[Cite as *State v. Perkins*, 2026-Ohio-4447.]

IN THE COURT OF APPEALS OF OHIO
THIRD APPELLATE DISTRICT
ALLEN COUNTY

STATE OF OHIO,

PLAINTIFF-APPELLEE,

v.

DONYA D. PERKINS,

DEFENDANT-APPELLANT.

CASE NO. 1-25-43

OPINION AND JUDGMENT ENTRY

Appeal from Allen County Common Pleas Court
Trial Court No. CR2023 0295

Judgment Affirmed

Date of Decision: November 9, 2026

APPEARANCES:

Chima R. Ekeh **for Appellant**

John R. Willamowski, Jr. **for Appellee**

MILLER, J.

{¶1} Defendant-appellant, Donya D. Perkins ("Perkins"), appeals the June 24, 2025 judgment of the Allen County Court of Common Pleas. For the reasons that follow, we affirm.

{¶2} The case arises from a July 15, 2023 incident in which Steven Smith ("Smith") was shot and killed. On July 16, 2023, law enforcement officers were dispatched to 1087 S. Reese Street in Lima, Ohio for the report of an unconscious person. Officers at the scene discovered the body of Smith nearby.

{¶3} Smith had been involved in a relationship with Perkins's mother, LaToya McClellan ("McClellan"). Perkins and McClellan, along with Perkins's father and younger brother, lived at the 403 East Second Street address, which was located just across an alley from where Smith's body was found.

{¶4} According to McClellan, she and Smith had been arguing that day, and that evening, Smith pounded forcefully on the door of the residence, alarming Perkins, his younger brother, and McClellan. Perkins called his father, who was not home at the time, and considered calling the police, but McClellan stopped him.

{¶5} McClellan testified that she and Perkins went outside after the pounding stopped. However, Smith appeared unexpectedly and punched Perkins twice in the face. McClellan described Perkins as firing the gun to frighten Smith and make him run. However, the shot struck and killed Smith. In Perkins's recorded

account of the incident, he stated that he aimed the gun toward the ground and did not intend to hit Smith.

{¶6} After the incident, McClellan retrieved the firearm from Perkins and attempted to hide it on a relative's nearby wooded property.

{¶7} On November 16, 2023, Perkins was indicted by the Allen County Grand Jury on six counts: Count One of murder in violation of R.C. 2903.02(A), an unclassified felony; Count Two of murder in violation of R.C. 2903.02(B), an unclassified felony; Count Three of felonious assault in violation of R.C. 2903.11(A)(2), a second-degree felony; Count Four of discharge of a firearm on or near prohibited premises in violation of R.C. 2923.162(A)(3), a first-degree felony; Count Five of complicity to tampering with evidence in violation of R.C. 2921.12(A)(1), a third-degree felony; and Count Six of carrying a concealed weapon in violation of R.C. 2923.12(A)(2), a fourth-degree felony. Moreover, Counts One, Two, and Four contained firearm specifications pursuant to R.C. 2941.145(A).

{¶8} On January 26, 2024, Perkins filed a motion to suppress his statements to police and a motion to suppress evidence. The State filed its brief in opposition to Perkins's motions on June 6, 2024. The matter came for a hearing on June 13, 2024. On June 20, 2024, the trial court filed its judgment entry overruling Perkins's motions to suppress.

{¶9} A four-day jury trial commenced on May 6, 2025. At the conclusion of the trial, the jury returned guilty verdicts for Count Two (Murder) and the

accompanying firearm specification, Count Three (felonious assault), Count Five (complicity to tampering with evidence), and Count Six (carrying a concealed weapon). However, the jury found Perkins not guilty of Count One (murder) and Count Four (discharge of a firearm on or near prohibited premises). The trial court accepted the jury's verdicts and continued the matter for sentencing.

{¶10} On June 24, 2025, Perkins appeared for sentencing. The trial court determined that Counts Two and Three merged for sentencing, and the State elected to proceed on Count Two (Murder). The court then sentenced Perkins to a mandatory term of 15 years to life in prison on Count Two, 18 months in prison on Count Five, and 18 months in prison on Count Six. The trial court sentenced Perkins to a mandatory term of three years in prison for the firearm specification associated with Count Two. The trial court ordered the sentences to be served consecutively to each other for an aggregate term of 21 years to life in prison.

{¶11} On July 31, 2025, Perkins filed a notice of appeal. He raises three assignments of error for our review.

First Assignment of Error

The trial court erred in denying Appellant's motion to suppress.

{¶12} In his first assignment of error, Perkins contends that the trial court erred by denying his motion to suppress evidence.

{¶13} Det. Steven Stechschulte ("Det. Stechschulte") of the Lima Police Department regarded Perkins as a suspect after McClellan said that her son had shot

Smith and that she disposed of the firearm. Following McClellan's statement, police arrested Perkins and took him into the police station.

{¶14} The first recorded interview was conducted on July 16, 2023, the day Smith's body was found. At the beginning of the recorded interview, Det. Stechschulte inquired whether Perkins had received his *Miranda* rights, and Perkins indicated that he had not. Det. Stechschulte orally recited the *Miranda* warnings from memory. When advised of the right to remain silent, Perkins nodded and stated, "I know." A written warning or waiver form was not used.

{¶15} Immediately after informing Perkins of his *Miranda* rights, Det. Stechschulte stated, "So basically what that means is you don't have to give me your side of the story. I take your mom's statement, I take the physical evidence if we have it, I take all that stuff. But the bad thing is it doesn't get your side out and what was here [pointing to his own head] [because] I already know the who, what, where, when, how–all I don't know is the why."

{¶16} Perkins then immediately began speaking to Det. Stechschulte.

Suppression Motion Standard of Review

{¶17} "Appellate review of a motion to suppress presents a mixed question of law and fact." *State v. Burnside*, 2003-Ohio-5372, ¶ 8. At a suppression hearing, the trial court assumes the role of trier of fact and, as such, is in the best position to evaluate the evidence and the credibility of witnesses. *Id. See State v. Carter*, 72 Ohio St.3d 545, 552 (1995). When reviewing a ruling on a motion to suppress, "an

appellate court must accept the trial court's findings of fact if they are supported by competent, credible evidence." *Burnside* at ¶ 8, citing *State v. Fanning*, 1 Ohio St.3d 19 (1982). With respect to the trial court's conclusion of law, however, our standard of review is de novo, and we must independently determine whether the facts satisfy the applicable legal standard. *Id.*, citing *State v. McNamara*, 124 Ohio App.3d 706 (4th Dist. 1997).

Applicable Law: Privilege Against Self-Incrimination

{¶18} "The Fifth Amendment to the U.S. Constitution provides a privilege against self-incrimination." *State v. Edmond*, 2016-Ohio-1034, ¶ 11 (10th Dist.), citing *State v. Hall*, 2008-Ohio-6228, ¶ 12 (10th Dist.), citing *Minnesota v. Murphy*, 465 U.S. 420, 426 (1984). "To protect this right, the United States Supreme Court has held that 'the prosecution may not use statements, whether exculpatory or inculpatory, stemming from custodial interrogation of the defendant unless it demonstrates the use of procedural safeguards effective to secure the privilege against self-incrimination.'" *Id.*, quoting *Miranda v. Arizona*, 384 U.S. 436, 444 (1966). "Thus, *Miranda* warnings are required when a suspect is subjected to custodial interrogation." *Id.*, citing *State v. Garnett*, 2010-Ohio-5865, ¶ 30 (10th Dist.). "Custodial interrogation is defined in *Miranda* as 'questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way.'" *Id.*, quoting *Miranda* at 444.

Analysis

{¶19} Perkins first contends that he did not provide a knowing or intelligent waiver. Specifically, Perkins notes that he did not receive or sign a written admonishment form. Perkins also characterized Det. Stechschulte's explanation of his *Miranda* rights as "misleading and coercive."

In the judgment entry overruling his motion to suppress, the trial court stated:

> The Court finds that defendant was a teenager (17 years old) and had never been in trouble with the law before. The court takes these facts into consideration, but there is still no evidence that defendant's age prevented him from understanding the rights he was waiving. Also, defendant's inexperience with law enforcement did not demonstrate that his waiver was involuntary. The record does not indicate that Stechschulte took advantage of defendant's education level or inexperience with the criminal justice system.
>
> …
>
> With the foregoing law in mind, the credible objective evidence presented demonstrates that defendant never unambiguously or unequivocally invoked his right to have an attorney and not talk to Stechschulte. He waived his right to have an attorney present when Stechschulte asked him questions and he answered the questions. The evidence clearly shows defendant was advised of his right to an attorney. Defendant never stated he wanted the interrogation to stop. He voluntarily continued to answer questions.
>
> After considering the totality of the circumstances this Court is convinced that the State met its burden to show that defendant was provided with sufficient warnings to inform him of the substance of his constitutional rights and that he knowingly and voluntarily waived those rights and agreed to speak to Detective Stechschulte. Defendant never indicated that he wanted to stop the interview. The first interrogation lasted about twenty-five minutes and the second interrogation lasted about half as along as the first. The evidence shows no coercive police activity. Stechschulte never made any

> promises to defendant in order to get him to talk. Defendant was never deprived of any necessity. The interrogations were not overly intense. Defendant's will not to talk was not overborne.

(June 20, 2024 Judgment Entry).

{¶20} Our review of the record, including the suppression-hearing transcript and the interview videos, reveals that the trial court's factual findings regarding the interviews are supported by competent credible evidence. *See State v. Luke*, 2007-Ohio-5906, ¶ 12 (3d Dist.).

{¶21} In assessing whether a person has voluntarily waived their *Miranda* rights, the reviewing court must assess the situation by looking at the totality of the circumstances. "Relevant circumstances in our inquiry include 'age, experience, education, background, and intelligence' of the suspect, as well as 'whether he has the capacity to understand warnings given him, the nature of his Fifth Amendment rights, and the consequences of waiving those rights.'" *State v. Kirk*, 2013-Ohio-1941, ¶ 25 (3d Dist.), quoting *Fare v. Michael C.*, 442 U.S. 707, 725, 99 S.Ct. 2560 (1979).

{¶22} At the time of the interrogation, Perkins was 17 years old and had no prior juvenile delinquency adjudication or criminal conviction. He did not receive parental or legal advice prior to questioning.

{¶23} Perkins does not challenge the completeness of Det. Stechschulte's admonishment. Although Perkins did not execute a written waiver, one is not required. Furthermore, Perkins stated "I know" when advised of his right to remain

silent and began speaking to Det. Stechschulte without the detective asking him a question.

{¶24} The interviews were brief. In the first interview, Det. Stechschulte was in the interview room for less than 30 minutes. The video of the second recorded interview was just over an hour but included long stretches of time where the detective was not in the room.

{¶25} At no time did Perkins request counsel, invoke silence, or demand that questioning cease. The interviews were recorded and did not include any deprivation or physical mistreatment.

{¶26} Perkins challenged Det. Stechschulte's version of the events, denied his involvement for a period, requested to speak to his mother, initially refused a request for police to search his phone, and requested Det. Stechschulte allow him to retrieve phone numbers from the device. Those actions indicate that Perkins understood that he could resist police requests.

{¶27} Perkins contends that Det. Stechschulte used coercive techniques to obtain statements from him. Specifically, Perkins alleges that in the first recorded interview, "Det. Stechschulte combined promises of leniency with threats of dire consequences to ensure that Perkins would tell him what he wanted to hear." (Appellant's Brief at 9). However, after reviewing the record, we do not find that Det. Stechschulte's statements resulted in coercion. Throughout the interview, Det. Stechschulte repeatedly stressed the importance of not lying and of ensuring that

statements were truthful. Det. Stechschulte did inform Perkins of the downside of not providing his side of the story, namely that investigators would not be able to consider his direct perspective and would be confined to the physical evidence and the statements of others. After Perkins began talking, Det. Stechschulte informed him of the possibility of working with the prosecutor for leniency if he is cooperative and tells the truth, but he did not make promises.

{¶28} The trial court determined that the testimony and evidence produced at the suppression hearing did not show that his statements were the result of improper or coercive tactics. In our own review of the matter, giving deference to the trial court's factual findings, but reviewing the legal issues de novo, we agree with the trial court's determination.

{¶29} Based on the record before us, we do not find the trial court erred by denying Perkins's motion to suppress.

{¶30} Perkins's first assignment of error is overruled.

Second Assignment of Error

Appellant was denied effective assistance of counsel.

{¶31} In his second assignment of error, Perkins argues that his trial counsel was ineffective for failing to advance a self-defense theory or to request a jury instruction that Perkins's actions were in self-defense.

{¶32} "In criminal proceedings, a defendant has the right to effective assistance of counsel under both the United States and Ohio Constitutions." *State*

v. Evick, 2020-Ohio-3072, ¶ 45 (12th Dist.). A defendant asserting a right of ineffective assistance of counsel must establish: (1) counsel's performance was deficient or unreasonable under the circumstances; and (2) the deficient performance prejudiced the defendant. *State v. Kole*, 92 Ohio St.3d 303, 306, 2001-Ohio-191, citing *Strickland v. Washington*, 466 U.S. 668, 687, 104 S.Ct. 2052 (1984). In order to show counsel's conduct was deficient or unreasonable, the defendant must overcome the presumption that counsel provided competent representation and must show that counsel's actions were not trial strategies prompted by reasonable professional judgment. *Strickland* at 689. Counsel is entitled to a strong presumption that all decisions fall within the wide range of reasonable professional assistance. *State v. Sallie*, 81 Ohio St.3d 673, 675, 1998-Ohio-343 (1998). Tactical or strategic decisions, even if unsuccessful, do not generally constitute ineffective assistance of counsel. *State v. Frazier*, 61 Ohio St.3d 247, 255 (1991). Rather, the errors complained of must amount to a substantial violation of counsel's essential duties to his client. *See State v. Bradley*, 42 Ohio St.3d 136, 141-142 (1989).

{¶33} Prejudice results when "'there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different.'" *Bradley* at 142, quoting *Strickland* at 694. "'A reasonable probability is a probability sufficient to undermine confidence in the outcome.'" *Id.*, quoting *Strickland* at 694.

{¶34} "The failure to make either the deficiency or prejudice showing defeats a claim of ineffective assistance of counsel." *State v. Artis*, 2019-Ohio-2070, ¶ 33 (3d Dist.), citing *State v. Frye*, 2015-Ohio-3012, ¶ 11 (10th Dist.), citing *Strickland*, 466 U.S. at 697. "Thus, 'a court need not determine whether counsel's performance was deficient before examining the prejudice suffered by the defendant as a result of the alleged deficiencies. . . If it's easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice, which we expect will often be so, that course should be followed.'" *Id.*, quoting *Strickland* at 697.

{¶35} Perkins alleges that his trial counsel's performance fell outside the wide range of reasonable professional assistance because his trial counsel did not request a self-defense jury instruction. Perkins contends that the evidence presented at trial would have satisfied his burden of production. *See State v. Johnson*, 2025-Ohio-5571, ¶ 18 (3d Dist.), citing R.C. 2901.05(B)(1) ("By statute, a defendant has the initial burden of *production*, and if he or she meets that burden, then the State has the burden of *persuasion* to disprove the defendant's claim of self-defense (or defense of another) beyond a reasonable doubt[.]"). (Emphasis sic.) Thus, causing the State to have to carry the burden of persuasion and prove beyond a reasonable doubt that he did not act in self-defense. *Id.*

{¶36} Here, the record indicates that Perkins's counsel did not inadvertently fail to request a self-defense jury instruction. Rather, trial counsel filed a notice of self-defense prior to trial, allowed the issue to enter voir dire and opening statement,

and then affirmatively informed the trial court that she would not argue self-defense and was not seeking a self-defense instruction. The trial court confirmed counsel's understanding that, if raised, the State would bear the burden of disproving the defense, and yet, counsel maintained her position. Thus, the jury consequently received an explicit direction that they were not to consider self-defense.

{¶37} The record indicates that rather than arguing self-defense, counsel pivoted defenses during trial and chose an alternative defense: Perkins did not fire the fatal shot, McClellan did, and Perkins falsely accepted blame to protect his mother.

{¶38} "A defendant has no constitutional right to determine trial tactics and strategy of counsel." *State v. Smith*, 2016-Ohio-7566, ¶ 66 (5th Dist.), citing *State v. Cowans*, 87 Ohio St.3d 68, 72 (1999), *State v. Conway*, 2006-Ohio-791, ¶ 150, and *State v. Donkers*, 2007-Ohio-1557, ¶ 183 (11th Dist.). "Rather, decisions about viable defenses are the exclusive domain of defense counsel after consulting with the defendant." *Id.* "When there is no demonstration that counsel failed to research the facts or the law or that counsel was ignorant of a crucial defense, a reviewing court defers to counsel's judgment in the matter." *Id.*

{¶39} Ohio appellate courts have found that counsel's decisions rejecting self-defense in favor of an alternative-perpetrator or accident theory can be reasonable when the theories materially conflict. *See State v. Edgerson*, 2015-Ohio-593, ¶ 7 (8th Dist.) (finding that "it is not unreasonable that defense counsel chose

not to proceed with asking for a self-defense instruction" when counsel instead proceeded on the theory that the appellant did not cause the injury to the victim); *State v. Talley*, 2006-Ohio-5322, ¶ 45 (8th Dist.) ("Because defendant claimed [the victim's] death was an accident and none of the evidence suggested that he acted in self-defense, he was not denied effective assistance when his counsel did not request a self-defense jury instruction.").

{¶40} Self-defense ordinarily accepts that the defendant intentionally used force while asserting legal justification. However, the alternative-shooter theory denied that foundational act. Presenting both theories could have invited the jury to view the defense's version of events as internally inconsistent. Perkins either fired intentionally to repel Smith or did not fire the shot.

{¶41} During the trial, and especially during closing argument, Perkins's counsel highlighted McClellan's changing account, argued that Perkins's admission to Det. Stechschulte was to protect his mother, and called McClellan's cousin to establish that McClellan regularly carried a firearm. Notably, Perkins acknowledged the change in defense strategy and told the court that he understood his counsel would not argue self-defense.

{¶42} Accordingly, we do not find that Perkins has established that his trial counsel was ineffective.

{¶43} Perkins's second assignment of error is overruled.

Third Assignment of Error

Appellant's conviction for complicity to tampering was based on insufficient evidence and against the manifest weight of the evidence.

{¶44} In his third assignment of error, Perkins argues that his conviction for tampering with evidence was based on insufficient evidence and was against the manifest weight of the evidence.

Standards of Review

{¶45} Manifest "weight of the evidence and sufficiency of the evidence are clearly different legal concepts." *State v. Thompkins*, 78 Ohio St.3d 380, 389 (1997). Accordingly, we address the sufficiency of the evidence and manifest weight legal concepts individually.

{¶46} "An appellate court's function when reviewing the sufficiency of the evidence to support a criminal conviction is to examine the evidence admitted at trial to determine whether such evidence, if believed, would convince the average mind of the defendant's guilt beyond a reasonable doubt." *State v. Jenks*, 61 Ohio St.3d 259 (1991), paragraph two of the syllabus, *superseded by state constitutional amendment on other grounds*, *State v. Smith*, 80 Ohio St.3d 89 (1997). Consequently, "[t]he relevant inquiry is whether, after viewing the evidence in a light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime proven beyond a reasonable doubt." *Id.* "In deciding if the evidence was sufficient, we neither resolve evidentiary conflicts nor

assess the credibility of witnesses, as both are functions reserved for the trier of fact." *State v. Jones*, 2013-Ohio-4775, ¶ 33 (1st Dist.).

{¶47} On the other hand, in determining whether a conviction is against the manifest weight of the evidence, a reviewing court must examine the entire record, "'weigh[] the evidence and all reasonable inferences, consider[] the credibility of witnesses and determine[] whether in resolving conflicts in the evidence, the [trier of fact] clearly lost its way and created such a manifest miscarriage of justice that the conviction must be reserved and a new trial ordered.'" *Thompkins* at 387, quoting *State v. Martin*, 20 Ohio App.3d 172, 175 (1st Dist. 1983). A reviewing court must, however, 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). 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.

Perkins's Offense

{¶48} Perkins was convicted of tampering with evidence in violation of R.C. 2921.12(A)(1). That statute provides that "[n]o person, knowing that an official proceeding or investigation is in progress, or is about to be or likely to be instituted, shall . . . [a]lter, destroy, conceal, or remove any record, document, or thing, with

purpose to impair its value or availability as evidence in such proceeding or investigation[.]" "A person acts purposely when it is the person's specific intention to cause a certain result, or, when the gist of the offense is a prohibition against conduct of a certain nature, regardless of what the offender intends to accomplish thereby, it is the offender's specific intention to engage in conduct of that nature." R.C. 2901.22(A). "A person acts knowingly, regardless of purpose, when the person is aware that the person's conduct will probably cause a certain result or will probably be of a certain nature. A person has knowledge of circumstances when the person is aware that such circumstances probably exist. When knowledge of the existence of a particular fact is an element of an offense, such knowledge is established if a person subjectively believes that there is a high probability of its existence and fails to make inquiry or acts with a conscious purpose to avoid learning the fact." R.C. 2901.22(B). In order to support a tampering charge, "the evidence tampered with must have some relevance to an ongoing or likely investigation." *State v. Straley*, 2014-Ohio-2139, ¶ 16.

{¶49} The jury found that Perkins tampered with evidence via complicity, by aiding and abetting McClellan in removing and concealing the firearm that was used to kill Smith. R.C. 2923.03, which governs complicity, provides, in pertinent part that "No person, acting with the kind of culpability required for the commission of an offense, shall . . . [a]id or abet another in committing the offense." R.C. 2923.03(A)(2).

Sufficiency of the Evidence

{¶50} Perkins contends that the evidence adduced at trial was insufficient to demonstrate that his actions were made with the requisite culpability. Specifically, Perkins contends that the evidence presented at trial demonstrates that McClellan took the firearm from him to hide rather than Perkins giving her the firearm with the purpose for her to hide.

{¶51} Although Perkins attempts to characterize the testimony in a light that implies that McClellan took the firearm from him without his consent or full knowledge of her intention to hide the firearm, this characterization is not supported by her testimony.

{¶52} At trial, McClellan testified that after the shooting, she drove the gun to the woods, south of her house, and disposed of the firearm on wooded property owned by her relative. Specifically, McClellan testified as follows:

> [State]: Now, after the shooting [Perkins] gave you the gun; isn't that right?
>
> [McClellan]: Yes.
>
> [State]: And you made it clear that you were going to get rid of it?
>
> [McClellan]: Yes.
>
> [State]: So, Miss McClellan, you took that same silver, black, rubber band around the gun, you took that and you drove it to the woods I believe just south of your house on 14th Street?

[McClellan]: Yes, sir.

(May 6-9, 2025 Tr. at 418-419).

{¶53} Thus, McClellan's testimony established that Perkins surrendered the firearm to her with the understanding that she intended to dispose of it. Accordingly, the State presented sufficient evidence for the jury to find that Perkins handed McClellan the firearm with the purpose of aiding her in concealing the firearm so it would not be discovered during the police investigation of the shooting.

Manifest Weight

{¶54} Having determined that sufficient evidence supported Perkins's conviction for complicity to tampering with evidence, we next turn to his contention that his conviction is not supported by the weight of the evidence. However, in support of this argument Perkins asks this court to re-incorporate the argument made with respect to the sufficiency of evidence.

{¶55} Additionally, Perkins alleges that "when a mother takes action to protect her child, as was the case here, it should not equate to the child aiding and abetting the mother in that decision, nor that the child shared the mother's purpose." (Appellant's Brief at 22). However, Perkins does not cite any authority for this argument.

{¶56} However, to the extent that Perkins is arguing that the jury lost its way by believing McClellan's testimony relating to the disposal of the firearm,

specifically, that Perkins willingly provided the firearm to McClellan with full knowledge that she intended to conceal the firearm, we reject his argument.

{¶57} "A verdict is not against the manifest weight of the evidence because the finder of fact chose to believe the State's [evidence] rather than the defendant's version of the events." *State v. Martinez*, 2013-Ohio-3189, ¶ 16 (9th Dist.). "'Although we review credibility when considering the manifest weight of the evidence, the credibility of witnesses is primarily a determination for the trier of fact.'" *State v. Cox*, 2022-Ohio-571, ¶ 20 (3d Dist.), quoting *State v. Banks*, 2011-Ohio-5671, ¶ 13 (8th Dist.), citing *DeHass*, 10 Ohio St.2d at paragraph one of the syllabus. "'The trier of fact is best able "to view the witnesses and observe their demeanor, gestures[,] and voice inflections, and use these observations in weighing the credibility of the proffered testimony."'" *State v. Brentley*, 2023-Ohio-2530, ¶ 33 (3d Dist.), quoting *Banks* at ¶ 13, quoting *State v. Wilson*, 2007-Ohio-2202, ¶ 24, citing *Seasons Coal Co., Inc. v. Cleveland*, 10 Ohio St.3d 77, 80-81 (1984).

{¶58} "[I]t is within the province of the jury to parse out the credible portions of witnesses' testimonies." *State v. Waller*, 2023-Ohio-493, ¶ 20 (3d Dist.). The record sufficiently supports the jury's credibility assessments, and we find no basis to alter its analysis. *See State v. Reillo*, 2026-Ohio-2701, ¶ 38 ("[W]hen conducting a manifest-weight review, appellate courts must defer to the fact-finder's witness-credibility determinations. . . since [the victim's] credibility was not clearly

undermined, Reillo's convictions are not against the manifest weight of the evidence.").

{¶59} Having examined the record, we do not conclude that the jury lost its way when it found Perkins guilty of complicity for tampering with evidence.

{¶60} Accordingly, we overrule Perkins's third assignment of error.

Conclusion

{¶61} For the foregoing reasons, Perkins's assignments of error are overruled. Having found no error prejudicial to the appellant herein in the particulars assigned and argued, we affirm the judgment of the Allen County Court of Common Pleas.

Judgment Affirmed

ZIMMERMAN, P.J. and WALDICK, J., concur.

JUDGMENT ENTRY

For the reasons stated in the opinion of this Court, the assignments of error are 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.

Mark C. Miller, Judge

William R. Zimmerman, Judge

Juergen A. Waldick, Judge

DATED:
/jlm