COURT OF APPEALS OF VIRGINIA

Record No. 0228-25-1

TYRELL LAMONT SAMUEL
v.
COMMONWEALTH OF VIRGINIA

Present: Judges Beales, White and Duffan
Argued at Norfolk, Virginia

Opinion Issued October 20, 2026*

FROM THE CIRCUIT COURT OF GLOUCESTER COUNTY
Jeffrey W. Shaw, Judge

Charles E. Haden for appellant.

David A. Stock, Senior Assistant Attorney General (Jason S. Miyares,[1] Attorney General, on brief), for appellee.

MEMORANDUM OPINION BY
JUDGE KEVIN M. DUFFAN

Tyrell "Rell" Lamont Samuel was convicted by a Gloucester County Circuit Court jury for first-degree murder, aggravated malicious wounding, burglary while armed with a deadly weapon with the intent to commit murder, three counts of use of a firearm in the commission of a felony, and two counts of shooting or stabbing in the commission of a felony. He was sentenced to life in prison plus three years' incarceration. He argues on appeal that the circuit court erred in denying his motion to strike for the sufficiency of the evidence and in denying his motion for a mistrial on the grounds that he was not tried before an impartial jury. We disagree and affirm the circuit court's decision.

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

[1] Jay C. Jones succeeded Jason S. Miyares as Attorney General on January 17, 2026.

BACKGROUND

"On appeal, 'we review the evidence in the "light most favorable" to the Commonwealth,' the prevailing party below." *Diaz v. Commonwealth*, 80 Va. App. 286, 295 (2024) (quoting *Clanton v. Commonwealth*, 53 Va. App. 561, 564 (2009) (en banc)). "That principle requires us to 'discard the evidence of the accused in conflict with that of the Commonwealth, and regard as true all the credible evidence favorable to the Commonwealth and all fair inferences that may be drawn therefrom.'" *Id.* (quoting *Kelly v. Commonwealth*, 41 Va. App. 250, 254 (2003) (en banc)).

I. The Bufflehead Drive Residence

Scarlet Elmore and her family owned a house on Bufflehead Drive in Gloucester County. The home was occasionally shared by four couples: Elmore and Deandre "Malik" Waller, Darius Rudd and Hope Sullivan, Caitlin Pickett and Dracey Greenwood, and Ramel Wilson and Skyler Merenda. Taylor Walke also occasionally stayed at the home, either sleeping on a couch in the main living room or on the floor of the bedroom that Elmore and Waller shared. Kionte Bobo—Samuel's brother—dated Walke. In July 2022, Bobo committed suicide at the Bufflehead Drive residence, though Walke was not staying at the house on the day that Bobo shot himself.

Walke believed Samuel blamed her for Bobo's suicide. On the night of Bobo's death, Walke called Samuel, and Samuel picked up saying, "Fuck you, bitch. It's up. When I see you, you better start shooting." Furthermore, at Bobo's funeral, Walke approached Samuel to comfort him, and, in response, he said, "Fuck you, I'll kill you." Walke was scared by Samuel's statements and took his threats seriously. Samuel had been to the Bufflehead house multiple times, though he stopped visiting after Bobo's death. Walke also knew that Samuel had access to a firearm. In June 2022, she saw Waller give Samuel ammunition for a firearm. Waller confirmed that he once gave Samuel 9mm firearm ammunition and that Samuel was carrying a firearm at the time. Walke testified that the only time she saw Samuel without a gun was at

Samuel's mother's house. As a result of the threats, Walke relocated to a different address. Of note, Merenda and Walke were both white women and had similar hair color to one another.

II. The August 15, 2022 Shooting

On the evening of August 15, 2022, all the couples were at the Bufflehead home: Elmore and Waller were in the back bedroom; Pickett and Greenwood were in a bedroom; Rudd and Sullivan in another bedroom; and Wilson and Merenda slept on couch cushions in the main living room.

Wilson testified that on that night he and Waller were playing video games until Waller went to bed. Merenda was already asleep. Wilson then let the dog out through the sliding glass doors in the main living room which led to the backyard. He then saw a man in the backyard pointing a gun at him. The man was standing about 10 to 15 feet from Wilson and was wearing a gray hoodie with the hood raised and a blue facemask. Wilson thought he heard the man say something like "Yeah, N****" before he began shooting. The man's voice sounded familiar to Wilson. Wilson ran to Waller's room, hearing additional gunshots. As he fled, Wilson was shot in his thigh; but he reached Waller's room where Elmore administered first aid to him. Wilson was later treated at a hospital for the gunshot wound, leaving him with a scar and continued pain, aching, and swelling in his leg. Wilson testified at trial that Samuel was the man who shot him, although he acknowledged that he initially told police that he did not recognize the shooter or his voice.

Elmore testified that she was awakened by the sound of eight gunshots and Wilson and Merenda screaming. Wilson ran into Elmore's bedroom bleeding from his leg. Elmore, who had EMT training, applied a tourniquet to Wilson's leg using a bedsheet. Wilson kept saying he had been shot by "Rell." On cross-examination, Elmore agreed that she did not tell police that night

that Wilson said Samuel had shot him, but that four days after the shooting, she told police that she thought Wilson said "it's Rell" while he was running down the hall.

Waller testified that he and Wilson were playing video games. Waller went to the bedroom he shared with Elmore and, less than five minutes later, heard a "pop." He then heard Wilson running down the hall from the main living room to his bedroom while the shooting continued. Upon reaching the bedroom, Wilson yelled at Waller to close the door. Wilson looked scared and said, "He's shooting, . . . it's Rell." While Elmore assisted Wilson, Waller called 911 using Wilson's phone. Waller testified that Wilson would not stop saying "It's Rell" and that both he and Elmore were trying to calm Wilson. However, on cross-examination, Waller stated that when talking with the police on the night of the shooting, he never identified Samuel as the shooter.

Greenwood and Pickett were sharing a different bedroom in the Bufflehead Drive house. They were awakened by the sound of gunshots and screaming. Greenwood located his firearm, chambered a round, and told Pickett to get into the closet. Greenwood remained in the bedroom with Pickett and never used his firearm. Pickett heard Wilson say it was "Rell" multiple times. Picket also testified that following Bobo's suicide, she had posted condolences on Instagram and, in response, Samuel messaged her back words to the effect of, "You didn't know my brother, bitch, please don't post about my brother, or see what happens next." She added that other people living in the house had also received threats from Samuel.

Rudd had a security camera in the room that he was sharing with Sullivan and that recorded the events of that night. Just before 2:05 a.m., Rudd's camera recorded the sound of gunshots, followed by a voice screaming what seemed to be, "It's Rell! Get down!" Rudd called 911 and moved a dresser in front of the door to the bedroom, barricading Sullivan and

himself inside. Sullivan testified that she heard Wilson yell, "It's Rell" as he ran down the hallway away from the main living room.

Police arrived, secured the home, and began an investigation. Lieutenant Michael Rice of the Gloucester County Sheriff's Department testified that the investigative team found Merenda's body on the couch cushions on the floor of the main living room. Around her, he also identified both unspent 9mm ammunition and cartridge casings. Samuel was arrested, and, on May 1, 2023, a grand jury indicted him for first-degree murder in violation of Code § 18.2-32, aggravated malicious wounding in violation of Code § 18.2-51.2, burglary while armed with a deadly weapon in violation of Code § 18.2-90, three counts of use of a firearm in the commission of a felony in violation of Code § 18.2-53.1, and two counts of unlawfully wounding in the commission of a felony in violation of Code § 18.2-53.

II. Jury Selection

Trial began on July 31, 2024. Following jury selection, Samuel moved for a mistrial on the grounds that the jury was not representative of his peers because there were no African-American men who were part of the venire. In support of his motion, Samuel stated that, although he was "sure" that the venire process "was random," he did not believe that he would "get a fair trial from this particular panel" that did not include any African-American men.

The Commonwealth opposed the motion on the grounds that Samuel only had a right to appear before a jury selected from a fair-cross-section of the community. It proffered that census data for Gloucester County showed that the population was 87.2% White or Caucasian and 8.7% African-American. The circuit court then stated that "the only way to satisfy" Samuel's concerns would be to "handpick African-American males to be on the panel." Samuel's counsel interjected, stating, "I'm not asking for that . . . . It's random certainly but that doesn't mean it's representative. I don't think it is." The circuit court then denied Samuel's motion for a mistrial.

III. Trial Testimony

At trial, Assistant Chief Medical Examiner Wendy Gunther testified that she performed Merenda's autopsy. Gunther testified that Merenda suffered five gunshot wounds, with three to her head. One of Merenda's wounds traveled through the base of her skull and would have been enough to cause her death on its own.

Emily Head testified that she is an employee of the Bureau of Alcohol, Tobacco, and Firearms who examines and processes evidence for DNA analysis. Head examined the shell casings and unspent rounds for the presence of DNA and testified that Samuel is a possible contributor of DNA she found on the unspent 9mm cartridges.

Testifying in his defense, Samuel denied being at the Bufflehead Drive house the night of the shooting and denied any involvement. On cross-examination, he claimed that he was home at the time of the shooting, but, when confronted by cell phone records indicating that he was in Yorktown, he stated that he travelled to Yorktown before returning home. When asked about one of his phones that did not signal a cell tower during a four-hour period on the night of the shooting, Samuel denied turning the phone off, but offered no explanation for why it did not signal. Samuel acknowledged that when the police searched his home, they found destroyed cell phones. He explained that the phones were destroyed when his girlfriend threw them out the window of a car after the shooting. Samuel testified that he did not remember an empty black holster being found in his room by police and that he did not have a 9mm firearm at the time of the murder. When shown a picture of him holding what appeared to be a handgun, Samuel said it was a "prop." Samuel stated that he goes by "Rell" "sometimes."

Following closing arguments and jury deliberations, the jury found Samuel guilty. The circuit court sentenced Samuel to a total active sentence of life, plus three years. Samuel appeals.

ANALYSIS

I. Standard of Review

"When an appellate court reviews the sufficiency of the evidence underlying a criminal conviction, its role is a limited one." *Commonwealth v. Garrick*, 303 Va. 176, 182 (2024). Appellate courts are not tasked with "say[ing] that the evidence does or does not establish [the defendant's] guilt beyond a reasonable doubt." *Id.* (alterations in original) (quoting *Commonwealth v. Barney*, 302 Va. 84, 97 (2023)). "Rather, the relevant question is, upon review of the evidence in the light most favorable to the prosecution, whether *any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." *Secret v. Commonwealth*, 296 Va. 204, 228 (2018) (quoting *Pijor v. Commonwealth*, 294 Va. 502, 512 (2017)). This Court will only reverse the judgment of the circuit court if the judgment "is 'plainly wrong or without evidence to support it.'" *Commonwealth v. Moseley*, 293 Va. 455, 463 (2017) (quoting Code § 8.01-680).

Questions of constitutional interpretation are generally reviewed de novo. *Huguely v. Commonwealth*, 63 Va. App. 92, 106-07 (2014) (holding that any issues raised on appeal requiring this Court to interpret the Sixth Amendment or interpreting the binding case law that addresses the Sixth Amendment "must be considered *de novo* by this Court").

"This Court 'reviews the denial of a motion for mistrial under the abuse of discretion standard of review.'" *Williams v. Commonwealth*, 83 Va. App. 673, 683 (2025) (quoting *Warnick v. Commonwealth*, 72 Va. App. 251, 263 (2020)). "An abuse of discretion has occurred only when reasonable jurists could not differ in their assessment that an erroneous result was reached." *Id.* (quoting *Clark v. Commonwealth*, 78 Va. App. 726, 756 (2023)). "On appeal, a trial court's denial of a motion for a mistrial will not be reversed 'unless there exists a manifest probability that the

denial of a mistrial was prejudicial.'" *Bethea v. Commonwealth*, 68 Va. 487, 507 (2018) (quoting *Humbert v. Commonwealth*, 29 Va. App. 783, 792 (1999)).

II. Sufficiency of the Evidence

"At trial, the Commonwealth bears the burden of proving the identity of the accused as the perpetrator beyond a reasonable doubt." *Cuffee v. Commonwealth*, 61 Va. App. 353, 364 (2013) (quoting *Blevins v. Commonwealth*, 40 Va. App. 412, 423 (2003)). On appeal, "[w]e review the fact finder's determination regarding the identity of the perpetrator considering 'the totality of the circumstances.'" *Shahan v. Commonwealth*, 76 Va. App. 246, 258 (2022) (quoting *Brown v. Commonwealth*, 37 Va. App. 507, 523 (2002)).

Here, the evidence at trial was more than sufficient to prove that Samuel was the perpetrator who committed the crimes at the Bufflehead Drive house. Samuel had been inside the house on multiple occasions and had repeatedly threatened people who had stayed at the house, including Walke, who he blamed for his brother's suicide. The murder victim, Merenda, slept in the same area of the house that Walke typically occupied, and Walke and Merenda were both white women with similar hair color. Samuel regularly carried a firearm and had received 9mm ammunition, the type of ammunition recovered at the scene of the shooting. Moreover, DNA analysis of the 9mm ammunition cartridges recovered from the scene could not eliminate Samuel as a contributor.

Furthermore, not only did Wilson identify Samuel as the perpetrator at trial, but multiple witnesses testified that they heard Wilson say, "It's Rell" as he fled from the main living room on the night of the shooting, and security camera footage recorded by Rudd corroborated the same. Reviewing the sufficiency of the evidence "gives full play to the responsibility of the trier of fact fairly to resolve conflicts in the testimony, to weigh the evidence, and to draw reasonable inferences from basic facts to ultimate facts." *Raspberry v. Commonwealth*, 71 Va. App. 19, 29 (2019) (quoting *Burrous v. Commonwealth*, 68 Va. App. 275, 279 (2017)); *see Kelley v. Commonwealth*,

69 Va. App. 617, 626 (2019) (recognizing that the fact finder has the sole responsibility to determine the credibility of witnesses as well as the weight to be given their testimony).

Given the totality of the evidence presented, it was reasonable that the jury chose to reject Samuel's self-serving testimony, especially given the inconsistencies in it and the implausibility of his version of events. *See Marable v. Commonwealth*, 27 Va. App. 505, 509-10 (1998) ("In 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."). The judgment of the circuit court falls far short of the "plainly wrong" standard that we are compelled to apply in this situation. *See Moseley*, 293 Va. at 463 (citation omitted).

Because the totality of the evidence was sufficient to support the jury's conclusion that Samuel was the perpetrator, we affirm the circuit court's decision denying Samuel's renewed motion to strike.

III. Right to an Impartial Jury

Under the Sixth Amendment, a defendant has the right to be tried "by an impartial jury of the State and district wherein the crime shall have been committed." U.S. Const. amend. VI. The Supreme Court has interpreted this provision to mean that the venire from which a criminal defendant's jury is chosen must be selected from a representative cross-section of the community. *Taylor v. Louisiana*, 419 U.S. 522, 530 (1975). This fundamental right is essential for maintaining public trust in the fairness and integrity of the criminal justice system and serves as the very foundation of our judicial framework. "This requirement is not met if the jury pool is comprised only of special segments of the populace or if large, distinct groups are excluded." *Simpson v. Commonwealth*, 20 Va. App. 174, 177 (1995) (citing *Taylor*, 419 U.S. at 530).

But to make a prima facie case of systematic exclusion of a distinctive group, a litigant must show consistent under-representation of the group on juries in the community over a period of time.

Watkins v. Commonwealth, 238 Va. 341, 347 (1989), *cert. denied*, 494 U.S. 1074 (1990); *see Bell v. Commonwealth*, 264 Va. 172, 197 (2002) ("Systematic exclusion of a 'distinctive group in the community' must be shown in order to establish that a defendant's constitutional right to a fair jury selection system has been violated." (quoting *Watkins*, 238 Va. at 347)). There is "no requirement that a petit jury actually chosen must mirror the racial balance of the community." *Watkins*, 238 Va. at 347; *see Taylor*, 419 U.S. at 538 (holding that "Defendants are not entitled to a jury of any particular composition"). All that is required is a fair selection system which does not systematically exclude any distinctive group in the community. *Watkins*, 238 Va. at 347 (citing *Taylor*, 419 U.S. at 538).

On this important point, our decision in *Simpson* is illustrative. In *Simpson*, we rejected a defendant's claim that his Sixth Amendment rights were violated by being tried before an all-white jury. 20 Va. App. at 177-79. We noted that the trial court found that specific venires are drawn blindly and at random from the jury pool and that the all-white composition of a particular venire was simply "the luck of the draw." *Id.* Recognizing that the appellant was neither contesting the accuracy of this determination or the propriety of the method employed, we held that the appellant had failed to prove systematic exclusion and, thus, had failed to establish a prima facie Sixth Amendment violation. *See id.*

Here, as in *Simpson*, Samuel is neither challenging a determination that the jury selection process was random nor the propriety of the process used. *Id.* Instead, Samuel argues that he is entitled to a new trial simply because he "was tried before an all-white jury, despite the fact that the jurisdiction includes a substantial population of black residents." But, as the circuit court recognized, Samuel was not entitled to a jury of any particular racial composition, and, in the absence of any showing that Gloucester County systematically excluded African-American men from its juries, Samuel has not made out a prima facie case under the Sixth Amendment. *See*

Watkins, 238 Va. at 346 (affirming the conviction because the defendant "makes no showing of a history of under-representation of minorities on Danville juries"); *Simpson*, 20 Va. App. at 177-78 (holding that the defendant fails to establish a prima facie case because he "presented no evidence of general under-representation of blacks on venires").

Furthermore, not only does Samuel fail to even attempt to show that African-Americans have been consistently underrepresented from Gloucester County juries over a period of time, *Watkins*, 238 Va. at 347, at trial, his attorney expressly conceded that the jury selection process in Gloucester County is "certainly" random, that in his 15 years of trying cases in the region he had "never ever" seen a panel that only had 2 African-Americans on it, and that he just wanted to "try again with a different panel." However, just because Samuel's attorney had never personally encountered this particular jury pool makeup in a previous trial, that did not mean there was any systematic exclusion. In fact, given the census data detailing that the population of Gloucester County was 87.2% White or Caucasian and 8.7% African-American, such an occurrence was closer to a statistical inevitability than a systemic exclusion.

The denial of a mistrial is reviewed under an abuse of discretion standard. *Williams*, 83 Va. App. at 683 (citation omitted). Under these circumstances, Samuel has failed to make a prima facie showing of the systematic exclusion of a distinctive group in violation of the Sixth Amendment. *See id.*; *Simpson*, 20 Va. App. at 177-79. As a result, we do not find that the circuit court abused its discretion in denying his motion for a mistrial.[2]

[2] On brief, Samuel points to *Batson v. Kentucky*, 476 U.S. 79 (1986), for the proposition that "racial discrimination in the use of peremptory challenges is impermissible." *See id.*; *Stevens v. Commonwealth*, 70 Va. App. 280, 296-304 (2019) (discussing the development of *Batson* challenges to the use of peremptory strikes). To be clear, this case does not involve peremptory strikes because, as Samuel conceded at trial, here, the Commonwealth "didn't strike any African-Americans from the panel." Thus, *Batson*'s three-part process governing the use of such strikes has no bearing. *See Stevens*, 70 Va. App. at 296-97.

CONCLUSION

For all of the foregoing reasons, we affirm the circuit court's judgment.

Affirmed.