killed somebody with the intention of sending them to this Viking heaven, then maybe that could be used to show what his intent was upon that night in question.. Or if he had explained something at the scene that somehow endorsed the meaning in any of these patches. Or if there was evidence leading up to the incident that he was a part of groups or online ofrums or something like this that endorsed the messages behind those patches, then I think maybe it would become relevant.

But here, I don't think they have any evidence to show that he – he essentiually endorsed the – the meanings in these patches. I mean it's certainly possible and I think he kind of suggested this that he just kind of bought these and these are some of the patches

-----Transcript Page 1222-----

That came in a big pack. So, there could be other reasons why he chose to wear this particular patch. I mean, as I mentioned in the motion, maybe it's just something about the design of – of the patch. I mean, maybe he just thinks it's a cool looking

patch and doesn't really know the meaning behind it. It's kind of like in the motion, I mentioned you might like a particular song, not because of the lyrics of the song, you just like the music that's associated with it. Just because you've listening to that song doesn't mean that you endorse the message that the song might portray.

The court: But would that make it inadmissible? I mean, wouldn't it be a – wouldn't there be a factual issue that would be presented as to, you know, whether that was a reasonable prosition for the Defnedant to take to say, I'm not endorsing the lyrics of the song, I just like that way the song sounded. Wouldn't it be left to the Jury to determine whether or not

-----Transcript Page 1223-----

That made any sense?

Mr. Calhoun: Well, I think, that its relevant to some kind of degree. If there's no evidence showing that the Defendant endorsed these ideals –

The court: Okay. Lets talk about the word 'endorsement'. He's wearing the hat when he shot the victim, right?

Mr Calhoun: Yes, Your Honor.

The Court: Okay. The hat has a patches on it that says, "Admit One to valhalla." I left the trial uncertain exactly what that message meant. And so, you are correct that the Defendant when he was cross-exaiined about it, did – did not agree with the Commonwealth's suggestion as to what the patch meant. But he was wearing it, right?

So isnt it an – an issue for the Jury to deicde whether or not he 'endorsed' the message? I mean, it would be – I

-----Transcript Page 1224-----

Think it would be unlikely if – if the hat said, "I intend to kill someone tonight" that's what the hat said. It would be difficult for the Defendant to argue, this is my favorite hat, that was why I was wearing it. I didn't intent to kill anyone tonight. I did. But it wasn't my intention.

So, when you say there isnt evidence that he endorsed the message, isnt that simply a question that the tried of fact would have to resolve?

Mr. Calhoun: So, Judge then going to your example that, that statement is os obvious as – as to its intent – intent that if you put that shirt on or put that hat on with those particular words, you know that youre expressing that message to the public. Whereas, I think this patch, like you've mentioned, is not immediately clear as to what it means.

The Court: But the suggestion or I think the – the implication of your argument is

-----Transcript Page 1225-----

That the only way that that hat and that patch, and there were other, but that that hat and that patches would be admissible, would be if the Defnedant testified that he knew what it meant and tha's why he was wearing it.

Mr Calhoun: Well, I think that would be one way to establish it's relevance of probative value. But I think there would be other ways, like I've mentioned if he's posting on Facebook all about this "admittting One to Valhalla." And I think another one said like "Double Tap" or something like that

If theres other evidence that they can propduce to say, hey, he really does support the meaning of these patches, then I think they can argue this is relevant, we can show why it's relevant. Or, if like I mentioned, if he posted something after the fact that draws the incident to the meaning of that ptach, then I would agree. But – or if he admitted to it, he said, yeah, I do know the meaning and yes, I do

-----Transcript Page 1226-----

Subscribe to the meaning of that patch, then that would be another way.

But I think they have to clear the bar of relevant and without anything tying him to – to knowing what that patch means, and that he is putting it on his hat because he knows what the meaning is. And that he's expressing that meaning by wearing it, then – then it's not relevant.

The court: But, I guess and – and not to belabor it or excessively belabor it, are you suggesting that it has to be other speech by the Defendant to make it relevant? Or could it be the totality of the circumstances?

Mr. Calhoun: I don't think it had to be only other speech, but there had to be some evidence to show that he knows what these patches mean.

The court: Okay. I get that part.

Mr Calhoun: so, and here we're saying that there wasn't anything, he denied it,

-----Transcript Page 1227-----

And so I don't think there's relevant. To the degree that there is relevance,m Judge, I think it's substantially outweighed by the unfair prejudice to Mr. Beebout. I think the whole reason the Commonwealth wanted to introduyce these was to try to show that he's an aggressive person that he endorses violence. And maybe even that he kind of actively seeking to harm people.

The Court: And do you think that that is an improper inference?

Mr. Calhoun: Well –

The Court: In a first-degree murder case?

Mr. Calhoun: I think when the probative value of the evidence is so low that the risk of unfair prejudice in introducing that is – is a problem. So, maybe there a –

even if there is a proper way to use it, it;'s – it's relevant for some reason like to show his intent. I think the probative value there is substantially less that the unfair prejudice.

-----Transcript Page 1228-----

I mean, this paint him in such a negative light. I mean, that patch about the Valhalla thing was essentially them trying to show that he – he's actively looking to kill someone and send him to Valhalla. So, they're paint him with that negative light. I mean, that's just incredibly prejudicial to him. And, agains, I think with – without antyhing to really tie him to knowing what these patches mean, the probatiuve value is just very low. So, I think it's substantially outwighed by the unfair prejudice.

The court: All right.

Mr Calhoun: Moving to the second one, Judge, this is about the toxicologist. So, obviously, we called Dr. Amod-Kroohs to testify about the characteristics of someone they show with that BAC. But I think what was also important and is maybe missing from the Commonwealths analysis is that she also testified that some people at that BAC can hide

APPENDIX A

Beebout v. Commonwealth

Record No. 1466-23-2

2025 WL 1033838
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UNPUBLISHED OPINION. CHECK COURT RULES BEFORE CITING.

UNPUBLISHED
Court of Appeals of Virginia.

Jesse Dean BEEBOUT
v.
COMMONWEALTH of Virginia

Record No.
1466
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April 8, 2025

FROM THE CIRCUIT COURT OF SPOTSYLVANIA COUNTY, William E. Glover, Judge

Attorneys and Law Firms

Kevin E. Calhoun, for appellant.

Mason D. Williams, Assistant Attorney General (Jason S. Miyares, Attorney General, on brief), for appellee.

Present: Chief Judge Decker, Judge Chaney and Senior Judge Humphreys

Opinion

MEMORANDUM OPINION * BY CHIEF JUDGE MARLA GRAFF DECKER

***1** Jesse Dean Beebout appeals his convictions, following a jury trial, for first-degree murder, shooting in the commission of a felony, and use of a firearm in commission of a felony. *See* Code §§ 18.2-32, -53, -53.1. Beebout contends that the trial court erred when it excluded expert testimony, allowed certain questions during cross-examination, and denied his motion for a mistrial. He also argues that the evidence was insufficient to prove first-degree murder. For the following reasons, we disagree and affirm the convictions.

BACKGROUND [1]

On April 30, 2022, Beebout shot and killed Shawn Hastings in the parking lot of Fatty's Tap House. The two first interacted earlier that evening when Beebout "sat down beside" Hastings's companion, Dana Williams, at the bar and began talking to her. Hastings, who had been socializing at the other end of the bar, approached Beebout, put his hand on Beebout's back in a friendly manner, and asked Beebout to move. Beebout ignored the request. A patron Hastings had been drinking with at the other end of the bar intervened and asked Beebout, in a "more aggressive" manner, to move. To deescalate the situation, Hastings offered to buy the other man a drink. When Hastings and the other man moved away, the bartender asked Beebout to leave the bar. Reluctantly, Beebout left. He then walked to the restaurant next door and ordered a beer. About an hour later, shortly after 11:00 p.m., Beebout closed his tab and left the restaurant.

Around the same time, Hastings and Williams left Fatty's. The pair walked in front of a parked car in the lot outside of Fatty's entrance. Beebout got out of that car and said, in a monotone voice, "do you remember me." Hastings told Williams to go to her car. Williams complied, noting that Hastings did not seem angry or afraid. As Williams walked to her car, she heard gunshots. She turned around and saw Beebout standing over Hastings and shooting downward. Hastings died of multiple gunshot wounds to the chest. He had been shot five times.

After the shooting, Beebout drove home and was arrested the next morning. Officers searched his home and found the murder weapon on his bedside table. The police also recovered Beebout's concealed-carry weapons permit. In Beebout's car, officers found the baseball cap Beebout wore during the incident. The cap had a patch on it depicting an admission ticket with "Valhalla—Admit One" inscribed. In the trunk, officers found a collection of various Velcro patches.

***2** During his police interview, Beebout claimed that when he went to leave the parking lot in his car, Hastings tried to carjack him. He said that as he fought off Hastings, he discharged his entire magazine. Beebout had a bullet wound on one hand and a scrape on the other.

The Commonwealth charged Beebout with first-degree murder, shooting in the commission of a felony, and use of a firearm in the commission of a felony. At trial,

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the Commonwealth's evidence included testimony from investigating detectives, Williams, and the medical examiner. Photographs taken of the items found in Beebout's car were also entered into evidence without objection. The parties stipulated that Hastings's blood alcohol content (BAC) in the toxicology report reflected that he had consumed between 7.8 and 11.7 alcoholic drinks the night he was killed.

After the Commonwealth rested, the court considered the prosecutor's motion *in limine* to exclude the testimony of Dr. Robyn Amos-Kroohs. In considering the motion, the trial court heard testimony from the doctor outside the presence of the jury. She explained generally the effects of the amount of alcohol found in Hastings's blood. The court granted the Commonwealth's motion to prohibit Amos-Kroohs's testimony.

Beebout testified in his own defense. He explained that at Fatty's, he sat next to Williams at the bar as he waited to pay his tab. According to Beebout, moments after he sat down, Hastings grabbed his shoulder and asked him to move. Beebout said he did as Hastings requested. He claimed that Hastings walked away but the patrons Hastings had been drinking with came over and also confronted him. He testified that when he left Fatty's at the bartender's direction, he was not angry with Hastings or upset by the encounter.

According to Beebout, after departing Fatty's, he walked to the restaurant next door and ordered a beer. He stayed there for about an hour before he left and returned to his car. Beebout explained that upon returning to his car, he took his gun and gun holster out of his glove compartment and placed it on his right hip. He testified that he had a concealed-carry weapons permit and that he always carried a registered pistol with him except while in bars. Beebout explained that he rearmed himself that night out of habit and denied that he intended to shoot Hastings.

Beebout provided his account of what followed. He sat in his parked car, and Hastings opened his door and pulled him out of the driver's seat. Beebout testified that, during the ensuing struggle, Hastings put his left hand behind his back as if reaching for a weapon. Beebout said that he shot Hastings out of fear that Hastings would stab or shoot him. During the commotion, Beebout also shot his own hand. He denied firing additional shots while Hastings was lying on the ground.

On cross-examination, the Commonwealth asked Beebout about the significance of the Valhalla patch on the hat he wore on the day of the incident and the slogans on other patches that were found in the trunk of his car. Beebout claimed that the patches came in a bundle and he did not specifically select them. The Commonwealth asked about the patch with the phrase, "I'm your Huckleberry." The prosecutor asked if Beebout had heard "the reference in Tombstone" when "Doc Holliday, right before he guns a man down[,] ... says, I'll be your Huckleberry." Beebout's counsel objected and made a motion for a mistrial. The court ruled that the Commonwealth could inquire about the patches found in his possession but could not tell Beebout what the patches referenced. The court denied the mistrial motion. Instead, it cautioned the jurors "not to consider what [the prosecutor] told you what the patch means. The information you need to consider is the information that comes from the defendant."

***3** After closing arguments and deliberations, the jury convicted Beebout of the charges. He was sentenced to fifty-eight years of incarceration with thirteen years suspended.

ANALYSIS

I. Exclusion of Expert Testimony

Beebout argues that the trial court erred when it excluded the expert testimony of Dr. Amos-Kroohs.

In a proffer, Amos-Kroohs testified that she had reviewed a certificate of analysis from the Department of Forensic Science and Hastings's posthumous BAC was around 0.286% by weight by volume. She explained that she would expect an individual with that BAC to exhibit signs of intoxication such as slurred speech and motor coordination issues. Amos-Kroohs acknowledged, however, that if an individual had a higher alcohol tolerance, he would exhibit signs associated with a lower level of intoxication.

Amos-Kroohs explained that alcohol is a central nervous system depressant that disinhibits areas of the brain associated with judgment and impulse control. She testified that "alcohol works to create exaggerated emotional states, so alcohol itself does not create anger, but if an individual is already experiencing that emotional state, alcohol may exaggerate it." Amos-Kroohs added that a high BAC could lead an individual to respond to a situation with heightened emotion.

The Commonwealth moved to exclude testimony from Amos-Kroohs.[2] The prosecutor argued that the proffered testimony was speculative as to how alcohol specifically affected Hastings's level of aggression on the night of his death. The Commonwealth also argued that the relevant portion of Amos-Kroohs's testimony—namely that alcohol disinhibits a consumer's cognitive processes and affects impulse control—was within the common knowledge of the jury. The trial court granted the Commonwealth's motion to exclude the challenged testimony. The court specifically found Amos-Kroohs's testimony would be speculative if she was allowed to testify about Hastings's likely actions when he encountered Beebout in the parking lot.

"[W]e review 'a trial court's decision to admit or exclude expert testimony under an abuse of discretion standard.' " *Smith v. Commonwealth*, 78 Va. App. 371, 389, 891 S.E.2d 414 (2023) (alteration in original) (quoting *Arch Ins. Co. v. FVCBank*, 301 Va. 503, 515, 881 S.E.2d 785 (2022)). This "standard draws a line—or rather, demarcates a region—between the unsupportable and the merely mistaken, between the legal error ... that a reviewing court may always correct, and the simple disagreement that, on this standard, it may not." *Jefferson v. Commonwealth*, 298 Va. 1, 10-11, 833 S.E.2d 462 (2019) (alteration in original) (quoting *Reyes v. Commonwealth*, 297 Va. 133, 139, 823 S.E.2d 243 (2019)). Significantly, "[t]he abuse of discretion standard requires a reviewing court to show enough deference to a primary decisionmaker's judgment that [it] does not reverse merely because it would have come to a different result in the first instance." *Commonwealth v. Thomas*, 73 Va. App. 121, 127, 855 S.E.2d 879 (2021) (quoting *Lawlor v. Commonwealth*, 285 Va. 187, 212, 738 S.E.2d 847 (2013)). The "bell-shaped curve of reasonability" underpinning appellate review for abuse of discretion "rests on the venerable belief that the judge closest to the contest is the judge best able to discern where the equities lie." *Commonwealth v. Barney*, 302 Va. 84, 94, 884 S.E.2d 81 (2023) (quoting *Sauder v. Ferguson*, 289 Va. 449, 459, 771 S.E.2d 664 (2015)). Simply put, "[a] reviewing court can conclude that an abuse of discretion occurred only when reasonable jurists could not differ about the correct result." *Howard v. Commonwealth*, 74 Va. App. 739, 753, 872 S.E.2d 212 (2022).

***4** We start with the fundamental principle that the purpose of allowing "expert testimony is to assist the trier of fact in understanding the evidence." *Watson v. Commonwealth*, 298 Va. 197, 205, 835 S.E.2d 906 (2019). In a Virginia criminal proceeding, a qualified expert witness is allowed to testify if "the subject matter is beyond the knowledge and experience of ordinary persons, such that the jury needs expert opinion in order to comprehend the subject matter, form an intelligent opinion, and draw its conclusions." Va. R. Evid. 2:702(a)(ii); *see Payne v. Commonwealth*, 277 Va. 531, 542, 674 S.E.2d 835 (2009). However, expert testimony is inadmissible if it is speculative. Va. R. Evid. 2:702(b); *Tittsworth v. Robinson*, 252 Va. 151, 154, 475 S.E.2d 261 (1996).

We conclude that the trial court did not abuse its discretion by excluding the testimony that Beebout intended to elicit from Dr. Amos-Kroohs. In her proffered testimony, Amos-Kroohs provided that alcohol can heighten *all* emotions. She also opined that alcohol "does not create anger[ ] but if an individual is already experiencing that emotional state, alcohol may exaggerate it." Beebout intended to use Dr. Amos-Kroohs's general description of the effects of alcohol on emotions to establish that Hastings's conduct at the time of the incident was aggressive. The trial court did not abuse its discretion in concluding that it was purely speculative that Hastings was aggressive because of his level of intoxication. Amos-Kroohs's testimony about how the average person experiences intoxication from alcoholic beverages failed to explain how Hastings specifically was affected by the alcoholic beverages he consumed. "As such, it called for speculation and surmise on the part of the trier of fact and was improper."[3] *Molina v. Commonwealth*, 47 Va. App. 338, 368, 624 S.E.2d 83, *aff'd*, 272 Va. 666, 636 S.E.2d 470 (2006); *see also Hubbard v. Commonwealth*, 243 Va. 1, 12-14, 413 S.E.2d 875 (1992) (affirming the exclusion of evidence that the driver who died in a collision with the defendant's car was intoxicated as speculative in light of the possibility that the victim contributed to the accident). An "opinion based on a 'possibility' is ... purely speculative and, hence, inadmissible."[4] *Spruill v. Commonwealth*, 221 Va. 475, 479, 271 S.E.2d 419 (1980).

Beebout also maintains that exclusion of the expert testimony violated his constitutional right to due process because "it prevented him from putting forth relevant evidence to support his defenses." A defendant has "a constitutional right to present relevant evidence." *Neeley v. Commonwealth*, 17 Va. App. 349, 356, 437 S.E.2d 721 (1993) (referencing the due process requirement "that defendants have a fair opportunity to defend against the government's charges"). This right, however, "must on occasion give way to the broader interest of the government in fairly administering justice." *Id.* Specifically, it is not a due process violation to exclude "evidence that produces only speculative inferences."

See Thomas v. Commonwealth, 82 Va. App. 80, 120, 905 S.E.2d 495 (2024) (en banc) (quoting 29 Am. Jur. 2d *Evidence* § 295 (2019)); *see Chambers v. Mississippi*, 410 U.S. 284, 302, 93 S.Ct. 1038, 35 L.Ed.2d 297 (1973) (stating that both prosecutors and defendants "must comply with established rules of procedure and evidence designed to assure both fairness and reliability in the ascertainment of guilt and innocence").

***5** For these reasons, the trial court did not err when it excluded Amos-Kroohs's testimony.

II. Cross-Examination of Beebout

Beebout argues that the trial court erred when it allowed the Commonwealth to question him regarding the patches found on his baseball cap and in the trunk of his car. By extension, he contends that the court erred by denying his accompanying motion for a mistrial. Beebout suggests that the patches were not relevant and the Commonwealth used them to "inflame the passions of the jury."

Photographs of the patches were introduced into evidence without objection. When the Commonwealth asked Beebout about the significance of the Valhalla patch on the hat he wore on the day of the incident, Beebout said that he "love[d] the show on the History Channel." [5] When asked if he knew what Valhalla was, Beebout replied, "I think it's like their religion or something like that." When asked why he got the patch, Beebout stated it was "random[ly]" included in a bundle of other patches he had purchased.

The prosecutor then questioned Beebout about other patches that were found in the trunk of his vehicle. When asked about the meaning of a mustache-shaped patch inscribed with the phrase, "I'm your Huckleberry," Beebout testified that he did not know and that it came in a "random bundle of patches." The prosecutor asked if he had heard "the reference in Tombstone" when "Doc Holliday, right before he guns a man down[,] ... says, I'll be your Huckleberry." At that point, Beebout objected.

Outside the jury's presence, Beebout made a motion for a mistrial. He argued that the Commonwealth was improperly attempting to use the patches "to infer a violent disposition or a disposition to kill." The prosecutor noted that the patches were found in the trunk of Beebout's car and that photographs of the patches were already in evidence. He asserted that Beebout's credibility was at issue and the patches were relevant to reveal his state of mind.

The trial court noted that, during direct examination, Beebout had testified about his state of mind and that he did not feel angry or intend to shoot Hastings. The court opined that the items found in Beebout's possession potentially could be used "to rebut or impeach those statements" and therefore the questions aimed to elicit relevant testimony. It held that the Commonwealth could *ask* about his patches. The court also ruled, though, that the prosecutor could not *instruct* Beebout on the meanings of the patches. It denied Beebout's motion for a mistrial but agreed to give a cautionary instruction. After the jury returned, the court cautioned the jurors "not to consider what [the prosecutor] told you what the patch means. The information you need to consider is the information that comes from the defendant."

***6** The prosecutor then asked Beebout about several other patches found in his vehicle. The first patch appeared to be a Wrigley's gum pack which read "Don't Shoot Once Double Tap Shoot Twice." Beebout stated that this patch was also in a random bundle and that he did not know its meaning. The prosecutor next directed Beebout's attention to a patch that depicted "Mr. Rogers" holding a gun and read, "Stay Strapped or Get Clapped Neighbor." Beebout indicated that it referenced "using sexual protection, like condoms." Finally, the prosecutor asked Beebout about the meaning of a patch that read "Disregard Females, Acquire Currency." Beebout explained that the patch was "a joke using Old English for rap music lyrics" meaning "Fuck Bitches, Get Money."

In a criminal case, if the defendant waives "his privilege of not giving evidence against himself" and testifies, he is "*subject to cross-examination as any other witness.*" *Drumgoole v. Commonwealth*, 26 Va. App. 783, 786, 497 S.E.2d 159 (1998) (quoting Code § 19.2-268). "Cross-examination ... entitles the Commonwealth to bring out ... facts relating to the guilt or innocence of the accused ...." *Id.* (alterations in original) (quoting *Thaniel v. Commonwealth*, 132 Va. 795, 806, 111 S.E. 259 (1922)). "The scope of cross-examination in general, and the extent of testimonial impeachment in particular, are left to the sound discretion of the trial court and are not subject to review unless plainly abused." *Scott v. Commonwealth*, 18 Va. App. 692, 693-94, 446 S.E.2d 619 (1994); *see Spruill*, 221 Va. at 485, 271 S.E.2d 419. "However, 'while the liberties of the cross-examiner are very great,' they are not unlimited." *Scott*, 18 Va. App. at 694, 446 S.E.2d 619 (quoting *Barnard v. Commonwealth*, 134 Va. 613, 622, 114 S.E. 563 (1922)).

Testimony, to be admissible, must be relevant to an issue on trial. *See* Va. R. Evid. 2:402(a). And 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). Once evidence is deemed relevant, the test for exclusion sets a high bar. "Virginia law ... intervenes only when the alleged prejudice tends to inflame irrational emotions or leads to illegitimate inferences." *Thomas v. Commonwealth*, 44 Va. App. 741, 758, 607 S.E.2d 738, *adopted upon reh'g en banc*, 45 Va. App. 811, 613 S.E.2d 870 (2005).

Beebout was on trial for first-degree murder. To sustain a conviction for first-degree murder, the Commonwealth was required to prove that Beebout acted with premeditation. Based on the facts of this case, his testimony about the patches was relevant to his mens rea. On direct examination, Beebout testified that when he left Fatty's, he was not upset with Hastings. He claimed that when he shot Hastings about an hour later, it was because he feared for his life. The prosecutor's questions on cross-examination about the meaning of the patch on the baseball cap he was wearing and others found in his possession were probative to elicit testimony about his state of mind at the time of the killing. In answering these questions, Beebout claimed that none of the patches related to gun violence. Further, photographs of the specific patches were entered into evidence without objection. And the jury was instructed to consider only Beebout's responses regarding the patches. The Commonwealth's questions asking Beebout to explain the meanings of particular patches did not tend to "inflame irrational emotions" or give rise to "illegitimate inferences." *See Thomas*, 44 Va. App. at 758, 607 S.E.2d 738. Consequently, the trial court acted within its discretion by allowing the Commonwealth to cross-examine Beebout about the meanings of the patches he possessed at the time of the murder.

Turning to Beebout's request for a mistrial after the Commonwealth asked him if he was familiar with the Tombstone reference, we likewise analyze "the denial of a motion for a mistrial under the abuse of discretion standard of review." *See Warnick v. Commonwealth*, 72 Va. App. 251, 263, 844 S.E.2d 414 (2020). Here the trial court instructed the jury specifically to disregard the prosecutor's explanation of what the patches meant and consider only information from Beebout's testimony. The jury is "presumed to follow prompt, explicit, and curative instructions." *Tizon v. Commonwealth*, 60 Va. App. 1, 14, 723 S.E.2d 260 (2012) (quoting *Elliott v. Commonwealth*, 267 Va. 396, 418, 593 S.E.2d 270 (2004)).

***7** For these reasons, the trial court did not abuse its discretion by allowing the Commonwealth to cross-examine Beebout about the patches found in his possession and refusing to grant a mistrial.

III. Sufficiency of the Evidence

Finally, Beebout argues that the evidence was insufficient to prove he acted with the premeditation necessary to support his conviction for first-degree murder. He claims that the evidence instead established that he shot Hastings either in the heat of passion or in self-defense. [6]

"When reviewing the sufficiency of the evidence, '[t]he judgment of the trial court is presumed correct and will not be disturbed unless it is plainly wrong or without evidence to support it.' " *McGowan v. Commonwealth*, 72 Va. App. 513, 521, 850 S.E.2d 376 (2020) (alteration in original) (quoting *Smith v. Commonwealth*, 296 Va. 450, 460, 821 S.E.2d 543 (2018)). In conducting this review, the "appellate court does not 'ask itself whether it believes that the evidence at the trial established guilt beyond a reasonable doubt.' " *Barney*, 302 Va. at 97, 884 S.E.2d 81 (quoting *Williams v. Commonwealth*, 278 Va. 190, 193, 677 S.E.2d 280 (2009)). "Rather, the relevant question is whether '*any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.' " *Vasquez v. Commonwealth*, 291 Va. 232, 248, 781 S.E.2d 920 (2016) (quoting *Williams*, 278 Va. at 193, 677 S.E.2d 280). "If there is evidentiary support for the conviction, 'the reviewing court is not permitted to substitute its own judgment, even if its opinion might differ from the conclusions reached by the finder of fact at the trial.' " *McGowan*, 72 Va. App. at 521, 850 S.E.2d 376 (quoting *Chavez v. Commonwealth*, 69 Va. App. 149, 161, 817 S.E.2d 330 (2018)).

In conducting our review, this Court likewise gives deference to the fact finder's assessment of witness credibility. "Determining the 'credibility of the witnesses and the weight of the evidence' are tasks left 'solely [to] the trier of fact' unless those determinations are 'plainly wrong or without evidence to support [them].' " *Nelson v. Commonwealth*, 73 Va. App. 617, 622, 863 S.E.2d 886 (2021) (alterations in original) (quoting *Wactor v. Commonwealth*, 38 Va. App. 375, 380, 564 S.E.2d 160 (2002)). Such is the case because the

fact finder, in this case the jury, "has the unique opportunity to observe the demeanor of the witnesses as they testify." *Dalton v. Commonwealth*, 64 Va. App. 512, 525, 769 S.E.2d 698 (2015) (quoting *Lea v. Commonwealth*, 16 Va. App. 300, 304, 429 S.E.2d 477 (1993)).

Premeditation is an element of first-degree murder. *See* Code § 18.2-32. "To premeditate means to adopt a specific intent to kill ...." *Avent v. Commonwealth*, 279 Va. 175, 208, 688 S.E.2d 244 (2010) (quoting *Remington v. Commonwealth*, 262 Va. 333, 352, 551 S.E.2d 620 (2001)). "[E]vidence showing that the premeditation was only slight or momentary is sufficient to sustain the conviction. This is so because 'premeditation is an intent to kill that needs to exist only for a moment.' " *Jackson v. Commonwealth*, 267 Va. 178, 204, 590 S.E.2d 520 (2004) (citation omitted) (quoting *Green v. Commonwealth*, 266 Va. 81, 104, 580 S.E.2d 834 (2003)).

***8** Significant to the analysis, "[p]remeditation is a factual question, reserved for determination by the [jury]." *Martinez v. Commonwealth*, 42 Va. App. 9, 22, 590 S.E.2d 57 (2003). In determining whether premeditation existed, "the jury may properly consider the brutality of the attack ... and the defendant's lack of remorse and efforts to avoid detection." *Avent*, 279 Va. at 208, 688 S.E.2d 244 (quoting *Epperly v. Commonwealth*, 224 Va. 214, 232, 294 S.E.2d 882 (1982)). One circumstance commonly associated with first-degree murder is shooting the victim "at close, and thus predictably fatal, range." *Jackson v. Virginia*, 443 U.S. 307, 325, 99 S.Ct. 2781, 61 L.Ed.2d 560 (1979). Another is firing a weapon more than once. *Chandler v. Commonwealth*, 249 Va. 270, 280, 455 S.E.2d 219 (1995).

Consistent with determining state of mind, the jury also had to decide whether Beebout shot Hastings in the heat of passion or in self-defense. *See, e.g.*, *Hines v. Commonwealth*, 292 Va. 674, 679-80, 791 S.E.2d 563 (2016) (considering the evidence supporting the appellant's claim of self-defense); *Dandridge v. Commonwealth*, 72 Va. App. 669, 682, 852 S.E.2d 488 (2021) (determining whether the record contained credible evidence that the appellant acted in the heat of passion). Heat of passion and self-defense are two separate legal defenses. "Heat of passion is a defense based on a defendant's lack of malice." *Washington v. Commonwealth*, 75 Va. App. 606, 619, 878 S.E.2d 430 (2022). In other words, heat of passion and malice are mutually exclusive. Self-defense is an affirmative defense based on a reasonable fear of death or serious bodily harm. *Id.* at 617, 878 S.E.2d 430.

In convicting Beebout of first-degree murder, the jury necessarily accepted the Commonwealth's evidence and rejected Beebout's version of events. *See Dalton*, 64 Va. App. at 525, 769 S.E.2d 698 (noting that a jury, as fact finder, is responsible for evaluating the credibility of witnesses). The Commonwealth's evidence established that Beebout's car was stopped in front of the entrance to Fatty's Tap House when Hastings and Williams left the restaurant around 11:00 p.m. As Hastings and Williams walked across the parking lot, Beebout got out of his car and confronted the pair, stating, "do you remember me," necessarily referencing the earlier encounter in the bar. Hastings stopped at the corner of Beebout's car and told Williams to continue to her car. As Williams made her way to her vehicle, she heard gunshots, turned around, and saw Hastings on the ground while Beebout stood over him repeatedly firing a gun. [7] Beebout discharged his entire magazine, shooting Hastings five times. And rather than calling 911 or administering aid, Beebout simply drove home and went to sleep. *See Lambert v. Commonwealth*, 70 Va. App. 740, 760, 833 S.E.2d 468 (2019) (noting that flight after an offense is committed is evidence of guilt); *see also Ford v. Georgia*, 319 Ga. 215, 903 S.E.2d 1, 5 (Ga. 2024) (noting that the fact that the defendant "left the scene without rendering aid" supported the finding that the killing was malicious).

At trial, Beebout testified that he acted out of fear for his safety and claimed that Hastings attacked him first. "[I]n its role of judging witness credibility, the fact finder is entitled to disbelieve the self-serving testimony of the accused and to conclude that the accused is lying to conceal his guilt." *Washington*, 75 Va. App. at 616, 878 S.E.2d 430 (quoting *Flanagan v. Commonwealth*, 58 Va. App. 681, 702, 714 S.E.2d 212 (2011)).

***9** Considering the totality of the circumstances, a reasonable jury could conclude that Beebout acted with premeditation when he shot Hastings. Likewise, the jury could reasonably reject Beebout's claims of heat of passion or self-defense. The evidence, when viewed in the light most favorable to the Commonwealth, supports the jury's findings. Consequently, the evidence was sufficient to support the convictions.

CONCLUSION

The trial court acted within its discretion by excluding testimony from Beebout's expert. In addition, the court did

not err by allowing the Commonwealth to cross-examine him about certain patches found in his possession and denying his related motion for a mistrial. Finally, the evidence was sufficient to support the findings that Beebout shot Hastings with premeditation and not in the heat of passion or self-defense. Therefore, we affirm the convictions for first-degree murder and the related offenses. We remand the case solely for the correction of a clerical error in the conviction and sentencing orders. [8]

Affirmed and remanded.

All Citations

Not Reported in S.E. Rptr., 2025 WL 1033838

Footnotes

* This opinion is not designated for publication. See Code § 17.1-413(A).

1 We recite the facts "in the 'light most favorable' to the Commonwealth, the prevailing party in the trial court." *Hammer v. Commonwealth*, 74 Va. App. 225, 231, 867 S.E.2d 505 (2022) (quoting *Commonwealth v. Cady*, 300 Va. 325, 329, 863 S.E.2d 858 (2021)). Doing so requires that we "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 to be drawn" from that evidence. *Cady*, 300 Va. at 329, 863 S.E.2d 858 (quoting *Commonwealth v. Perkins*, 295 Va. 323, 324, 812 S.E.2d 212 (2018) (per curiam)).

2 For the purposes of the motion, Amos-Kroohs was recognized as an expert in forensic toxicology.

3 Contrary to Beebout's suggestion, *Lomax v. Commonwealth*, 228 Va. 168, 172-73, 319 S.E.2d 763 (1984), does not compel a different conclusion. In that case, the Supreme Court of Virginia held that "evidence that excessive use of Preludin can cause aggressiveness" was "relevant ... and necessary" to the defendant's claim that the victim provoked the attack. *Id.* at 173, 319 S.E.2d 763. The evidence in that case was that Preludin specifically could trigger aggression. *Id.* at 171, 319 S.E.2d 763. The testimony at issue tended to establish that the victim became aggressive due to the Preludin. That evidence differs critically from the proffered testimony in this case that alcohol generally heightens emotions, giving no insight into how the alcohol affected Hastings.

4 Based on our conclusion that the trial court did not abuse its discretion by excluding speculative testimony, we do not address the Commonwealth's alternative argument that the testimony was inadmissible because "[t]he possible effects of alcohol consumption are within the common knowledge of the jury." *See, e.g.*, *Baez v. Commonwealth*, —— Va. ——, —— (Dec. 19, 2024) (explaining the doctrine of judicial restraint); *Commonwealth v. White*, 293 Va. 411, 419, 799 S.E.2d 494 (2017) (same).

5 Detective Justin Basil of the Spotsylvania County Sheriff's Office explained, without objection, that in "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."

6 Beebout primarily challenges the sufficiency of the evidence supporting his conviction for first-degree murder. His sufficiency challenge relating to his convictions for shooting in the commission of a felony and use of a firearm in commission of a felony is limited to his argument regarding self-defense.

7 The recording from Beebout's dash camera does not show the shooting itself, but it nonetheless corroborates Williams's testimony about the location of Beebout's car, the relative positions of Hastings and Williams, and

Williams's act of turning back after reaching her own car. *See generally Barney*, 302 Va. at 97, 884 S.E.2d 81 (recognizing the appellate court's duty to defer to "the factfinder's 'interpretation of all of the evidence, including video evidence[,]' presented at trial" (quoting *Meade v. Commonwealth*, 74 Va. App. 796, 806, 872 S.E.2d 240 (2022))).

8 The conviction and sentencing orders, while properly citing the code section proscribing the offense of shooting in the commission of a felony, improperly state that Beebout was convicted of "assault" in the commission of a felony. Consequently, we remand solely for correction of the clerical error in the conviction and sentencing orders. *See* Code § 8.01-428(B); *Bagley v. Commonwealth*, 73 Va. App. 1, 30 n.10, 854 S.E.2d 177 (2021).

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Beebout v. Commonwealth, 2025 Va. App. LEXIS 199

Copy Citation

Court of Appeals of Virginia

April 8, 2025, Decided

Record No. 1466-23-2

Reporter

2025 Va. App. LEXIS 199 * | 2025 LX 279762

JESSE DEAN BEEBOUT v. COMMONWEALTH OF VIRGINIA

Notice: PURSUANT TO THE APPLICABLE VIRGINIA CODE SECTION THIS OPINION IS NOT DESIGNATED FOR PUBLICATION.

Prior History: **[*1]** FROM THE CIRCUIT COURT OF SPOTSYLVANIA COUNTY. William E. Glover, Judge.

Disposition: Affirmed and remanded.

Core Terms

patch, hasting, trial court, alcohol, premeditation, murder, cross-examination, first-degree, shoot, heat of passion, kill, expert testimony, speculative, shoot, emotion, guilt, motion for mistrial, fact finder, self-defense, trier, gun, credibility of witnesses, reviewing court, weapon, walk, abuse of discretion standard, relevant evidence, intoxicate, trunk

Case Summary

Overview

Key Legal Holdings

- The trial court did not abuse its discretion by excluding the expert testimony as speculative regarding how alcohol specifically affected the victim's level of aggression.
- The trial court did not abuse its discretion by allowing the Commonwealth to cross-examine the defendant about patches found in his possession and denying the motion for a mistrial.
- The evidence was sufficient to support the defendant's convictions for first-degree murder and related offenses, as the jury could reasonably conclude that the defendant acted with premeditation and not in self-defense or heat of passion.

Material Facts

- The defendant, **Jesse Dean Beebout**, shot and killed Shawn Hastings in a parking lot after an earlier encounter at a bar.
- **Beebout** confronted Hastings and a companion as they were leaving the bar, saying "do you remember me.".
- A witness saw **Beebout** shoot Hastings multiple times and stand over him firing downwards.
- **Beebout** claimed self-defense, stating that Hastings attacked him first.
- Evidence included the victim's blood alcohol level, patches found in **Beebout**'s possession, and testimony from witnesses.

Controlling Law

- Virginia Rules of Evidence 2:702 (governing the admissibility of expert testimony).
- Virginia Code § 18.2-32 (defining first-degree murder).
- Virginia case law on premeditation, heat of passion, and self-defense.

Court Rationale

Regarding the expert testimony, the court found that the expert's opinion on how alcohol may have affected the victim's specific actions was speculative and not admissible. On the cross-examination of the defendant, the court determined that the questions about the patches were relevant to the defendant's state of mind and intent, and the trial court properly instructed the jury. As for sufficiency of the evidence, the court deferred to the jury's assessment of witness credibility and found that a rational jury could conclude the defendant acted with premeditation based on the circumstances.

Outcome

Procedural Outcome

The Court of Appeals of Virginia affirmed the defendant's convictions for first-degree murder, shooting in the commission of a felony, and use of a firearm in the commission of a felony. The case was remanded solely to correct a clerical error in the conviction and sentencing orders.

APPENDIX B

Notice from Virginia Supreme Court

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Tuesday, the 18th day of November, 2025.

JESSE DEAN BEEBOUT, APPELLANT,

against Record No. 250474
Court of Appeals No. 1466-23-2

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.

A Copy,

Teste:

Muriel-Theresa Pitney, Clerk

By: Ervina Pajalic

Deputy Clerk

APPENDIX C

Trial Transcripts

Commonwealth's position. Mr. Cosby.

MR. COSBY: Judge, there's a little bit more to it than that, and Mr. Calhoun is going to handle that.

THE COURT: That's fine.

MR. COSBY: But we'll ask the Court to hear the testimony of the Doctor so the Court will have all the aspects of it because it has to do -- of course, in drunk driving cases, vehicular homicide cases we all the time hear toxicologists, and you can't say that that particular person has those characteristics, but that is what alcohol causes as far as DUIs, so -- but I'll ask the Court to allow us to put the Doctor on for the Court to hear from the Doctor, and then -- because we would want to flesh it out a little bit more.

THE COURT: All right. When do you want to do that?

MR. COSBY: Whenever the

Court -- I mean, we can do it now or we can do it after the Court, you know, impanels the jury.

THE COURT: So here is -- we're not going to do it now.

MR. COSBY: Yes, sir.

THE COURT: But what that means is that the motion is pending and neither the Commonwealth nor the defendant will mention the proposed testimony of the witness in voir dire or in opening. We won't -- both parties are prohibited from talking about the expert's potential testimony until the Court has heard essentially by way of proffer her testimony so that the Court can rule on the specifics of it.

MR. COSBY: All right. That's fair.

THE COURT: All right. All right. Anything else preliminarily from the Commonwealth?

A No, it was not.

Q And during that time, you don't know who handled that dash camera?

A Other than what's on the chain of custody for it, no.

Q All right. And you don't know whether anyone, you know, tried to view what was on the camera before you got to it?

A Correct.

Q All right. And if someone is viewing it after it's been seized, there's a potential that it could get maybe accidentally deleted while they're viewing it?

A Yes, it very well could. I'm not sure.

Q There's no way to distinguish between whether it was accidentally deleted during that period, or whether it was deleted before it was seized?

A Yeah. Hypothetically, yes.

Q All right. And --

MR. BIRD: (Interjecting) Your Honor, at this point I'm going to object, and may we approach?

THE COURT: Yes.

NOTE: Counsel now approach the bench, which conference is reported as follows:

BENCH CONFERENCE

MR. BIRD: They've stipulated to the accuracy of the memory cards. We could have brought in the chain of custody witness, now they're attacking us when they've agreed it's correct and accurate.

MR. COSBY: Well, it is correct and accurate as to what's on it, I mean, but we're not saying what's on it is not correct and accurate, but the question is could it have been deleted accidentally by someone, they might not even know they --

MR. BIRD: (Interjecting) Well, that goes in the face of it being accurate,

describe his demeanor and him talking to himself a little bit, what that looked like?

A He was just making conversation with himself. He was making comments, I guess as one would say, you're trying to engage someone in a conversation and so you were just making comments kind of trying to pull somebody into a conversation. He was talking about going across the street and drinking more over across the street, and that was basically it.

Q Do you have a funny term or a phrase about what it is or what it's called when somebody is trying to engage somebody in conversation?

A Ear hustling.

Q Ear hustling?

A Yeah. Sorry.

Q Okay.

A It slipped my mind.

Q Were the words that you just said some ear hustle?

A Yes. Ear hustle, yes, sir.

MR. COSBY: Object to that, Your Honor, as a conclusional word.

THE COURT: Just ask questions.

MR. MEHAFFEY: Okay.

Q Now, was there ever a time where somebody sat in between where you and Shawn originally sat and Mr. Beebout sat?

A Yes. There was a woman that had sat in between, she was sitting directly next to me.

Q Did Mr. Beebout have any interaction with that woman?

A He tried to talk to her, but she didn't talk at all. She was just eating her food.

Q Okay. And how long did she stay?

A Just enough to finish her food and then she left.

Q Okay. Did she -- did you see her interacting to any significant degree with Mr. Beebout?

A No, sir.

Q During the course of the night, did

Q And Shawn is frustrated with Mr. Beebout?

A Maybe at the situation.

Q Was he upset a little bit?

A Not upset. Just wondering why he's there.

Q All right. And so as you're walking to your car, that's when you hear the first gunshot, right?

A When I turn to go back, yes.

Q All right. And it's fair to say that when that first gunshot happens, obviously you're facing towards your car, right?

A Correct.

Q So you can't tell what happens in the couple seconds that leads up to that first gunshot?

A Correct.

Q And when you turn around, you said that you could see Mr. Beebout essentially standing up and Mr. Hastings is on the ground?

A Yes.

Q But Mr. Hastings' body is behind Mr. Beebout's car, correct?

A Correct.

Q And you're in front of Mr. Beebout's car, right?

A Correct.

Q So how is it that you can see Mr. Hastings' body if there's a car blocking your view?

A So -- correct.

Q All right. So what you said on direct, that you could see Mr. Hastings' body moving around, is not accurate, then, because this car is blocking --

MR. MEHAFFEY: (Interjecting) Objection. Mischaracterization of the testimony. She didn't say that his body was moving.

THE COURT: Break it down, counsel, because that's not exactly what she said.

Q So you would agree on direct that you

telephone, received a statement from him. After that I attempted to get security camera footage from the business, however, it wasn't cooperating and it just kept giving us a still image of nothing. Basically a blank hallway. And then while I was on scene I proceeded to help Detective Handy and Detective Horn finish processing.

Q And later in the morning, what did you do?

A I responded to Caroline to assist with a search warrant of the suspect's residence.

Q Okay. And when you got to Caroline, did there come a time when you dealt with Mr. Beebout?

A Briefly. Their SWAT team was removing him from the residence and I was assisting and escorting him over to Detective Swift.

Q Okay. And were you able to take pictures regarding Mr. Beebout?

A I did.

Q And what was that regarding?

A Those were in reference to his hands, which I saw injuries to both his left and right hand.

Q And did you take pictures of those?

A I did.

Q Do you recognize these photos?

A I do.

Q And what are they?

A These are pictures that were taken of the suspect's hands.

Q At that time?

A Yes.

MR. BIRD: Your Honor, these have been premarked as JB-1 through 8, ask that they be admitted as such.

THE COURT: Any objection?

MR. COSBY: No, sir.

NOTE: The above referred to photographs are now being marked and filed by the Court as Commonwealth's Exhibit JB-1 through Commonwealth's Exhibit JB-8.

Q And did you also review those

Q JB-23?

A The ammunition once it had been opened with rounds missing out of each one.

Q JB-24?

A That has the bloody magazine in the top. It's difficult to see, but it's at the top in the circle.

Q JB-25?

A And the shot of the blood that's oversaturated.

Q When you say oversaturated, you mean the light?

A The light, yes.

Q Is that a better shot of it on JB-26?

A Yes.

Q JB-27?

A Close-up of the blood on the door handle.

Q JB-28?

A Just an overview of the rear.

Q And that's clean?

A Yes.

Q JB-29?

A This image shows a ball cap that is highlighted and circled down on the floorboard.

Q JB-30?

A A close-up of that ball cap.

Q JB-31?

A And the front of the ball cap.

Q What does the ball cap say?

A Valhalla Admit One.

Q What is Valhalla?

A 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.

Q Okay. And why is that hat relevant?

A It's become popular in pop culture for being willing to fight to the death as a respectful ending to that.

MR. COSBY: I object to that, Your Honor.

see if I can -- do you recognize this person in the red tie right there? (Indicating).

A Maybe. He looks a little bit different.

Q Okay. Thinking back to that night, do you remember another person in the bar that looked like him?

A The person that did the crime, possibly.

Q Yes.

MR. CALHOUN: Judge, I would just object to that phrasing, of doing a crime.

THE WITNESS: Yeah.

MR. MEHAFFEY: I think she's just trying to identify the person in her mind, Your Honor. We can strike the --

THE WITNESS: (Interjecting) It's kind of traumatizing, so I'm sorry.

Q It's okay. Thinking back to the bar, and do you remember -- do you recall a person that

looked like the person I just showed you being there that night?

A Yeah.

Q Okay. Can you describe how that person was acting?

A He, I mean, he was a little strange, but nothing --

MR. CALHOUN: (Interjecting) Judge, I would object to the --

THE COURT: (Interjecting) Hold on. Ma'am, hold on. There is an objection.

MR. MEHAFFEY: One second, ma'am.

THE COURT: All right. State your objection for the record.

MR. CALHOUN: I just think it's improper for her to characterize it as strange. I think that's her opinion. I think she can explain maybe what he's doing without reaching a conclusion that it's strange. So I would object on that ground.

Q Was anybody saying anything to Mr. Beebout while he was saying things?

A No.

Q And do you remember what sort of things Mr. Beebout was saying?

A He was saying things about Dana. I cannot recall exactly what he was saying. They were very -- I remember they were -- they were rude and --

MR. COSBY: (Interjecting) Objection, Your Honor.

THE COURT: What is your objection, Mr. Cosby.

MR. COSBY: Well, that's a conclusion, Judge. I mean, what is rude to one person may not be rude to another person, so I think she can explain exactly what he said.

THE COURT: Overruled. Go ahead.

Q You can continue describing to the best of your ability the sorts of things that he was

saying.

A They were very -- they were degrading things about women is what I can recall. Again, I can't remember exactly what he was saying, but that's when I walked over and stepped in and just asked him to leave.

Q And can you describe how you asked him to leave?

A Yes. He had told our bartender previously that he did not have a vehicle, and so when I walked over I told him that I did not care if he did not have a vehicle, he needed to find a way home and to leave the restaurant.

Q And did he comply with that?

A Yes. He got up and walked straight out our side door.

Q When he walked out, did he appear to be falling down drunk or very intoxicated or anything like that?

A No.

Q After he left out of Fatty's, was

when he first comes into the Red Robin?

A He comes in to the bar area and goes right to the bar. And immediately I thought this man has been drinking. His energy was just very kind of all over the place and chaotic. And then I looked at him and his face wasn't red or his speech wasn't slurred, and so I was like, oh, I can't not -- he's not showing signs of intoxication, I don't have to cut him off, but I felt immediately uncomfortable.

And then he was very flirtatious, which is part of the job, but it was such a level of discomfort that I ended up asking one of my cooks, hey, can you come and just sit in the bar area with me, I don't feel comfortable right now.

Q Is that something that you do all the time?

A No.

Q Had you ever done that before?

A No.

Q Okay.

A I have been uncomfortable with

somebody kind of flirting, but never to the point of where I was like I don't feel okay right now. Not only did I call a cook, I called another kind of server to sit in that bar area as well. And I told my manager, look, he's not showing signs of being drunk, but I don't feel right right now. Like that intuition was like blaring and...

Q Did you serve him anything?

A I served him a beer.

Q Did he drink the entire beer?

A No. He drank half of a tall Blue Moon. And I remember because that was my favorite beer.

Q How was he acting when he was sitting there with his beer?

A Chaotic to the point where I -- chaotic is not -- every now and again -- the conversations were normal. They were, you know, what are you doing here, you could be making so much money somewhere else, you should work at Outback, or, you know, what do you do for a living. But then every

everybody is overly familiar with what this hat might mean. What does this hat mean to you?

A I love the show on the History Channel with Brad and those guys. It's pretty cool.

Q Okay. So you know what Valhalla is, right?

A Not really.

Q You don't know what Valhalla is?

A I think it's like their religion or something like that.

Q Okay. So why did you like this patch?

A Because I like the show. It's a good show. History Channel does good work.

Q And what is this a picture of?

A I don't know. It says Valhalla on it.

Q It's a ticket, right?

A Is it?

Q Valhalla Admit One.

A What is that? Ten Tactical?

Q The way it works is you answer my questions. I don't answer your questions. It says Valhalla Admit One?

A It says Valhalla Admit One.

Q Okay. And then it's got some numbers just like a ticket would have if you're trying to gain admission into a place like a circus or --

A (Interjecting) It has numbers like the ones that occur everywhere.

Q Okay. So you don't think that that is a ticket like you would use to get into a circus?

A It looks promotional to me. It has a website.

Q Okay. So what specifically did you like about this particular patch so much that you thought that that represents what you like about the Viking show?

MR. COSBY: Object, Your Honor. I don't see the relevance of the Viking show or his hat.

THE COURT: Overruled. Go

A Did I?

Q That's what I wrote down. Did you say that?

A Yes.

Q All right. So you got two statues with their dukes up that you believe to be a posse at that point; is that fair?

A I have two human beings that I complied with once, and then asked me something further, and I did not comply the second time.

Q All right. Do you watch a lot of westerns?

A Not really.

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 bundle of patches. I have no idea what it means.

Q Did that come with the Valhalla one?

A I got multiple random grab packs.

Q Do you like this one?

A I don't even know what it means. I don't think I've ever worn it.

Q 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?

MR. COSBY: Judge, I have an objection and a motion.

THE COURT: All right. Do you need the motion outside the presence of the jury?

MR. COSBY: Yes, sir.

THE COURT: All right.

NOTE: The jury panel now exits the courtroom.

JURY OUT

THE COURT: All right. Mr. Cosby, what is your motion?

MR. COSBY: Judge, with all due respect to the Commonwealth, I'm a collector

of books, I have a lot of books in my library on battles of wars, and I think if I were charged with a crime it would be improper for somebody to go through my library and say, well, you've got these books by John Grisham on murder, you have these books on war, and then all of a sudden try to use patches to infer a violent disposition or a disposition to kill. So I object to it and move for a mistrial, Judge.

MR. MEHAFFEY: So these are patches that he had in the trunk of his car at the scene of the crime. He is both being tested as to his credibility, as to his knowledge of what these patches mean, and, also, the patches do have some relevance to how he thinks and what he likes and whether he's considered shooting somebody before. So they're both relevant to his state of mind, and relevant to his credibility.

These particular patches

weren't found buried somewhere in his house. They were what he had in the trunk of his vehicle at the murder scene. So for all of those reasons it's relevant, and a mistrial wouldn't be appropriate, anyways, because the jury could properly be instructed in limiting whatever usefulness of the testimony, however you see fit.

THE COURT: All right. Well, I think there are two different things that are raised by the motion made on behalf of the defendant. The first is whether it is appropriate for the defendant to be cross-examined about items in his possession and that were recovered as a result of the search warrant, including the patch that was on the front of the hat that he was asked about, the patch that he was asked about that's on that screen now, and perhaps the patch next to it, and perhaps other patches that are on that, and from the Court's

A It looks like a gun.

Q Okay.

MR. COSBY: Same objection, Judge.

THE COURT: Your objection is noted for the record. Overruled for the same reason.

Q Mr. Beebout, do you see yourself as a tough guy?

A No, sir.

Q Do you have body armor in your basement?

A I have surplus armored plates and a plate carrier.

Q Is that your body armor depicted in that photograph right there, IMG underscore 2034?

A That's my plate carrier, yeah.

THE COURT: I'm sorry. I can't hear you. Speak up.

DEFENDANT BEEBOUT: That is my plate carrier.

Q And where is it?
A In the window.
Q Why?
A Why not.
Q Do you keep a Kevlar helmet in your trunk?
A I have a paint ball helmet next to my paint ball mask in my trunk.
Q Is this your Kevlar helmet right there? (Indicating).
A That's my paint ball helmet, yes.
Q What is this right here? (Indicating).
A That's a hat.
Q Is that a patch hat?
A That is Velcro and a hat.
Q Okay. Why do you -- do you change out the patches and put them on that hat?
A Yes.
Q And all those patches we were looking at, those were found in your car, right?

A No.
Q Were you upset that the waitresses at Fatty's weren't into you?
A No.
Q Were you upset that the Red Robin waitress wasn't into you?
A No.
Q Were you upset that nobody wanted to drink with you?
A No.
Q Were you upset that Shawn was having a good time drinking with a girl and some other guys?
A Not at all.
Q Were you upset that the guys at the bar told you to stop being disrespectful to Dana?
A They never said it.
Q I'll show you one more patch. What does this patch mean to you?
A That one is a PVC one.
Q And what does it say?
A It's a joke using Old English for rap

music lyrics, and it says, Disregard Females, Acquire Currency, a/k/a, Fuck Bitches, Get Money.

MR. COSBY: Judge, I'll object to this one. It doesn't seem to have any connection with guns or violence. I don't know what this is all about and why it's relevant here.

THE COURT: Mr. Mehaffey?

MR. MEHAFFEY: So I believe similarly to the other patches this enlightens the state of mind of the defendant. This is one of the patches that he has and he keeps in his trunk, presumably that he changes out with other patches depending on how he's feeling on any particular day. And his disrespect to Dana from inside of the bar I feel like is a fair inference to connect it with a patch of him being -- of him having a patch that says disregard females that he sometimes wears.

THE COURT: At least one of the

that. Eight shell casings were found at the scene. His pistol that he had on him had a seven-round magazine, one in the chamber. There's craters underneath of Shawn Hastings. You saw the video of the flashes going in a downward fashion as Shawn was lying on the ground. No doubt he killed Shawn Hastings.

And I would submit to you that that is the exact scenario that many people fear as they go out to their cars in darkened parking lots. Jesse Beebout is the person that your mother warned you about. Is he not. Everyone worries about somebody like him waiting for them. He's a tough guy, and he murdered Shawn Hastings for no other reason than he had a bruised ego.

He told everybody in the bar that he could take everybody in there. He thinks he's a tough guy. He's the guy that's got samurai swords next to his computer. He's the guy that's got a Kevlar

helmet in the back of his car. In the trunk. He's got a mask in the back of his trunk. He not only has to carry a pistol, he's got to carry a pistol with two extra magazines. If you believe a word he says, he does that while he's chopping wood, which I submit to you that he only says because he wants to deny knowing what the Ticket to Valhalla patch means on the top of his head. Everybody knows what that means. I think there was a piece of him that was proud that he gave somebody a ticket to Valhalla. That's what tough guys do. Right. As he put it to Detective Swift, he dumped a magazine into him. That's tough talk.

But his perception of himself could never live up to how he presented himself to the world, or who he really was. You heard from everybody in the bar, they thought he was strange, they thought he was weird, they thought he was a

disproves his best story that he can come up with a year later, that means there's no reasonable hypothesis of why he stopped there in front of the entrance to Fatty's apart from waiting for them to come out. He sat there lying in wait, which is exactly what you do when you commit first-degree murder.

There shouldn't be any doubt in anyone's mind that he was looking for Dana and Shawn when he went back to his car from Fatty's, shouldn't be any doubt in anyone's mind that he was holding ill will in his heart towards them. Malice is that legal word for that concept, that little simmering pot of hate and discontent that Michelle Walters tried to articulate to you. That's that malice. That's what she couldn't articulate exactly, but that's that malice living in his heart.

And Beebout, I believe psychiatrists call it projecting, when he

starts saying they must have been waiting for me because they sprinted out literally as soon as I was coming out of the car. He's projecting. That's what he was doing. He was waiting, not them.

All of the evidence was that they left out of Fatty's, Shawn and Dana, without any sort of problem. Right. Shawn was asking Jordan who was pregnant at the time, you know, hey, good luck with your baby. That's what he was telling her. He was getting some numbers from the guys he was taking shots with at the bar. Alexis Heurta said there wasn't any problem at all. He actually apologized to me about making the difficulty, even though the difficulty wasn't even his fault. He was polite about asking Mr. Beebout to move.

What's unusual about the way Dana and Shawn left. What gives rise to even an inkling that there was anything

unusual about the way that they left. You heard Dana testify, you heard Alexis Heurta testify, you heard Jordan Senn testify, you heard Erika Sanchez testify, you heard four different people describe that they weren't a problem at all, and there was no problem at all until that man left, Jesse Dean Beebout.

Even Mr. Beebout agrees that he killed Shawn Hastings. There's no doubt about that.

I'm going to run through the jury instructions and apply the facts to the law that you will have to find according to these instructions. So number nine, the statements presented to you as having been made by the defendant are submitted for your consideration along with all the other evidence. The weight, value, credibility and reliability of those statements are for you to decide. He's inherently incredible. He was impeached at length ad nauseam for two

hours. His story makes absolutely no sense. Reject it.

He's charged with use or display of a firearm in the commission of murder. The Commonwealth has to prove that he displayed or used. He agreed he used his firearm. And that the use was while he committed murder. So the only thing the Commonwealth has to prove for you to find this, apart, I mean, he concedes he used his gun, is that he murdered Shawn Hastings.

This is a slightly different instruction for a slightly different crime. The Commonwealth has to prove that he unlawfully shot Shawn Hastings and it was during the commission of murder or voluntary manslaughter. There is -- he murdered Shawn Hastings. But even if you for some reason decided to find that he committed voluntary manslaughter, he would still be guilty of this. He agrees that he shot Shawn

Outlook

Supreme Court Petition

From Sean Bradley <sbradley@proceedlegal.com>
Date Fri 5/22/2026 2:05 PM
To jeff ratlifflaw.net <jeff@ratlifflaw.net>

Hi, Jeff.

Thank you for your website note. The first step is for you to send me the appendix documents so that I can prepare a cost estimate. The required appendix documents are described in Rule 14.1(i), but basically the appendix should include the final orders of the courts below (and if the last court issued an order denying rehearing, that should also be included).

If the brief is complete or near-to-complete, you should send that as well.

You can end me the documents by attachment to your reply to this email.

Once I have the documents, I will be able to prepare a more specific estimate, but to give you a sense of our prices, a Supreme Court petition that includes 25 formatted brief pages and 35 pages of typeset appendix will have preparation, printing and shipping costs in the $3,400 range (plus the $300 filing fee).

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