COURT OF APPEALS OF VIRGINIA

Record No. 0420-25-1

MARQUIE KASEEM LITTLE
v.
COMMONWEALTH OF VIRGINIA

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

Opinion Issued November 10, 2026*

FROM THE CIRCUIT COURT OF THE CITY OF HAMPTON
Bonnie L. Jones, Judge[1]

Charles E. Haden for appellant.

Catherine E. Spencer, Assistant Attorney General (Jason S. Miyares,[2] Attorney General, on brief), for appellee.

MEMORANDUM OPINION BY
CHIEF JUDGE MARLA GRAFF DECKER

Marquie Kaseem Little appeals his convictions for violating a preliminary protective order and stalking a person protected by such an order, both in violation of Code § 16.1-253.2. He argues the trial court erred by concluding that the evidence was sufficient to prove he engaged in behavior that constituted violations of the two offenses. We hold the trial court did not err and affirm Little's convictions.

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

[1] Judge Jones presided over the case before her 2025 retirement.

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

BACKGROUND[3]

On August 13, 2024, Little's ex-girlfriend, Aaliyah Tyler, obtained a preliminary protective order specifying that while she and Little had lived together in Georgia, he had "subjected [her] to family abuse" involving a weapon. Tyler explained that they had experienced issues "multiple times." The preliminary protective order barred Little from "commit[ting] acts of family abuse or criminal offenses that result[ed] in injury to person or property." Additionally, it specifically directed Little to "have no contact of any kind" with Tyler, her minor daughter, or any of Tyler's other family or household members. The order listed Tyler's current address in Hampton and directed Little to "stay away from the residence." Little was not immediately served with the order, and Tyler was not aware of whether he knew her Hampton address before he was served.

Around 8:00 p.m. that same day, Little went to Tyler's father's house in Williamsburg. Tyler's father was not home, but Tyler's aunt was there, and Tyler was notified of Little's presence. Tyler, in turn, contacted the Williamsburg Police Department to have the preliminary protective order served on Little at her father's address. Shortly after 10:00 p.m., police served Little with the order at that location.

When Tyler's father arrived home about an hour later, he noticed a white compact car with a Florida license plate parked in front of his house. Little was outside the car and spoke to Tyler's father. Little repeatedly said "how much he cared for" Tyler and asked "continuously . . . [for] her

[3] "Consistent with the standard of review when a criminal appellant challenges the sufficiency of the evidence, we recite the evidence below 'in the "light most favorable" to the Commonwealth, the prevailing party in the trial court.'" *Hammer v. Commonwealth*, 74 Va. App. 225, 231 (2022) (quoting *Commonwealth v. Cady*, 300 Va. 325, 329 (2021)). In doing so, we discard any evidence that conflicts with the Commonwealth's evidence, and "regard as true all the credible evidence favorable to the Commonwealth" and all inferences that can be fairly drawn from that evidence. *Cady*, 300 Va. at 329 (quoting *Commonwealth v. Perkins*, 295 Va. 323, 324 (2018) (per curiam)).

whereabouts."[4] Little claimed that "people . . . kn[e]w where she live[d]" and were "watching her every move," and he said that he "didn't want anything to happen to her." Little also asked about Tyler's daughter, who Little believed was also his. Little and Tyler's father talked until around 3:00 a.m. the next morning, on August 14, 2024, when Little left.

Tyler's father told her about his encounter with Little and described the car that Little appeared to be driving. He also sent her footage from a security camera at his house showing Little with the car in the background. When Tyler checked footage from her own security camera, she saw that a car that looked like the one captured by her father's camera drove through the parking lot of her Hampton apartment complex at 3:32 a.m. that same day. The car was a white Toyota Corolla with a black bumper and Florida license plate. She explained that the preliminary protective order listed her new address, giving Little notice of that address and the requirement to stay away from it when he was served with the protective order hours earlier.

Around 4:00 p.m. that afternoon, Tyler left her apartment complex to pick up her "domestic partner," Matthew Todd, who lived with her and her daughter. Todd's mother was driving, and Tyler's daughter was also in the car. When they "returned home," Tyler saw the same white Toyota in her apartment complex's parking lot. Tyler feared for her safety and "ducked down" to conceal herself while Todd's mother drove past the rear of the white car to determine whether it was the same one. They confirmed it was the same car, but the car sped off before Tyler could see who was driving. Tyler and her family then followed the Toyota. When it made a U-turn at an intersection

[4] Little suggests that Tyler's father gave conflicting testimony concerning whether Little asked for Tyler's *address* when they spoke. He notes Tyler's father's trial testimony that Little asked for Tyler's "whereabouts." He then points out that Tyler's father testified at Little's preliminary hearing "that [Little] did not ask for her address" and that the father confirmed that fact at trial. When the trial court asked if Little explained "why he needed to know . . . [Tyler's] whereabouts," however, Tyler's father replied, "Because he wanted to see her." The evidence therefore supports a finding that Little wanted to know Tyler's "whereabouts" but did not specifically ask for her address.

outside the complex, Tyler saw that Little was the driver and was alone in the car. After identifying Little, Tyler and her family went into the parking lot "next [to their] residence" instead of returning to their own. Tyler saw that Little was in that parking lot, too. Little rolled down the window of the Toyota and waved at Todd and his mother before speeding off again.

In response to Little's behavior, Tyler called the police. Officer Charlie Murphy of the Hampton Police Division phoned Little and asked him whether he was in or near a white Toyota Corolla. Little replied that he "might have been." That evening, Officer Murphy obtained an arrest warrant for Little for his violation of the preliminary protective order on or about that day, August 14, 2024.

Little returned to Tyler's apartment complex on August 23, 2024, and was arrested on the warrant for violating the preliminary protective order. A grand jury subsequently indicted him for stalking a person under a preliminary protective order on or about August 14, 2024.

At Little's bench trial for the two offenses, Tyler testified in keeping with the above events. She confirmed that she feared for her safety when she returned to her apartment with her family on the afternoon of August 14 and saw Little's car in the parking lot again.

Little testified on his own behalf about the events of August 13 and 14. He admitted visiting Tyler's father and being served with the protective order while there, but he denied seeing Tyler or going to her apartment complex after being served. He claimed that what Tyler and Todd said about seeing him on August 14 was "all a lie." Little admitted that he was in Hampton, claiming that he stayed with a friend who resided there and only his friend drove the white Toyota described.

During closing argument, Little's attorney challenged the sufficiency of the evidence to prove he violated the protective order by arguing that he had not contacted Tyler. He also suggested the evidence did not show that he stalked Tyler, claiming he had not made her fear death, sexual assault, or bodily injury.

The trial court convicted Little of both violating the protective order and stalking a person protected by such an order. It noted Little's initiation of contact with Tyler's father and his long conversation with the father about her. The court also pointed to the protective order's language requiring Little to "stay away from [Tyler's] residence," for which a specific Hampton address was listed. It credited Tyler's testimony that her security camera showed the same distinctive white car Little was traveling in when he went to her father's house was also in her own apartment-complex parking lot at 3:30 a.m. on August 14, 2024. Finally, the court accepted the testimony of Tyler and Todd that they saw the same car in her parking lot that afternoon. Little was sentenced to five years of incarceration for felony stalking and twelve months for the misdemeanor protective-order violation, with three years of the felony sentence and all of the misdemeanor sentence suspended.

ANALYSIS

Little challenges the sufficiency of the evidence to support his convictions. "When an appellate court reviews the sufficiency of the evidence underlying a criminal conviction, its role is a limited one." *Commonwealth v. Mahoney*, ___ Va. ___, ___ (June 11, 2026) (quoting *Commonwealth v. Garrick*, 303 Va. 176, 182 (2024)). "The judgment of the trial court, sitting without a jury, is 'entitled to the same weight as a jury verdict.'" *Commonwealth v. Perkins*, 295 Va. 323, 327 (2018) (per curiam) (quoting *Cole v. Commonwealth*, 294 Va. 342, 361 (2017)). It "is presumed correct and will not be disturbed unless it is [']plainly wrong or without evidence to support it.[']" *Commonwealth v. Wilkerson*, 304 Va. 92, 100 (2025) (quoting *Garrick*, 303 Va. at 182); *see Cuffee v. Commonwealth*, ___ Va. ___, ___ (Apr. 16, 2026).

Appellate review "does not distinguish between direct and circumstantial evidence, as the fact finder itself 'is entitled to consider all of the evidence, without distinction, in reaching its determination.'" *Garrick*, 303 Va. at 183 (quoting *Commonwealth v. Moseley*, 293 Va. 455, 463 (2017)); *see Mahoney*, ___ Va. at ___. Circumstantial evidence "is entitled to as much weight as

direct evidence provided that [it] is sufficiently convincing to exclude every reasonable hypothesis except that of guilt." *Hughes v. Commonwealth*, 87 Va. App. 136, 148 (2026) (quoting *Pijor v. Commonwealth*, 294 Va. 502, 512 (2017)). And firmly established in our case law is the principle that the fact finder below, not the appellate court, "determines which reasonable inferences should be drawn from the evidence[] and whether to reject as unreasonable the [defendant's] hypothes[e]s of innocence." *Wilkerson*, 304 Va. at 102-03 (quoting *Moseley*, 293 Va. at 464); *see Fary v. Commonwealth*, 77 Va. App. 331, 347 (2023) (en banc), *aff'd*, 303 Va. 1 (2024) (per curiam). In short, "[w]hether an alternate hypothesis of innocence is reasonable is a question of fact" that "is binding on appeal unless plainly wrong." *Mahoney*, ___ Va. at ___ (quoting *Cuffee*, ___ Va. at ___). The reasonable-hypothesis principle requires an acquittal only "when the evidence provides no reasonable basis for a factfinder [to] choos[e] between [guilt and innocence as] equally likely options." *Cuffee*, ___ Va. at ___. Put another way, the question on appeal is "whether *any* rational trier of fact could have found the [challenged] elements of the crime beyond a reasonable doubt." *Cappe v. Commonwealth*, 304 Va. 86, 87 (2025) (per curiam) (emphasis added); *see Commonwealth v. Barney*, 302 Va. 84, 97 (2023).

It is in light of these well-established legal principles that we consider Little's challenges to his convictions for violating a protective order and stalking.

I. Sufficiency of the Evidence to Prove Violation of a Protective Order

"Upon the filing of a petition alleging that the petitioner is or has been, within a reasonable period of time, subjected to family abuse, . . . the court may issue a preliminary protective order against an allegedly abusing person . . . ." Code § 16.1-253.1(A). A preliminary protective order may prohibit "such contacts by the respondent with the petitioner or family or household members of the petitioner as the court deems necessary for the health or safety of such persons." Code § 16.1-253.1(A)(2); *see Elliott v. Commonwealth*, 277 Va. 457, 463-64 (2009). "In addition to any

other penalty provided by law, any person who violates any provision of a protective order issued pursuant to [Code] § 16.1-253.1 . . . is guilty of a Class 1 misdemeanor." Code § 16.1-253.2(A). And a "violation of th[e] section may be prosecuted in the jurisdiction where the [preliminary] protective order was issued, . . . where any act constituting the violation of the . . . order occurred, or . . . where the party protected by the . . . order resided at the time of such violation." Code § 16.1-253.2(E).

Little contends that the evidence did not prove he "knowingly and intentionally violated the protective order by having any direct or indirect contact with . . . Tyler on or about" the date charged. He suggests that neither his contact with her father, which did not involve any threats, nor his appearance on Tyler's security camera while "passing through the parking lot of [her] apartment complex" was sufficient to constitute a violation. Little, however, misperceives the nature of the contact required to support his conviction.

The evidence proved that on the morning of August 13, 2024, Tyler obtained a preliminary protective order from the juvenile and domestic relations district court that named Little as the respondent. In keeping with Code § 16.1-253.1, the order directed that Little could "have no contact of any kind" with Tyler, her "family," or any "household members," and it specifically noted "NO EXCEPTIONS." As set out in Code § 16.1-228, the order defined "[f]amily or household member" to include Tyler's "parents, . . . regardless of whether [they] reside[d] in the same home with [her]."

Later that evening, Little went to the Williamsburg home of Tyler's father and waited hours for the man to return home from work. Tyler learned of Little's presence there and contacted police so that they could serve him with the preliminary protective order. Shortly after 10:00 p.m., at least an hour before Tyler's father arrived home, police went to the father's residence and personally served Little with the order. Under the express language of Code § 16.1-253.1(C), the order "[wa]s

effective" when personally served. *See Claramunt v. Commonwealth*, 86 Va. App. 366, 368-69, 374-75 (2025) (en banc) (plurality opinion), *appeal granted*, No. 260068 (Va. Oct. 14, 2026); *id*. at 377 (Raphael, J., concurring) (adopting the same meaning for this portion of Code § 16.1-253.1(C)); *id.* at 393 (Chaney, J., dissenting) (adopting the same meaning for this portion of Code § 16.1-253.1(C)); *Logan v. Commonwealth*, 299 Va. 741, 747 (2021) (giving the same interpretation to identical language in Code § 19.2-152.9(C)). Little's receipt of "[p]ersonal service [provided him with] actual notice" of the existence and content of the order. *See Smoot v. Commonwealth*, 18 Va. App. 562, 566 (1994) (applying this principle in a habitual offender adjudication).

Little conceded at trial that officers served him with the preliminary protective order "around 10" p.m. on August 13, 2024, which occurred before Tyler's father returned home around 11:30 p.m. Little also admitted that he stayed at Tyler's father's home until about 3:00 a.m. on August 14, talking to him about Tyler and Tyler's daughter. Little did not deny knowing that the preliminary protective order barred him from all contact with Tyler's father. *See id.* (recognizing personal service provides actual notice of an order's contents). In any event, a defendant's "failure to read the[] papers [with which he has been served] or to ascertain their content does not nullify the fact that he received actual notice." *Id.*[5]

This record supports the finding that Little, after being served with the protective order, directly contacted Tyler's father in contravention of that order. Accordingly, the evidence was sufficient to support Little's conviction for violating the protective order.[6]

[5] Here, the evidence established that Little waited at least an additional hour for Tyler's father to come home after Little was served with the preliminary protective order, giving him more than enough time to read the contents of the three-page order.

[6] The doctrine of judicial restraint dictates that appellate courts "endeavor to resolve cases on the best and narrowest ground[] available." *See, e.g.*, *Commonwealth v. Kartozia*, 304 Va. 321, 336 n.* (2025). We therefore do not address whether Little may have violated the protective order in other ways.

II. Sufficiency of the Evidence to Prove Stalking in Violation of a Protective Order

"If the respondent [of a protective order] . . . stalks any party protected by the protective order in violation of [Code] § 18.2-60.3, he is guilty of a Class 6 felony." Code § 16.1-253.2(C). Stalking occurs when someone "on more than one occasion engages in conduct . . . directed at another person with the intent to place, or when he knows or reasonably should know that the conduct places[,] that other person in reasonable fear of death, criminal sexual assault, or bodily injury." Code § 18.2-60.3(B). The statute requires proof of three elements: that the defendant (1) "directed his . . . conduct toward the victim on at least two occasions;" (2) "intended to cause fear or knew or should have known that his . . . conduct would cause fear;" and (3) engaged in "conduct [that] caused the victim 'to experience reasonable fear of death, criminal sexual assault, or bodily injury'" to either the victim or the victim's "family or household member." *Stephens v. Rose*, 288 Va. 150, 155 (2014) (quoting *Parker v. Commonwealth*, 24 Va. App. 681, 685 (1997)); *see* Code § 18.2-60.3(B).

Little contended at trial that he did not violate the protective order because Tyler and Todd lied about seeing him on August 14, 2024. He also argued that even if they did see him, he immediately sped off and had no direct contact that day with Tyler. On appeal, he contends that he had no reason to believe Tyler would know that he "pass[ed] through the parking lot of [her] apartment complex" at 3:30 a.m. that morning. He suggests as a reasonable hypothesis of innocence that he recognized he was not permitted to make contact but "want[ed] to understand . . . where the child live[d]" and "simply surveil." He also insists that any encounter he might have had with Tyler, Todd, and Todd's mother later that afternoon occurred merely by "chance" and he was unaware of the contact because Tyler kept her presence hidden from him at that time. Little posits as a result that the evidence failed to prove he directed his conduct at Tyler in such a way that he knew or should have known it would place her "in reasonable fear of death, criminal sexual assault,

or bodily injury." Contrary to his arguments, the record, viewed under the proper standard, proved the three elements of stalking and supported the trial court's finding that no reasonable hypotheses of Little's innocence remained.

A. Two Instances of Proscribed Conduct Directed Toward the Victim

The first element of the offense of stalking requires proof that the defendant "directed" at least two instances of proscribed "conduct toward the victim." *Stephens*, 288 Va. at 155. Unrebutted evidence showed that Little was served with the preliminary protective order shortly after 10:00 p.m. on August 13, 2024, making the order effective and placing him on notice of its contents. *See Claramunt*, 86 Va. App. at 368-69, 374-75 (plurality opinion); *id.* at 377 (Raphael, J., concurring); *id.* at 393 (Chaney, J., dissenting); *Logan*, 299 Va. at 747; *Smoot*, 18 Va. App. at 566. In addition to barring Little from "contact of any kind" with Tyler, her family, and her household members, the order directed him to "stay away" from Tyler's apartment at the specified address on Cunningham Drive in Hampton.

The record, viewed under the proper standard, proves that despite receiving that notice, Little drove the distinctive white Toyota with the black bumper and Florida license plate into Tyler's apartment-complex parking lot at least twice in the next twenty-four hours. Little's failure to "stay away" from the specified address as directed established that he twice engaged in "conduct . . . directed at another person" that proved the first element of the offense. *See* Code § 18.2-60.3(B); *Tomlin v. Commonwealth*, 302 Va. 356, 372 (2023) ("To discover the plain and ordinary meaning of everyday language [used in statutes but not defined in them, appellate courts] consult general-purpose dictionaries."); *Diaz-Urrutia v. Commonwealth*, 77 Va. App. 182, 192 (2023) (defining "conduct" as "[t]he manner in which a person behaves" (quoting *Conduct*, *New*

Oxford American Dictionary (3d ed. 2010))).[7] Little first appeared in Tyler's parking lot in the distinctive Toyota less than six hours after he was served with the protective order. On that first occasion, the car was close enough to Tyler's apartment for it to be recorded by her *personal* security camera. The second time, about twelve hours later, Tyler was a passenger in a car in the parking lot when she saw the same Toyota in a parking space. When the car in which she was riding pulled up behind the Toyota, it immediately fled. Tyler and her family followed it, and when the Toyota made a U-turn, Tyler confirmed that Little was the driver.

When Little testified, he denied seeing Tyler on August 14 and denied knowing Todd and his mother. He added that he did not drive the distinctive Toyota at any time, although he admitted it belonged to his friend. Tyler's father, however, testified only that he saw *Little* in or around the Toyota while the two men talked outside the father's Williamsburg home for several hours. The father did not mention seeing anyone traveling with Little.[8] And the record established that the car was recorded by Tyler's security camera in the parking lot behind her Hampton apartment only about thirty minutes after Little left Tyler's father's Williamsburg residence. Also, Tyler and Todd affirmatively identified Little as the driver of the car immediately after it fled their parking lot later that afternoon, and they saw no one else in the car with him.

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[7] Code § 18.2-60.3(B)'s definition of stalking provides that prohibited conduct *includes* "contact." *See generally Elliott*, 277 Va. at 463-64 (holding that when the defendant stood a block from the petitioner's house, in a location visible from her residence, he did not engage in "contact of any type" that violated the protective order under Code § 16.1-279.1 because he did not "enter[] a reasonable distance-defined space around the petitioner"). But the statute does not contain an exhaustive list of the types of conduct that can constitute stalking. Other types that it specifically recognizes include not only "attempt[ing] to contact" the person but also "follow[ing]" or "attempt[ing] to . . . follow" her. *See* Code § 18.2-60.3(B). And stalking can occur "in person or through any other means, including by mail, telephone, or an electronically transmitted communication." *Id.*

[8] The father's only testimony about the presence of others that night was that when he came home, Little was talking to another family member of the father.

The trial court, serving as the trier of fact, was entitled to credit Tyler's and Todd's testimony and to conclude that Little was lying to conceal his guilt when he denied driving the car or being in Tyler's apartment-complex parking lot on two different occasions. *See Sample v. Commonwealth*, 303 Va. 2, 16 (2024) (explaining that determinations of witness credibility are findings of fact entitled to deference on appeal unless plainly wrong); *Maust v. Commonwealth*, 77 Va. App. 687, 703 (2023) (en banc) ("[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 [he] is lying to conceal his guilt." (quoting *Speller v. Commonwealth*, 69 Va. App. 378, 388 (2018))). The court was also entitled to consider Little's "perjured testimony as affirmative evidence" that he did, in fact, drive the car into Tyler's apartment-complex parking lot at least twice that day. *See Camann v. Commonwealth*, 79 Va. App. 427, 443 (2024) (en banc) (quoting *Morris v. Commonwealth*, 269 Va. 127, 134 (2005)). The evidence therefore proved the first element of the offense—that Little engaged in prohibited conduct by failing to "stay away" from Tyler's residence as required by the protective order.

B. Intent, Knowledge, or Imputed Knowledge

We next address the second element of the offense—whether Little had the requisite intent, knowledge, or imputed knowledge that his behavior would cause fear. The stalking statute contains a prima-facie-evidence principle that can apply to prove the required mental state. *See* Code § 18.2-60.3(B). It specifically provides that proof that the respondent contacted or followed the petitioner, or attempted to do so, "after being given actual notice that the p[etitioner] d[id] not want to be contacted or followed" is prima-facie evidence of this element. *See id.* In other words, for purposes of proving stalking, service of the protective order constitutes "actual notice" that the

petitioner feared the respondent. *See id.*[9] To "contact" someone means to "communicate" or "get in touch with" that person. *Contact*, *The American Heritage Dictionary of the English Language* (5th ed. 2011) [hereinafter *American Heritage*]; *accord Contact*, *Webster's Third New International Dictionary of the English Language* (2002) [hereinafter *Webster's*]. To "follow," in pertinent part, means to "proceed behind," "go after in pursuit," or "keep under surveillance." *Follow*, *American Heritage*, *supra*; *accord Follow*, *Webster's*, *supra* (recognizing "trail" and "tail" as synonyms of "follow"). "Prima facie evidence is '[e]vidence that will establish a fact or sustain a judgment unless contradictory evidence is produced.'" *Khine v. Commonwealth*, 75 Va. App. 435, 449 (2022) (alteration in original) (quoting *White v. Commonwealth*, 272 Va. 619, 626 (2006)).

Here, the evidence supported a finding that after being served with the protective order, Little, at the very least, attempted[10] to contact *or* follow Tyler. He drove into her apartment complex's parking lot at 3:30 a.m., shortly after learning where she lived, and then parked in the lot about twelve hours later while remaining in the car. The record therefore provided prima-facie proof that Little acted with the required intent, knowledge, or imputed knowledge.

Little attempted to produce contradictory evidence by testifying that he did not drive the distinctive Toyota Corolla with the black bumper and Florida license plate to Tyler's parking lot twice. Once again, however, the trial court was entitled to reject that testimony as incredible and to find, based on service of the protective order, that Little at least knew or should have known that

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[9] Charging the respondent with such notice once served makes sense, of course, because to obtain a preliminary protective order in the first place, the petitioner either swore she believed that she was in "[i]mmediate and present danger of family abuse" or presented evidence "that family abuse ha[d] recently occurred." *See* Code § 16.1-253.1(A). Family abuse is defined as "any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury and . . . is committed by a person against such person's family or household member." Code § 16.1-228. Here, the petitioner swore that the family abuse involved a weapon, further supporting the proof that Little was on notice of Tyler's fear.

[10] The statutory definition of stalking specifically includes *attempts*. Code § 18.2-60.3(B).

Tyler feared him and did not want to be contacted or followed. *See* Code § 18.2-60.3(B); *see also Eberhardt v. Commonwealth*, 74 Va. App. 23, 27, 39 (2021) (rejecting the defendant's claim that he hit his child only with the intent to administer corporal punishment and holding that he knew or should have known his behavior constituted child cruelty). Even so, Little suggests that he could have acted with the knowledge that he "c[ould]n't have any contact with [Tyler]" and the intent "simply to surveil." But this described behavior is not exculpatory because it proves at least attempted following, which supports rather than negates application of the statute's prima-facie evidence principle. *See Follow*, *American Heritage*, *supra* (defining "follow" as including "[t]o keep under surveillance"); *accord Surveillance*, *Webster's*, *supra* (keeping "close watch . . . over" a person's "movements" or "activities").

Although unrebutted prima-facie evidence alone is sufficient, the record here provided additional evidence contributing to the proof of Little's guilty knowledge. *See Seat v. Commonwealth*, 81 Va. App. 752, 762 (2024) (observing that intent can be proved with circumstantial evidence including a person's conduct and statements). He appeared in Tyler's apartment-complex parking lot twice within about twelve hours in the same distinctive-looking car he had driven to her father's house earlier, significantly increasing the likelihood that Tyler would notice his presence and be put in fear. *See Perkins*, 295 Va. at 330 (permitting the fact finder to "infer that every person intends the natural, probable consequences of his or her actions" (quoting *Ellis v. Commonwealth*, 281 Va. 499, 507 (2011))). On the second occasion, Little immediately fled Tyler's parking lot when the car in which she was riding pulled up behind him. *See Jones v. Commonwealth*, 279 Va. 52, 58 (2010) ("[F]light from a crime scene . . . generally cannot be explained in terms of innocent human behavior."). Then when a police officer telephoned Little a short time later and asked whether he was in or near a white car, he replied that he "might have been." *See id.* (holding that "deceitful behavior immediately following the commission of a crime"

typically "cannot be explained . . . innocent[ly]"). Little's evasive driving and similarly evasive verbal reply provided more evidence that he knew or should have known his behavior violated the protective order's requirement that he "stay away" from Tyler's residence. This same behavior, aided by the prima-facie-evidence principle, provided a basis for a rational fact finder to reject Little's hypothesis that he could not have acted with the requisite mental state because he had no way of knowing that Tyler would become aware of his presence in her parking lot or that she would react in fear if she did. *See Barney*, 302 Va. at 97 (explaining "it is not for this [C]ourt to say that the evidence does or does not establish [the defendant's] guilt beyond a reasonable doubt because as an original proposition it might have reached a different conclusion" (alterations in original) (quoting *Cobb v. Commonwealth*, 152 Va. 941, 953 (1929))).

As a result, the evidence proved the second element of the offense and disproved Little's claimed hypotheses of innocence regarding his mental state.

C. The Victim's Fear

Finally, we turn to the third element of stalking—that the conduct placed the victim in "reasonable fear of death, criminal sexual assault, or bodily injury." *Stephens*, 288 Va. at 157 (quoting Code § 18.2-60.3(A)). For this element to be established, a "victim need not specify what particular harm she fears." *Id.* "The standard for determining fear is 'an objective one.'" *Banks v. Commonwealth*, 67 Va. App. 273, 291 (2017) (quoting *Stephens*, 288 Va. at 157).

Tyler testified that upon seeing Little's car in her parking lot, she feared for her safety. Despite the fact that she obtained a protective order and knew it was served on him late on August 13, 2024, he flouted it by driving through her apartment-complex parking lot twice, at both 3:32 a.m. and about 4:00 p.m. the very next day. After the second visit, Little returned to the parking lot next door, at which time he further disobeyed the order—initiating contact by rolling down his car window and waving at Tyler's partner and his mother, establishing that he knew of

their connection to Tyler at that time. This evidence supported a finding not only that Tyler subjectively feared Little, as she testified, but also that his actions placed her in objectively reasonable fear of bodily injury, which was sufficient to establish the third element of stalking. *See Green v. Commonwealth*, 72 Va. App. 193, 204 (2020) (addressing a conviction based on a social media message that caused the victim "to feel intimidated" and "shocked").

Accordingly, the record proved that Little committed all three elements of the offense of stalking Tyler in contravention of the terms of the preliminary protective order, supporting his conviction for a felony violation of Code § 16.1-253.2(C).

CONCLUSION

For these reasons, we hold that the evidence was sufficient to support Little's convictions for misdemeanor violation of a protective order and felony stalking of a person protected by such an order. As a result, the trial court's judgment is affirmed, and we remand solely for the correction of a clerical error in the conviction and sentencing orders.[11]

Affirmed and remanded.

[11] The conviction and sentencing orders incorrectly list the code sections that Little was convicted of violating as "16.2-253.2; 16.1-253.2." Instead, both convictions are for offenses proscribed by Title 16.1 of the Code of Virginia, violations of Code § 16.1-253.2. We therefore remand to the trial court solely for correction of the clerical error in each of these orders. *See* Code § 8.01-428(B); *Howell v. Commonwealth*, 274 Va. 737, 739 n.*, 742 (2007); *Green*, 72 Va. App. at 205 n.8.