COURT OF APPEALS OF VIRGINIA

Record No. 1477-25-1

ALEX ALLEN EDWARDS, JR.
v.
COMMONWEALTH OF VIRGINIA

Present: Chief Judge Decker, Judges Malveaux and Causey
Argued at Williamsburg, Virginia

Opinion Issued October 6, 2026*

FROM THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH
Salvatore R. Iaquinto, Judge

Mark Thomas Del Duca for appellant.

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

MEMORANDUM OPINION BY
JUDGE MARY BENNETT MALVEAUX

Alex Allen Edwards, Jr., pleaded guilty to first-degree murder, in violation of Code § 18.2-32; robbery causing death, in violation of Code § 18.2-58(B)(1); two counts of use of a firearm during the commission of a felony (first and subsequent offense), in violation of Code § 18.2-53.1; and two counts of conspiracy to commit a felony, in violation of Code §§ 18.2-22, -58(B)(1). Edwards was sentenced to 148 years' incarceration with 98 years suspended. On appeal, he argues the trial court abused its sentencing discretion by denying his request for a downward departure from the sentencing guidelines. Because the trial court's sentence exceeded

* 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.

the statutory range for his conspiracy convictions, those sentences are void ab initio. We therefore affirm, in part, and reverse and remand for resentencing, in part.

I. BACKGROUND

On appeal, "[w]e recite the facts in the light most favorable to the Commonwealth, the prevailing party below." *Williams v. Commonwealth*, 85 Va. App. 718, 726 (2025). In doing so, we also "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 therefrom." *Cappe v. Commonwealth*, 304 Va. 86, 87 (2025) (quoting *Commonwealth v. Perkins*, 295 Va. 323, 324 (2018)).

In January 2024, Edwards and his friend agreed to conduct a fake marijuana transaction with Logan Fueher and rob Fueher of his marijuana.[2] When Fueher arrived at the arranged transaction location, Edwards's friend pretended to use an internet application to pay for the drugs. While the friend pretended to pay, Edwards shot Fueher in the head and took his gun. After the murder, Edwards tried to sell Fueher's gun.

On December 12, 2024, Edwards pleaded guilty to first degree murder, robbery causing death, two counts of use of a firearm during the commission of a felony, and two counts of conspiracy to commit a felony. Based on the pleas and the stipulated evidence, the trial court convicted Edwards of all the charges. The trial court continued the matter for sentencing.

At the sentencing hearing, Fueher's family members and one of his friends testified about the murder's impact on their lives. The Commonwealth also introduced 27 written victim impact statements from additional friends of Fueher.

[2] Edwards and the Commonwealth stipulated to the facts recited in this paragraph. The parties' stipulation indicates that the victim's surname was Fueher, which we use throughout this opinion, although other documents in the record indicate that the victim's surname was Fuehrer.

Edwards's father testified about his family's remorse and Edwards's difficult childhood. Counsel for Edwards proffered that Edwards's grandmother would have testified similarly had she been healthy enough to appear. Edwards introduced into evidence supportive letters from his brother, one of his high school teachers, and one of his counselors at the Virginia Beach Detention Center. And to demonstrate self-improvement since his arrest, Edwards introduced into evidence certificates indicating his successful completion of several instructional courses. The trial court noted that Edwards had graduated from high school while incarcerated, and Edwards's counsel proffered that Edwards had since earned three credit hours from a community college.

Edwards argued that his offenses were out of the ordinary for him and his punishment should reflect his acceptance of responsibility by pleading guilty. He advocated for a downward departure from the discretionary sentencing guidelines[3] because he had demonstrated remorse, accepted responsibility, and lacked a criminal history. The Commonwealth contended that Edwards failed to demonstrate remorse when he "tried to profit from the proceeds of [Fueher's] death" by attempting to sell Feuher's gun after the murder. The Commonwealth further argued that because Fueher was 18, lacked a criminal history, and did nothing to provoke any violence, "this case is not average" and thus there should be an upward deviation from the sentencing guidelines.

In allocution, Edwards apologized for the suffering he had caused, accepted "the gravity of [his] actions," and stated he had "no intention for anybody to get hurt." He also explained that he has learned from his mistakes and now understood "that living by the law [is] the only way to live."

The trial court sentenced Edwards to a total of 50 years' active incarceration. The sentence comprised the mandatory minimum of 3 years for use of a firearm in the commission of a felony and the mandatory minimum of 5 years for a subsequent offense of same; 20 years with all but 5

[3] The discretionary sentencing guidelines recommended between 26 years and 8 months' incarceration and 44 years and 5 months' incarceration, with a midpoint of 35 years and 6 months.

years suspended for each conspiracy charge; 50 years with all but 20 years suspended for first-degree murder; and 50 years with all but 12 years suspended for robbery causing death.

The trial court explained that it had taken into account Edwards's record and allocution, the witness testimony, and the impact statements and decided to deviate above the sentencing guidelines because "[t]his is not a typical case" or "a guidelines case." It found that Edwards's attempt to sell Feuher's gun after the murder "d[id] not show remorse" and "smack[ed] of profiteering [from] a violent, needless, senseless act." Although the trial court credited Edwards for his self-improvement through education while he was incarcerated, it found that this did not negate his actions.

Following sentencing, Edwards addressed a letter to the trial court in which he asked the court to reconsider or modify his sentence. He argued that he had satisfied the requirements for a downward departure from the sentencing guidelines established by the Virginia Criminal Sentencing Commission in 2021—in particular, by demonstrating acceptance of his responsibility. In the alternative, Edwards requested that some or all of his sentences be permitted to run concurrently. After reviewing the letter, the trial court denied Edwards's motion.

This appeal followed.

II. ANALYSIS

Edwards argues the trial court erred in denying his request for a downward departure from the sentencing guidelines. He contends the trial court did not properly weigh the evidence of his remorse and instead focused too heavily on his attempt to sell Fueher's gun after the murder.

"It is well settled that we apply the abuse of discretion standard of review to a trial court's sentencing decision." *Khine v. Commonwealth*, 82 Va. App. 530, 558 (2024). "The exercise of judicial discretion presupposes 'that, for some decisions, conscientious jurists could reach different conclusions based on exactly the same facts – yet still remain entirely reasonable.'" *Commonwealth*

v. Kartozia, 304 Va. 321, 331 (2025) (quoting *Commonwealth v. Barney*, 302 Va. 84, 94 (2023)). The "'bell-shaped curve of reasonability' underpinning appellate review for an 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.'" *Stambler v. Commonwealth*, 88 Va. App. 198, 210 (2026) (quoting *Barney*, 302 Va. at 94). "Only when reasonable jurists could not differ can we say an abuse of discretion has occurred." *Kartozia*, 304 Va. at 331 (quoting *Barney*, 302 Va. at 94).

A. Edwards's Conspiracy Convictions

The trial court convicted Edwards of two counts of conspiracy to commit robbery causing death. The underlying offense of robbery causing death is a Class 2 felony, punishable by a term "for life or for any term not less than 20 years." Code §§ 18.2-10, 18.2-58(B)(1). But conspiring to commit a robbery causing death is a Class 5 felony, Code § 18.2-22(a)(2), punishable by "a term of imprisonment of not less than one year nor more than 10 years," Code § 18.2-10(e). Here, the trial court sentenced Edwards to 20 years' incarceration with five years suspended for *each* conviction for conspiracy to commit robbery causing death. Those sentences thus exceeded the statutorily authorized range of punishment for the two convictions.[4]

"A Virginia trial court 'clearly' acts within the scope of its sentencing authority 'when it chooses a point within the permitted statutory range' at which to fix punishment." *Minh Duy Du v. Commonwealth*, 292 Va. 555, 564 (2016) (quoting *Alston v. Commonwealth*, 274 Va. 759, 771 (2007)). "[W]hen a statute prescribes a maximum imprisonment penalty and the sentence does not exceed that maximum, the sentence will not be overturned as being an abuse of discretion." *Id.* (quoting *Alston*, 274 Va. at 771-72). By contrast, "a sentence imposed in violation of a prescribed statutory range of punishment is void *ab initio* because 'the character of the judgment was not such

[4] The parties initially neither raised nor briefed the question of whether Edwards's sentences for his conspiracy convictions exceeded the sentences permitted by statute. Prior to oral argument, this Court instructed the parties to be prepared to argue that issue.

as the [C]ourt had the power to render.'" *Rawls v. Commonwealth*, 278 Va. 213, 221 (2009) (alteration in original) (quoting *Anthony v. Kasey*, 83 Va. 338, 340 (1887)). When a judgment is void ab initio because it is "'of a character that the court lacked power to render,'" an appellate court may raise the matter "for the first time on appeal." *Hannah v. Commonwealth*, 303 Va. 106, 120 (2024) (quoting *Watson v. Commonwealth*, 297 Va. 347, 350 (2019)). Because the sentences imposed by the trial court for Edwards's two conspiracy convictions exceeded the statutorily permitted sentencing range for those offenses, they are void ab initio.[5] *See Rawls*, 278 Va. at 221.

Additionally, "[t]his Court has 'no authority to strike the excessive portion of [a defendant's sentences] and impose the statutory maximum sentence for each conviction.'" *Fletcher v. Commonwealth*, 72 Va. App. 493, 511 (2020) (second alteration in original) (quoting *Gordon v. Commonwealth*, 61 Va. App. 682, 688 (2013)). A criminal defendant "who appeals a void sentence for one of multiple convictions is entitled to a new sentencing hearing, but only for the void sentence." *Id.* Edwards is therefore entitled to a new sentencing hearing on his two conspiracy convictions and the sentences related to those convictions only are vacated.[6] *See Rawls*, 278 Va. at 221-22.

---

[5] During oral argument, the Commonwealth stated that the two sentences for Edwards's conspiracy convictions "certainly . . . exceed[] the statutory limitations" for those offenses and thus were "void ab initio."

[6] We note that the grand jury indicted Edwards for five offenses occurring "on our about" January 28, 2024 and for a sixth offense occurring "[o]n or about" January 11, 2024. The January 11, 2024 charge was for conspiracy to commit robbery in violation of Code § 18.2-58(B)(1)—i.e., robbery causing death. As noted above, on December 12, 2024, Edwards entered guilty pleas to all six charges. The record does not contain a transcript of the December 12, 2024 plea hearing, although it does contain a written stipulation of fact, signed by the parties, stating that the Commonwealth's evidence would show that on or about January 28, 2024 Edwards committed first degree murder, robbery causing death, two counts of use of a firearm in the commission of a felony, and conspiracy to commit robbery causing death. The proffer further stated that the Commonwealth's "evidence would show that on or about January 11th, 2024 . . . [Edwards] had made an agreement to set up a fake marijuana transaction with another juvenile friend and rob the victim. This robbery never took place." Although Edwards entered a guilty plea to the January 11, 2024 offense and the trial court accepted that plea, we cannot

B. Edwards's Remaining Convictions

For his remaining convictions, the trial court sentenced Edwards to 50 years' incarceration with 30 years suspended for first-degree murder and 50 years' incarceration with 38 years suspended for robbery causing death. Both offenses are punishable by imprisonment up to life but not less than 20 years. Code §§ 18.2-10, -32, -58(B)(1). Accordingly, these sentences were within the statutorily permitted ranges for those offenses. The trial court also sentenced Edwards to the mandatory minimum terms of three and five years' incarceration for, respectively, use of firearm in the commission of a felony and a subsequent commission of that offense. Code § 18.2-53.1. Both those sentences were also within the statutorily permitted sentencing ranges. Although those sentences did not exceed the permitted ranges, Edwards argues that the trial court should have given more weight to his acceptance of responsibility and therefore deviated downward from the sentencing guidelines.

"The sentencing guidelines are advisory only and do not require trial courts to impose specific sentences." *Runyon v. Commonwealth*, 29 Va. App. 573, 577-78 (1999). Accordingly, a judge's failure to follow the sentencing guidelines is "not . . . reviewable on appeal or the basis of any other post-conviction relief." Code § 19.2-298.01(F). Moreover, "[c]riminal sentencing decisions are among the most difficult judgment calls trial judges face." *Minh Duy Du*, 292 Va. at 563. "Because this task is so difficult, it must rest heavily on judges closest to the facts of the case—those hearing and seeing the witnesses, taking into account their verbal and nonverbal communication, and placing all of it in the context of the entire case." *Id.* "It is within the trial court's purview to weigh any mitigating factors presented by the defendant." *Khine*, 82 Va. App. at 558 (quoting *Keselica v. Commonwealth*, 34 Va. App. 31, 36 (2000)). And the trial court is not

---

determine from the record before us whether the Commonwealth's evidence for conspiracy to commit a robbery causing death "that never took place" sufficiently supported that conviction.

required to give an appellant's mitigating circumstances controlling effect. *Sheets v. Commonwealth*, 80 Va. App. 706, 718 (2024). Here, the record demonstrates that the court carefully weighed the mitigating and aggravating circumstances and imposed the sentences it deemed appropriate for this case. Accordingly, other than for Edwards's conspiracy convictions as discussed above, the record reveals no abuse of discretion by the trial court.

III. CONCLUSION

For the foregoing reasons, the trial court's judgment is affirmed in part, reversed in part, and remanded for a new sentencing hearing on Edwards's two conspiracy convictions.

Affirmed in part, reversed in part, and remanded.