

**IN THE COURT OF APPEALS OF OHIO
THIRD APPELLATE DISTRICT
MARION COUNTY**

STATE OF OHIO,

CASE NO. 9-25-26

PLAINTIFF-APPELLEE,

v.

JERRY LEE COOPER,

**OPINION AND
JUDGMENT ENTRY**

DEFENDANT-APPELLANT.

**Appeal from Marion County Common Pleas Court
Trial Court No. 23-CR-042**

Judgment Affirmed

Date of Decision: August 24, 2026

APPEARANCES:

W. Joseph Edwards for Appellant

Allison M. Kesler for Appellee

ZIMMERMAN, P.J.

{¶1} Defendant-appellant, Jerry Lee Cooper (“Cooper”), appeals the April 2, 2025 judgment entry of sentencing of the Marion County Court of Common Pleas. For the reasons that follow, we affirm.

{¶2} On January 12, 2023, shortly after 11:00 a.m., Cooper called 911 from his landline phone at 436 Thompson Street in Marion, Ohio, and said, “I need a coroner.” (State’s Exhibit 1). When the dispatcher asked who died, Cooper responded, “My girlfriend.” (*Id.*). The dispatcher then asked, “When did she pass?” (*Id.*). Cooper replied, “I don’t know. I woke up this morning. My door was wide open. It looks like she’s been robbed. And, uh, she’s laying in the dog bowl and I didn’t want to touch her.” (*Id.*). Cooper told the dispatcher that his girlfriend was cold to the touch and that he did not think that CPR would be helpful. Cooper reiterated, “I think somebody robbed her.” (*Id.*). When asked if there were any signs of trauma, Cooper responded, “There’s blood on the, I don’t know if it was from her hitting the dog bowl or what, but there’s blood on the floor a little bit.” (*Id.*). When asked if his girlfriend had been suicidal, Cooper stated that she was depressed last night and he thought “maybe she ate a Xanax and just passed out and fell into the bowl or something.” (*Id.*). Cooper stated, “I don’t want to touch her to get my fingerprints all over her and stuff.” (*Id.*). Cooper went on to tell the

dispatcher that his girlfriend had been upset about his erectile dysfunction. Cooper stated that his girlfriend got out of bed around 3:00 a.m. “She said she was coming downstairs to make a phone call . . . she was talking about getting some wing ding.” (*Id.*).

{¶3} Based on the information provided by Cooper during the 911 call, police officers and medical personnel were dispatched to the residence. Major Christopher Adkins (“Major Adkins”) of the Marion Police Department was the first to arrive at the scene. When Cooper opened the door, Cooper pointed to the kitchen area and said “she’s dead.” (Tr. at 611). Upon entering the residence, Major Adkins encountered barking dogs and observed the victim in the kitchen with a towel draped over her head. Major Adkins instructed Cooper to corral the dogs. After the dogs were contained, Major Adkins removed the towel from the victim’s head and observed a gunshot wound to the left side of the head. Major Adkins further observed wet hair dye on the victim’s head. When medical personnel arrived at the scene, they confirmed that the victim was dead. Major Adkins then ordered everyone out of the residence, secured the scene, and waited for a search warrant.

{¶4} Cooper was transported to the police station and interviewed by Lieutenant Joshua Harris (“Lieutenant Harris”) and Detective Scott Sterling (“Detective Sterling”) of the Marion Police Department. Without prompting, Cooper stated, “I didn’t even touch her.” (State’s Exhibit 8-A). Cooper further

stated that he and his girlfriend had been arguing about his erectile dysfunction. His girlfriend showed him a photo of another man on her tablet and implied that she was going to contact that man if Cooper could not satisfy her sexually. When he and his girlfriend went upstairs to bed, she was in the middle of coloring her hair. The last time he spoke with his girlfriend was around 3:30 a.m. when she went downstairs and he went to sleep. Cooper provided the following written statement:

Went to bed about 11. Watched TV until about 3:30. Went to sleep until about 11:30. Was hot from heat so went downstairs to see why so hot. When I got downstairs, the door was wide open. I closed it, went to kitchen and saw her lying on dog bowls, not breathing. I saw blood on floor so I called coroner. It took about 15 minutes and you arrived.

(Tr. at 446-447). *See also* State's Exhibit 13.

{¶5} During the police interview, Cooper gave different theories about what he thought might have happened to his girlfriend. Cooper stated that she “popped a zanny” and “maybe had congestive heart failure.” (Tr. at 463). Cooper also stated that since they had been fighting over his erectile dysfunction, she may have contacted the man from the photo on her tablet and that led to her being robbed. When Detective Sterling told Cooper that his girlfriend sustained a bullet wound or a pellet wound to the head, Cooper stated that he did not have any pellets. Cooper initially denied having any firearms in the home, but later stated that there was a shotgun behind the door. Cooper also stated that he never shot a firearm.

{¶6} After Cooper indicated that he wanted an attorney, the interview ended and Cooper was arrested. Lieutenant Harris completed a gunshot residue kit on Cooper. The test came back positive for the presence of gunshot residue on the left sleeve of Cooper's shirt. A search of the residence found a handgun in the victim's purse near her body. Even though the handgun had Cooper's DNA on it, the firearm used to shoot the victim was never found.

{¶7} On February 22, 2023, the Marion County Grand Jury indicted Cooper on Count One of murder in violation of R.C. 2903.02(A), (D), and R.C. 2929.02(B), an unclassified felony; Count Two of murder in violation of R.C. 2903.02(B), (D), and R.C. 2929.02(B), an unclassified felony; Count Three of felonious assault in violation of R.C. 2903.11(A)(1), (D)(1)(a), a second-degree felony; Count Four of murder in violation of R.C. 2903.02(B), (D), and R.C. 2929.02(B), an unclassified felony; Count Five of felonious assault in violation of R.C. 2903.11(A)(2), (D)(1)(a), a second-degree felony; and Count Six of tampering with evidence in violation of R.C. 2921.12(A)(1), (B), a third-degree felony. Counts One through Five of indictment included three-year firearm specifications under R.C. 2941.145(A). On February 27, 2023, Cooper appeared for arraignment and entered pleas of not guilty.

{¶8} The case proceeded to a four-day jury trial on March 17, 2025. At trial, Cooper's 911 call was played for the jury. The jury also heard testimony from

several police officers, including Major Adkins, who responded to the call. Officer Nick Esterline (“Officer Esterline”) of the Marion Police Department testified that he arrived at the scene after Major Adkins. Footage from Officer Esterline’s body-worn camera was played for the jury. Officer Esterline observed the victim on the kitchen floor beside the refrigerator, with a towel over her head. Officer Esterline testified that Cooper “seemed calm” and “not as emotional as I would have expected.” (Tr. at 292). Officer Esterline further testified that Cooper had a strong odor of cologne or aftershave. Officer Esterline’s perception of Cooper’s strong “cologne smell” was captured on the camera footage played for the jury. (State’s Exhibit 3). On cross-examination, Officer Esterline stated that he did not know where the towel over the victim’s head came from, but it appeared that she was in the process of dying her hair.

{¶9} Lieutenant James Fitsko (“Lieutenant Fitsko”) of the Marion Police Department testified that he was tasked with taking photographs of the scene as part of the investigation. The jury was shown numerous photos taken by Lieutenant Fitsko, including photos of the victim’s body. Lieutenant Fitsko testified that he did not observe any damage to the front door of the residence. Lieutenant Fitsko further testified that he interacted with Cooper at the scene and that Cooper was “freshly showered.” (Tr. at 273). When asked how he knew Cooper had recently showered, Lieutenant Fitsko replied, “He told us.” (*Id.*).

{¶10} The jury also heard testimony from Lieutenant Dana Jagger (“Lieutenant Jagger”) of the Marion City Police Department. Lieutenant Jagger responded to the 911 call and footage from her body-worn camera was played for the jury. The footage depicts Lieutenant Jagger conducting a protective sweep of the second floor of the residence. After securing the upstairs, Lieutenant Jagger transported Cooper from the scene to the police station. While seated in the backseat of Lieutenant Jagger’s cruiser, Cooper made a call to his mother. Lieutenant Jagger overheard Cooper telling his mother that he thought his girlfriend was robbed and that they had been arguing about his erectile dysfunction. Lieutenant Jagger further testified that Cooper had a “distinct smell” of “cheap cologne or maybe body wash, like he just showered.” (Tr. at 346). On cross-examination, Lieutenant Jagger stated that she did not know for certain who Cooper was talking to on the phone, but it sounded like he was having a conversation with his mother.

{¶11} Lieutenant Harris testified at trial that he responded to the scene and footage from his body-worn camera was played for the jury. When Lieutenant Harris first encountered Cooper at the residence, Cooper was wearing a leather jacket and smelled “like, heavy fragrance, almost smelling like a shampoo or a body wash.” (Tr. at 377). Lieutenant Harris assisted Lieutenant Jagger in conducting a protective sweep of the second floor of the residence. While upstairs, Lieutenant Harris could hear the dogs barking downstairs and Cooper’s voice. Lieutenant

Harris further testified that he and Detective Sterling interviewed Cooper at the police station. Footage from Cooper's interview was played for the jury.

{¶12} Detective Sterling testified at trial that he spent approximately two hours with Cooper that day. Detective Sterling noted that Cooper's hair was slicked back and not messy "like someone who just got out of bed." (Tr. at 448). Detective Sterling further noted that Cooper wore a leather jacket even though he stated that he was hot and that the house was "super hot." (*Id.*). On recross-examination, Detective Sterling was asked if the investigative team viewed the victim's tablet to see if it contained a photo of a man as described by Cooper. Detective Sterling testified that the photo "was a screenshot . . . that happened to be . . . a year old." (Tr. at 469).

{¶13} The jury heard testimony from Detective Michael Diem ("Detective Diem") of the Marion Police Department. Detective Diem testified that he responded to the scene but was asked to return to the police station to secure a search warrant. After obtaining a search warrant, Detective Diem inventoried the evidence collected. Detective Diem also collected \$6,300 in cash found in the living room area of the residence. Detective Diem testified that there did not appear to be any signs of forced entry at the residence and no indication that a burglary had taken place. Detective Diem further testified that he briefly walked past Cooper in the

stairwell at the police station that day and noted a very strong odor of cologne or body spray.

{¶14} Detective Diem testified that he obtained search warrants for the victim's phone and tablet to access Facebook, Verizon, and Google records. The victim's Facebook account was linked to her tablet and Detective Diem found no communication to indicate that the victim was in a relationship with another man. As to the victim's phone, Detective Diem found no communication to indicate that the victim had a rendezvous with a man that night, or that she saw anyone that night other than Cooper. The last message sent from the victim's phone was at 3:23 a.m. Detective Diem testified that information obtained from the victim's phone showed that the phone did not leave the residence at any time after 3:23 a.m.

{¶15} Detective Diem also testified to several jail calls made by Cooper following his arrest. Clips of the jail calls were played for the jury. On March 5, 2023, Cooper placed a call to his sister. During the call, Cooper's sister asked, "Did they even say how she died?" (State's Exhibit 15-A). Cooper responded, "A small caliber to the head." (*Id.*). The sister then asked if the gun was at the residence and Cooper replied, "No." (*Id.*). On March 26, 2023, Cooper placed another call to his sister. During the call, Cooper discussed the ".38 Hammerless" found at the residence. (State's Exhibit 15-C). Cooper stated that the gun had "never been shot, ever." (*Id.*). On May 7, 2023, Cooper made a video call to his sister. During the

video call, Cooper stated that he got into an argument with another inmate and asked the inmate if he wanted “to make this a multiple homicide.” (Tr. at 555). *See also* State’s Exhibit 15-D. On May 21, 2023, Cooper made another video call to his sister. During the video call, Cooper expressed his anger about the victim’s son removing items from the Thompson Street residence. Cooper stated, “I want to go over there, take a gun, and really shoot his butt.” (State’s Exhibit 15-E).

{¶16} The jury heard testimony from April Short (“Short”), an investigator with the Marion County Coroner’s Office. Short testified that she responded to the scene based on a suspected gunshot wound. When Short entered the residence, she observed the victim in the kitchen with a gunshot wound to the left temple. Short testified that she prepared the victim’s body to be transported to the Lucas County Coroner’s Office for an autopsy to be performed by a forensic pathologist.

{¶17} The jury also heard testimony from Ted Manasian (“Manasian”), a forensic scientist at the Bureau of Criminal Investigation (“BCI”). Manasian is an expert in gunshot residue analysis. Manasian testified that no particles characteristic of gunshot residue were found on the samples taken from Cooper’s hands. Manasian explained that washing of the hands is a reasonably effective way to remove gunshot residue. Manasian further testified that samples taken from the cuffs and sleeves of a shirt collected from Cooper at the time of his arrest showed that the left sleeve contained particles that tested positive for a particle characteristic

of gunshot residue. On cross-examination, Manasian stated that gunshot residue “can get into the fabric, and it can stay there for an extended period of time.” (Tr. at 496). Manasian further stated that gunshot residue can transfer to clothing in close proximity to where the gun was discharged. When asked if he could determine what type of gun was used, Manasian responded, “I can’t relate the [gunshot residue] particles to a specific weapon or specific ammunition necessarily.” (Tr. at 498).

{¶18} Stacy Violi (“Violi”), a forensic scientist at BCI, testified at trial. Violi is an expert in DNA testing and analysis. The handgun found in the victim’s purse was sent to BCI for DNA testing and analysis. Violi testified that a swab of the trigger of the gun indicated a mixture of two contributors to the DNA profile—the victim as the major contributor and Cooper as the minor contributor. Violi further testified that a swab of the cylinder and buttons of the gun indicated two major contributors to the DNA profile—being the victim and Cooper.

{¶19} The jury also heard testimony from Patrolman David Myatt (“Patrolman Myatt”) of the Ohio State Highway Patrol. Patrolman Myatt testified that he was contacted by the Marion Police Department to analyze Verizon and Google records associated with Cooper’s phone and provide a possible route of travel based off of the phone’s interactions with cell towers. The jury was shown a PowerPoint presentation prepared by Patrolman Myatt showing the possible route

of travel of Cooper's phone between 3:54 and 4:28 a.m. on January 12, 2023. On cross-examination, Patrolman Myatt admitted that the Verizon and Google records do not indicate who was in possession of Cooper's phone at the time of movement.

{¶20} Major Adkins testified at trial that he personally searched Cooper's phone and was able to access the phone's location history. Major Adkins further testified that he was able to see a "path" or "rough directionality" of where the phone had traveled between 3:30 and 4:30 a.m. on January 12, 2023. (Tr. at 642). Major Adkins testified to the phone's path of travel as follows:

South down Thompson, Silver Street to Main. Main to Williamsport. Williamsport to 23 down near Harding. Mainly traveled back where it came from, then hitting Williamsport Road to 309 west out towards Marion Williamsport. 309 in, drove right by Logan Tire and then back onto Thompson Street.

(Tr. at 643). Cooper's phone traveled approximately seven miles, passing fields, bodies of water, and a quarry.

{¶21} On cross-examination, Major Adkins testified that surveillance video captured the victim's Jeep leave 436 Thompson Street during the time that Cooper's phone traveled approximately seven miles. The Jeep is further captured on surveillance video traveling along the same path as Cooper's phone. Even though the Jeep's license plate and driver are not visible on the surveillance video, Major Adkins stated, "I would feel with a great deal of certainty that's the exact same Jeep at 4:00 in the morning." (Tr. at 661). On redirect, Major Adkins testified that police

officers walked the approximate seven-mile area where Cooper's phone traveled in search of the firearm used to shoot the victim. The firearm was never found.

{¶22} The jury then heard testimony from Thomas Blomquist, M.D. ("Dr. Blomquist"), the Lucas County Coroner. Dr. Blomquist testified that he performed an autopsy of the victim on January 13, 2023. The jury was shown an identification photo taken by Dr. Blomquist showing "a gunshot wound to the head, or entry on the left side of the temple." (Tr. at 689). *See also* State's Exhibit 2-RR. Dr. Blomquist testified that he removed the bullet from the victim's neck and fragments of the bullet from the spine. Dr. Blomquist further testified that the victim was alive when she was shot and that the wound was not self-inflicted. He explained that the gunshot wound was not immediately fatal to the victim. Dr. Blomquist opined that the victim would have been alive for minutes after the injury occurred. He explained, "But she dropped to the ground quickly because it was paralyzing because it fragmented her spinal cord at C[4] and C5. And she couldn't control her diaphragm, she couldn't breathe, but she was aware." (Tr. at 698). When asked how long the victim would have been aware, Dr. Blomquist answered, "Minutes. Until enough oxygen or blood ran out and she passed out." (*Id.*).

{¶23} At the conclusion of Dr. Blomquist's testimony, the State rested. Cooper's trial counsel made a Crim.R. 29 motion, which the trial court denied. Cooper did not testify at trial and the defense rested.

{¶24} On March 20, 2025, the jury returned guilty verdicts on all six counts and the accompanying firearm specifications.

{¶25} On March 28, 2025, Cooper appeared for sentencing.¹ The trial court found that Counts One through Five merged for sentencing purposes and the State elected to have Cooper sentenced on Count One. The trial court sentenced Cooper to a prison term of 15 years to life as to Count One, with an additional three years for the accompanying firearm specification. The trial court also sentenced Cooper to a prison term of 36 months as to Count Six. The sentences were ordered to be served consecutively for an aggregate prison term of 21 years to life.

{¶26} On September 11, 2025, Cooper filed a motion for delayed appeal, which we granted. Cooper raises a single assignment of error for our review.

Assignment of Error

The trial court erred in entering a finding of guilty because the verdict was against the manifest weight of the evidence.

{¶27} In his sole assignment of error, Cooper argues that his convictions are against the manifest weight of the evidence.

Standard of Review

{¶28} In determining whether a verdict is against the manifest weight of the evidence, a reviewing court must examine the entire record, “weigh[] the evidence

¹ The trial court filed its judgment entry of sentencing on April 2, 2025.

and all reasonable inferences, consider[] the credibility of witnesses and determine[] whether in resolving conflicts in the evidence, the jury clearly lost its way and created such a manifest miscarriage of justice that the conviction must be reversed and a new trial ordered.”” *State v. Thompkins*, 78 Ohio St.3d 380, 387 (1997), quoting *State v. Martin*, 20 Ohio App.3d 172, 175 (1st Dist. 1983). Nonetheless, a reviewing court must allow the trier of fact appropriate discretion on matters relating to the weight of the evidence and the credibility of the witnesses. *State v. DeHass*, 10 Ohio St.2d 230, 231 (1967).

{¶29} When applying the manifest-weight standard, “[o]nly in exceptional cases, where the evidence ‘weighs heavily against the conviction,’ should an appellate court overturn the trial court’s judgment.” *State v. Haller*, 2012-Ohio-5233, ¶ 9 (3d Dist.), quoting *State v. Hunter*, 2011-Ohio-6524, ¶ 119.

Analysis

{¶30} Cooper was convicted of murder in violation of R.C. 2903.02(A) which provides that “[n]o person shall purposely cause the death of another” and the accompanying firearm specification for using a firearm to facilitate the murder. Cooper was also convicted of tampering with evidence in violation of R.C. 2921.12(A)(1) which provides that “[n]o person, knowing that an . . . investigation is . . . about to be or likely to be instituted, shall . . . [a]lter, destroy, conceal, or

remove any . . . thing, with purpose to impair its . . . availability as evidence in such . . . investigation[.]”

{¶31} On appeal, Cooper contends that the jury verdict is against the manifest weight of the evidence because “[t]here is no evidence in this case that shows [he] was responsible for the death of the victim or tampered with the evidence in relation to the crime.” (Appellant’s Brief at 18). Therefore, Cooper challenges the validity of the jury verdict on the basis that there was no direct evidence introduced at trial to either identify him as the person who shot the victim or to demonstrate that he disposed of the firearm.

{¶32} Despite Cooper’s contentions, direct and circumstantial evidence do not differ in terms of their probative value. *State v. Treesh*, 90 Ohio St.3d 460, 485 (2001) (“Circumstantial evidence and direct evidence inherently possess the same probative value.”). It is well established that ““circumstantial evidence is sufficient to sustain a conviction if that evidence would convince the average mind of the defendant’s guilt beyond a reasonable doubt.”” *State v. McKnight*, 2005-Ohio-6046, ¶ 75, quoting *State v. Heinisch*, 50 Ohio St.3d 231, 238 (1990). “Circumstantial evidence . . . may also be more certain, satisfying and persuasive than direct evidence.” *State v. Lott*, 51 Ohio St.3d 160, 168 (1990), quoting *Michalic v. Cleveland Tankers, Inc.*, 364 U.S. 325, 330 (1960).

{¶33} In this case, the State presented the testimonies of 13 witnesses involved in the investigation of the victim’s murder. In addition to the testimonies of lay and expert witnesses, the State introduced more than 80 exhibits which included Cooper’s 911 call; multiple photographs of the scene and evidence collected; footage from body-worn cameras; footage from Cooper’s interview at the police station; Cooper’s written statement; Cooper’s jail calls; a gunshot residue report; a DNA report; and an autopsy report. Even though Cooper chose not to testify at trial, the jury was tasked with determining his credibility based on the statements he made during the 911 call, the police interview, his written statement, and the jail calls.

{¶34} We must be mindful that the weight and credibility of evidence are to be determined by the trier of fact. *State v. Reillo*, 2026-Ohio-2701, ¶ 38 (stating that appellate courts must defer to the fact-finder’s witness-credibility determinations when conducting a manifest-weight review). The jury “as the trier of fact, is in the best position to determine the weight and credibility of the evidence, including inconsistencies, along with witness manner and demeanor, and is in the sole position to believe or disbelieve all or any of the testimony presented at trial.” *Id.* at ¶ 32, quoting *State v. Johnson*, 2023-Ohio-2424, ¶ 23 (6th Dist.).

{¶35} After reviewing the record, weighing the evidence and all reasonable inferences, and considering the credibility of witnesses, we conclude that a

reasonable jury could have found that Cooper was the person who shot the victim and then disposed of the firearm. Therefore, we further conclude that the jury did not lose its way and create a manifest miscarriage of justice in reaching these conclusions. Accordingly, Cooper's convictions for murder with the accompany firearm specification and tampering with evidence are not against the manifest weight of the evidence. Cooper's sole assignment of error is overruled.

{¶36} Having found no error prejudicial to the appellant herein in the particulars assigned and argued, we affirm the judgment of the trial court.

Judgment Affirmed

WILLAMOWSKI and WALDICK, J.J., concur.

JUDGMENT ENTRY

For the reasons stated in the opinion of this Court, the assignment of error is overruled and it is the judgment and order of this Court that the judgment of the trial court is affirmed with costs assessed to Appellant for which judgment is hereby rendered. The cause is hereby remanded to the trial court for execution of the judgment for costs.

It is further ordered that the Clerk of this Court certify a copy of this Court's judgment entry and opinion to the trial court as the mandate prescribed by App.R. 27; and serve a copy of this Court's judgment entry and opinion on each party to the proceedings and note the date of service in the docket. *See* App.R. 30.

William R. Zimmerman, Judge

John R. Willamowski, Judge

Juergen A. Waldick, Judge

DATED:
/hls