[Cite as *State v. Yates*, 2026-Ohio-4344.]

IN THE COURT OF APPEALS OF OHIO
FOURTH APPELLATE DISTRICT
LAWRENCE COUNTY

STATE OF OHIO,	:	Case No. 25CA30
Plaintiff-Appellee,	:	
v.	:	DECISION AND JUDGMENT ENTRY
JASON E. YATES,	:	
Defendant-Appellant.	:	**RELEASED 10/29/2026**

APPEARANCES:

Karyn Justice, Portsmouth, Ohio, for appellant.[1]

Brigham M. Anderson, Lawrence County Prosecuting Attorney, and Steven K. Nord, Lawrence County Assistant Prosecuting Attorney, Ironton, Ohio, for appellee.

Hess, J.

{¶1} Jason Yates appeals his conviction following a jury trial on one count of aggravated trafficking in drugs and one count of trafficking in a fentanyl related compound. First, he contends that his convictions are against the sufficiency of the evidence because the evidence fails to show that he had any knowledge of the drugs found under his pillow at the RRS River House on January 22, 2025. Second, he asserts that his convictions are against the manifest weight of the evidence because his recovery housing program manager testified that Yates had not had any behavioral problems or issues before that day, other roommates shared his room, authorities failed to complete an investigation into the informant's role in the narcotics trafficking, and authorities did not

[1] Different counsel represented Yates during the trial court proceedings.

videotape or record the search.

{¶2} We find that Yates' convictions were supported by sufficient evidence because in addition to the three bags of narcotics found under Yates' pillow, authorities found paraphernalia such as digital scales, three cell phones, credit and debit cards, a bank slip that listed several hundred dollars, and $1,840 cash in mostly hundred-dollar bills. Further, we find that Yates' convictions were not against the manifest weight of the evidence because witness testimony contained no inconsistencies, the drugs and other evidence were found on Yates' bed, and phone messages established that at least six individuals had attempted or had purchased drugs from Yates. Therefore, we overrule Yates' assignments of error and affirm the trial court's judgment.

I. FACTS AND PROCEDURAL HISTORY

{¶3} In February 2025, a Lawrence County Grand Jury returned an indictment that charged Yates with: (1) one count of aggravated drug trafficking in violation of R.C. 2925.03(A)(2), a first-degree felony, and (2) one count of trafficking in a fentanyl-related compound in violation of R.C. 2925.03(A)(2), a second-degree felony. Yates entered not guilty pleas.

{¶4} At Yates's two-day jury trial, RRS Ohio Drug and Alcohol Counseling Intake Coordinator and Court Liaison Bobby Gwinn testified that Yates had been assigned to their River House location, a two-story sober living facility that typically houses 10-14 residents. River House offers group and individual counseling, case management, and peer support. At River House, residents share bedrooms with unlocked doors. Each client signs a search agreement upon intake into the program, and staff randomly search clients, their rooms, and their vehicles. Neither clients nor visitors may enter another

client's room, and staff maintains a log of who comes and goes from the River House. If a client is found in another client's room, they are first "put on a behavioral contract." Yates and his two roommates lived on the second floor.

{¶5} On January 22, 2025, Gwinn received a text that a former client, now incarcerated, had informed another staff member of "a significant amount of drugs in our building." The text stated that "we needed to perform a search," so Gwinn called Roberta Boyd, Director of Operations, to inform her.

{¶6} RRS Ohio Drug and Alcohol Counseling Director of Operations Roberta Boyd testified that sober living facilities are staffed 24/7 and assist clients with, among other things, obtaining employment, budgeting, participating in community service, and attending court dates. On January 22, 2025, Boyd heard from Bobby Gwin about the tip regarding narcotics at the River House facility. Boyd called Program Manager James Varney, and then drove to River House.

{¶7} At River House, Boyd stayed in the living room with the clients present while James Varney and Amanda Heighton searched upstairs. When Varney came downstairs and told Boyd, "we found it. . . you need to come up here," Boyd went upstairs to the first bedroom on the right shared by Yates, Casey Jackson, and Shawn Harris. Varney found "a small like backpack type thing under Mr. Yates's pillow," and "a significant amount of money, a set of scales, some debt [sic.] cards, a baggie containing what I would consider to be methamphetamine, and a smaller baggie with a white powdery substance that we later discovered was fentanyl." Boyd said that Varney found the drugs in a small backpack under Yates's pillow.

{¶8} Boyd spoke to Yates's probation officer, Chief Probation Officer Carl Bowen.

Bowen and probation officers Lynne Stewart, Melissa McCloud, and Jonathan Sexton contacted Deputy Perry Adkins. Boyd reviewed State's Exhibit I, the Bureau of Criminal Investigation laboratory report that identified the substances as methamphetamine and fentanyl with xylazine. Boyd testified that xylazine is a large animal tranquilizer and when added to fentanyl, "Narcan typically does not reverse [the effects of an overdose that includes xylazine]." Boyd explained, "if you are using fentanyl and xylazine together and you overdose, there's a very good possibility that you're going to die."

{¶9} Boyd added that, in addition to the bag with drugs and paraphernalia Varney found under Yates's pillow, he also found "syringes and a piece of paper with [Eithan Taylor's] name on it. . . in the closet." The facility suspected that Taylor had "possibly sold some substances for Mr. Yates." Boyd stated that when they spoke with Taylor, he told them that the bag in Yates's closet that contained "multiple . . . individually packaged syringes . . . [and] the reason why his name was on the baggie in there was because he had loaned the bag to Mr. Yates." Staff discharged Eithan Taylor, a fellow River House resident, the next day.

{¶10} RRS Ohio Drug and Alcohol Counseling River House Program Manager James Varney testified that Yates participated in an intensive outpatient program with supportive housing, individual and group counseling, random urinalysis, and case management services. Varney explained that Yates had two roommates, Casey Jackson and Shawn Harris. At River House, each resident has a bed, dresser, and storage tub that goes under their bed. "That is considered their personal space." Varney explained that Yates had been in treatment for about four months when this occurred, and Varney often observed Yates in the mornings before Yates left for work.

{¶11} Varney stated that his supervisor, Roberta Boyd, contacted him in the afternoon of January 22, 2025 about gathering the clients and searching River House. Varney and Amanda Heighton searched the upstairs. In Yates's room, on his made bed, under his pillow, they found a blackish-grey bag. When Varney searched the bag, he found (1) a small blue Nike pouch bag, (2) a small black Nike pouch bag, (3) a set of black digital scales with remnants of crystalized substance on it, (4) a larger bag of what looked to be methamphetamine, (5) a suboxone strip, (6) a smaller bag with a powdered substance, (7) a smaller Ziplock bag with a small amount of "crystalized substance", that Varney believed to be methamphetamine, (8) a Wesbanco bank money slip that listed several hundred dollars, (9) two additional cell phones, (10) $1000-$2000 in cash (in mostly hundred dollar bills), and (11) a little black jar that "looked like it had marijuana remnants in it."

{¶12} Varney said he spread all the items out on another client's bed so he could get all of them in one photo. Varney believed the black bag found under Yates's pillow belonged to Yates "because it contained a card with his name on it." Varney conceded that another resident could have placed the bag under Yates's pillow, but it would have violated the house rules, and he strictly enforced them.

{¶13} Varney also searched the common closet in the room and found a Ryobi utility bag that contained "several individually packaged syringes. . . [and] a piece of paper in that bag, as well, with Mr. Eithan Taylor's name on it." The bag also contained "pay release debt [sic.] cards," and one card included Yates's name on it. Varney testified that River House discharged Eithan Taylor "because we had information that he was involved in this, as well. We had later found out that Mr. Taylor had loaned Mr. Yates the Ryobi

utility bag that the syringes were found in." Varney explained that after he found these items, he called downstairs for Boyd. Boyd called Carl Bowen, Yates's probation officer, who contacted law enforcement.

{¶14} Lawrence County Chief Probation Officer Carl E. Bowen testified that he received a call from Roberta Boyd on January 22, 2025, who said staff had discovered a large quantity of drugs and drug paraphernalia. At that time, Bowen supervised Yates on felony probation. Bowen testified that he contacted some of his officers and Lawrence County Sheriff's Deputy Perry Adkins. Captain Lynne Stewart, Lieutenant Jonathan Sexton, Corporal Melissa McCloud, and Bowen met with Roberta Boyd at her office around 1:30 or 2:00 p.m. and waited for Deputy Perry. The group then drove to River House, where James Varney led them to Yates's room and Bowen "observed on the bed a large quantity of what appeared to me to be a controlled substance," cash, credit cards, and digital scales. As Deputy Adkins began to process the scene, Yates returned from work. Deputy Adkins advised Yates of his Miranda rights, and he requested counsel. Bowen and Sexton transported Yates to jail.

{¶15} Deputy Perry Adkins testified that on January 22, 2025, Chief Probation Officer Bowen called him to assist with processing narcotics found at River House. Adkins took photos and processed the scene. Adkins explained that he observed three bags of drugs. He field-tested the narcotics and determined that two smaller bags contained fentanyl and the larger bag contained methamphetamine. Adkins also found several credit or debit cards, and one Visa card was in the name of "Jason Yates." In addition, Adkins found $1840 in cash and two cell phones.

{¶16} Deputy Adkins reviewed the BCI lab report and explained that: (1) Item One

contained a crystallized substance of 20.85 grams of methamphetamine, (2) Item Two consisted of a light blue powdery substance found to contain 2.99 grams of fentanyl and xylazine, and (3) Item Three consisted of a light blue powdery substance found to contain 3.17 grams of fentanyl and xylazine.

{¶17} After Yates invoked his Fifth Amendment right, Deputy Adkins interviewed Yates's roommates, Casey Jackson and Shawn Harris. Both denied knowledge of the narcotics. When Adkins asked the two roommates about the black bag found under Yates's pillow, Adkins learned that "Mr. Yates had been observed with that bag on different occasions." On cross-examination, Adkins said he interviewed Eithan Taylor, who had no explanation for why a piece of paper with his name on it would be in the bag from the closet with the syringes.

{¶18} Lawrence County Prosecutor's Office Investigator Brian Chaffins testified that he is assigned to the Major Crime and Drug Task Force. After Deputy Adkins requested that Chaffins investigate Yates's cell phones, Chaffins obtained a search warrant for all three devices and extracted data from each phone, creating three exhibits. Chaffins testified that Exhibit 13 is the data extraction report associated with Exhibit 10, a phone found in the bag under Yates's pillow at River House. Exhibit 14 is the data extraction report associated with Exhibit 11, the other phone found in the bag under Yates's pillow at River House. Exhibit 15 is the data extraction report associated with Exhibit 12, the phone taken from Yates's person. All three devices included the same email address that incorporated Yates's name. Phone exhibits 11 and 12 contained a Cash App tag that included Yates's name. Exhibit 12 also included a Facebook username containing Yates's name, and Google Calendar, Gmail, and Drive accounts containing

Yates's name. Thus, Investigator Chaffins testified that Yates owned all three phones found either on his person or in the bag under the pillow of Yates's bed at River House that contained drugs and drug paraphernalia.

{¶19} Investigator Chaffins also testified regarding Exhibit 16, an extraction report of a Facebook conversation between Yates and Derek Bowen on January 20, 2025, in which Bowen asked Yates, "Is your slow [fentanyl] good or does it suck? Same blue what Dana had. I want some sh*t that puts you down. Is it blue [likely counterfeit oxycontin 30]?" Yates replied, "I grabbed some off him because you said it was okay." Bowen said, "It is." Yates stated, "That's what I have." Bowen said, "Cool." Later, Bowen asked if Yates had any "points [syringes]." Yates replied, "I got them 2 bags for $5 that's wat [sic.] I pd for them." Yates further explained, "I just bought them for that but there's like ten bags. So, however many you want, there's long and short." Bowen said: "Well bro you need them. Mine are rusty and give me hepatitis Z. It's the new hep. LOL." After Yates replied, "I think I already got it too," the two made plans for Bowen to purchase the narcotics from Yates. Bowen asked, "What's a ticket on a basketball [what's the price of 3.5 grams]," to which Yates replied, "$175." Then Yates said, "Want any go [methamphetamine]? I have almost a half. I'll do 75 . . . if you want it."

{¶20} In addition, Investigator Chaffins discussed Exhibit 17, a data extraction of conversations from January 16-21, 2025 between Yates and Dana Frye, who had since been arrested in West Virginia for narcotics trafficking. The two discussed Yates selling methamphetamine to Frye. Exhibit 18 is an extraction of a conversation between Yates and Ric (no last name associated with the account) from December 15, 2024 to January 12, 2025. The two discussed Yates providing a "ball of food" and a "ball of go," which is

a ball of fentanyl and a ball of methamphetamine. Ric also asked, "how much zip cream? Half zip cream." Chaffins explained that a zip is 28 grams (1 ounce) and cream is methamphetamine.

{¶21} Further, Investigator Chaffins discussed Exhibit 19, a data extraction of a January 21 to January 22, 2025 Facebook Messenger conversation between Yates and Allykay Douglas arranging a drug deal the day before Yates's arrest. Douglas asked, "who's got go [methamphetamine]?" Yates replied, "Me." Douglas said, "you're in rehab." Yates said, "And lol." Douglas stated, "I ain't coming to a rehab and getting go." Yates replied, "Well, that's where I'm at if u want it." Yates told Douglas that he meets "ppl at the church down the rd." Douglas asked, "how much a half zip?" Yates replied, "100." Then Yates said, "I'll give you one for fifty. I have food, too." Douglas asked, "Quarter or half? 70 a G on slow?" Chaffins explained that a "quarter" would be "two balls worth or approximately seven grams." Yates replied, "Yup. I can give them to you for that. I'm getting ready to meet with my counselor now so just let me know. 70 G of slow, 50 a quart." Later, after Yates sold narcotics to Douglas, a conversation transpired about Douglas giving him $20 less than agreed, which she claimed she dropped, and then later asked Yates for his Cash App information to send the money owed. On January 22, 2025, the date of Yates's arrest, Yates and Douglas's conversation indicated that they planned to meet for another drug transaction.

{¶22} Subsequently, Investigator Chaffins discussed Exhibit 20, an extraction report of a conversation between Yates and Travis Gibson via Facebook Messenger. On January 19, 2025, Yates said, "I'm in front of counselor. Tell him text me. I didn't know you was coming. I have to get it ready. When I text you, pull over here in parking lot."

Yates scheduled the narcotics transaction around his check-in with his probation officer. Chaffins also testified about Exhibit 21, an extraction report of messages between Yates and Kingston (no first name) on January 20, 2025. The two discussed a drug transaction that did not occur due to Yates being arrested on January 22, 2025. Again, Yates discussed scheduling the transaction around his meeting with his probation officer and group counseling. Chaffins explained that the times Yates mentioned in various texts referring to his work, counseling, and probation check-in schedules aligned with his actual schedules and verified that Yates authored these messages and owned the three phones.

{¶23} The trial court overruled Yates's Crim.R. 29 motion for judgment of acquittal.

{¶24} After hearing the evidence, the jury found Yates guilty of first-degree felony aggravated trafficking in drugs (methamphetamine) that exceeded 5 times the bulk amount but less than 50 times the bulk amount in violation of R.C. 2925.03(A)(2), and second-degree trafficking in a fentanyl related compound in violation of R.C. 2925.03(A)(2).

{¶25} At the July 16, 2025 sentencing hearing, the trial court considered the pre-sentence investigation report, the statements of counsel and the defendant, and weighed the R.C. 2929.11 purposes and principles of sentencing, the R.C. 2929.12 seriousness and recidivism factors, and the R.C. 2929.13 guidance. The court observed that Yates lacked remorse and concluded that consecutive sentences are necessary to punish the offender, are not disproportionate to the seriousness of the offender's conduct and to the danger he poses to the public, and Yates's history of criminal conduct demonstrates that consecutive sentences are necessary to protect the public from future crimes.

{¶26} The trial court sentenced Yates to (1) serve a minimum stated prison term

of 10 years to a maximum of up to 15 years on Count 1, (2) serve a minimum stated prison term of 5 years up to a maximum of 7 ½ years on Count 2, (3) serve the sentences consecutively for an aggregate minimum prison term of 15 years to a maximum of up to 20 years, (4) serve a 2–5-year postrelease control term on Count 1, (5) serve an 18-month-3-year postrelease control term on Count 2, and (6) pay costs. This appeal followed.

II. ASSIGNMENTS OF ERROR

Yates presents two assignments of error:

1. Mr. Yates's convictions are not supported by legally sufficient evidence.

2. Mr. Yates's convictions are not supported by the manifest weight of the evidence.

III. LEGAL ANALYSIS

A. Sufficiency of the Evidence

{¶27} In his first assignment of error, Yates asserts that sufficient evidence does not support his convictions. In his second assignment of error, he contends that his convictions are against the manifest weight of the evidence.

1. Standards of Review

{¶28} As a threshold matter, because Yates challenges both the sufficiency of the evidence and the manifest weight of the evidence, we initially address both standards of review.

{¶29} A claim of insufficient evidence invokes a due process concern and raises the question whether the evidence is legally sufficient to support the verdict as a matter of law. *State v. Thompkins*, 78 Ohio St.3d 380, 386 (1997), syllabus; *State v. Blevins*,

2019-Ohio-2744, ¶ 18 (4th Dist.). When reviewing the sufficiency of the evidence, an appellate court's inquiry focuses primarily on the adequacy of the evidence; that is, whether the evidence, if believed, could reasonably support a finding of guilt beyond a reasonable doubt. *Id.* at syllabus. The standard of review is whether, after viewing the probative evidence and inferences reasonably drawn therefrom in the light most favorable to the prosecution, any rational trier of fact could have found all the essential elements of the offense beyond a reasonable doubt. *E.g.*, *Jackson v. Virginia*, 443 U.S. 307, 319 (1979); *State v. Jenks*, 61 Ohio St.3d 259, 273 (1991).

{¶30} Furthermore, under the sufficiency of the evidence standard, a reviewing court does not assess "whether the state's evidence is to be believed, but whether, if believed, the evidence against a defendant would support a conviction." *Thompkins*, 78 Ohio St.3d at 390 (Cook, J., concurring). Therefore, when reviewing a sufficiency of the evidence claim, an appellate court must construe the evidence in a light most favorable to the prosecution. *See, e.g., State v. Hill*, 75 Ohio St.3d 195, 205 (1996); *State v. Grant*, 67 Ohio St.3d 465, 477 (1993). A reviewing court will not overturn a conviction on a sufficiency of the evidence claim unless reasonable minds could not reach the conclusion the trier of fact did. *State v. Tibbetts*, 92 Ohio St.3d 146, 162 (2001); *State v. Treesh*, 90 Ohio St.3d 460, 484 (2001).

{¶31} "Although a court of appeals may determine that a judgment of a trial court is sustained by sufficient evidence, that court may nevertheless conclude that the judgment is against the weight of the evidence." *Thompkins*, 78 Ohio St.3d at 387. "The question to be answered when a manifest-weight issue is raised is whether 'there is substantial evidence upon which a jury could reasonably conclude that all the elements

have been proved beyond a reasonable doubt.' " *State v. Leonard*, 2004-Ohio-6235, ¶ 81, quoting *State v. Getsy*, 84 Ohio St.3d 180, 193–194 (1998), citing *State v. Eley*, 56 Ohio St.2d 169 (1978), syllabus. A court that considers a manifest weight challenge must " 'review the entire record, weigh the evidence and all reasonable inferences, and consider the credibility of witnesses.' " *State v. Beasley*, 2018-Ohio-493, ¶ 208, quoting *State v. McKelton*, 2016-Ohio-5735, ¶ 328. However, the reviewing court must bear in mind that credibility generally is an issue for the trier of fact to resolve. *State v. Issa*, 93 Ohio St.3d 49, 67 (2001); *State v. Murphy*, 2008-Ohio-1744, ¶ 31 (4th Dist.). " 'Because the trier of fact sees and hears the witnesses and is particularly competent to decide "whether, and to what extent, to credit the testimony of particular witnesses," we must afford substantial deference to its determinations of credibility.' " *Barberton v. Jenney*, 2010-Ohio-2420, ¶ 20, quoting *State v. Konya*, 2006-Ohio-6312, ¶ 6 (2d Dist.), quoting *State v. Lawson*, 1997 WL 476684 (2d Dist. Aug. 22, 1997).

{¶32} Thus, an appellate court will generally defer to the trier of fact on issues of evidence weight and credibility, as long as a rational basis exists in the record for the fact-finder's determination. *State v. Picklesimer*, 2012-Ohio-1282, ¶ 24 (4th Dist.); *accord State v. Howard*, 2007-Ohio-6331, ¶ 6 (4th Dist.) ("We will not intercede as long as the trier of fact has some factual and rational basis for its determination of credibility and weight."). Accordingly, if the prosecution presented substantial credible evidence upon which the trier of fact reasonably could conclude, beyond a reasonable doubt, that the essential elements of the offense had been established, the judgment of conviction is not against the manifest weight of the evidence. *Accord Eastley v. Volkman*, 2012-Ohio-2179, ¶ 12, quoting *Thompkins*, 78 Ohio St.3d at 387, quoting Black's Law Dictionary

1594 (6th Ed.1990) (a judgment is not against the manifest weight of the evidence when " ' "the greater amount of credible evidence" ' " supports it).

{¶33} Consequently, when an appellate court reviews a manifest weight of the evidence claim, the court may reverse a judgment of conviction only if it appears that the fact-finder, when it resolved the conflicts in evidence, " 'clearly lost its way and created such a manifest miscarriage of justice that the conviction must be reversed and a new trial ordered.' " *Thompkins*, 78 Ohio St.3d at 387, quoting *State v. Martin*, 20 Ohio App.3d 172, 175 (1st Dist. 1983); *accord McKelton* at ¶ 328. Finally, a reviewing court should find a conviction against the manifest weight of the evidence only in the " 'exceptional case in which the evidence weighs heavily against the conviction.' " *Thompkins*, 78 Ohio St.3d at 387, quoting *Martin*, 20 Ohio App.3d at 175; *accord State v. Clinton*, 2017-Ohio-9423, ¶ 166; *State v. Lindsey*, 87 Ohio St.3d 479, 483 (2000).

2. Analysis

{¶34} Yates argues that the evidence fails to show that he had any knowledge of the drugs found under his pillow at the RRS River House on January 22, 2025. Specifically, Yates contends that none of the witnesses in this circumstantial case could identify who placed the bag containing the drugs under Yates's pillow, the rooms did not have locks, and a bag in a shared closet contained syringes with another person's name on a piece of paper inside that bag. Moreover, Yates alleges that the extracted cell phone messages do not satisfy the State's burden to show that Yates engaged in drug trafficking.

{¶35} The State concedes that it relied upon circumstantial evidence to demonstrate Yates's knowledge of the drugs found on his bed under his bedspread and pillow. However, the State argues that the circumstantial evidence in the case at bar is

overwhelming. We agree.

{¶36} R.C. 2925.03(A)(2), trafficking in drugs, provides:

> No person shall knowingly * * * [p]repare for shipment, ship, transport, deliver, prepare for distribution, or distribute a controlled substance, when the offender knows or has reasonable cause to believe that the controlled substance is intended for sale or resale by the offender or another person.

{¶37} R.C. 2901.22(B) defines the culpable state of "knowingly:"

> 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.

{¶38} As the State points out, circumstantial evidence has long been used to successfully support drug trafficking convictions. *State v. Delaney*, 2018-Ohio-727, ¶ 11 (9th Dist.). Moreover, the amount of the methamphetamine is clearly suggestive of trafficking, as possession of a large quantity of narcotics is commonly recognized as significant circumstantial evidence indicative of intent to distribute or traffic in narcotics. 1 Wharton's Criminal Evidence § 3:5 (15th ed.); *see also State v. Robison,* 2026-Ohio-1223 (4th Dist.), ¶ 34.

{¶39} In addition to the weight of the narcotics involved, "the convergence of illegal drugs, drug paraphernalia (including baggies), and large sums of cash permit a reasonable inference that a person was preparing drugs for shipment." *Delaney, supra*, at ¶ 11. In *State v. Rutledge*, 2013-Ohio-1482, ¶ 15 (6th Dist.), the court observed that numerous courts have determined that items such as plastic baggies, digital scales, and large sums of money are often used in drug trafficking and may constitute circumstantial

evidence of conduct proscribed by R.C. 2925.03(A)(2). *Rutledge* at ¶ 15.

{¶40} Moreover, in *State v. Kent*, 2022-Ohio-834 (8th Dist.), the court noted that an officer testified about indicia of drug trafficking:

> At trial, Det. Pollack provided extensive testimony regarding his training and experience as a member of the vice unit. . . [A] drug trafficker typically carries a large amount of cash and anywhere from 5 to 30 grams of drugs at a time. Det. Pollack further testified that while drug users typically possess small single-use packages, drug traffickers "typically carry large amounts [of drugs] in a sandwich baggy." (Tr. 513.). If the trafficker has more than one drug, "they'll carry three or four different sandwich baggies of additional drugs to satisfy their multitude of customers." (Tr. id.) Det. Pollack further testified that drug traffickers "typically have multiple cell phones — one personal phone and one drug phone." (Tr. 514.)

Id. at ¶ 50.

{¶41} As we pointed out in *Robison, supra,* at ¶ 38, in *State v. Birdsong*, 2024-Ohio-1744, ¶ 43 (11th Dist.), the Eleventh District further highlighted:

> "[M]ere possession of drugs is insufficient to prove trafficking," but constructive possession of drugs that have been packaged for sale along with possession of other paraphernalia associated with sale is sufficient evidence of trafficking. *State v. Carlton*, 9th Dist. Lorain No. 12CA010219, 2013-Ohio-2788, ¶ 10, citing *State v. Mielke*, 12th Dist. Warren No. CA2012-08-079, 2013-Ohio-1612, ¶ 46. Possession of a large quantity of drugs, large amounts of cash, plastic baggies, and scales, among other indicia of trafficking, provide persuasive circumstantial evidence that tends to prove a violation of R.C. 2925.03(A)(2). *See State v. Floyd*, 7th Dist. Mahoning No. 18 MA 0106, 2019-Ohio-4878, ¶ 32 (plastic baggies, scales with cocaine residue, a large quantity of cash, and a firearm provide circumstantial evidence of trafficking); *State v. Burton*, 8th Dist. Cuyahoga No. 107054, 2019-Ohio-2431, ¶ 48 (in addition to a large quantity of drugs, plastic bags, and digital scales, the presence of "cut mixes," which are often used to prepare drugs for sales, were located which provided sufficient, credible circumstantial evidence of trafficking); *State v. Jackson*, 9th Dist. Summit No. 28691, 2018-Ohio-1285, ¶ 39 (large quantities of drugs, $8,322.00 in cash, and various other evidence indicative of drug trafficking such as digital scales and plastic baggies established sufficient, circumstantial evidence of trafficking); *State v. Fain*, 5th Dist. Delaware No. 06CAA120094, 2007-Ohio-4854, ¶ 37-39 (Plastic sandwich bags and digital scales are circumstantial evidence for drug trafficking.); *State v. Fry*, 9th Dist. Summit No. 23211, 2007-Ohio-3240, ¶ 50 (presence of drugs and drug

> paraphernalia permit a reasonable inference that a person was preparing drugs for shipment).

Id. at ¶ 43.

{¶42} In *State v. Dunn,* 2024-Ohio-5742, the Supreme Court of Ohio reminded that:

> When drawing reasonable inferences from the evidence, jurors are "free to rely on their common sense and experience." *State v. Allen*, 73 Ohio St.3d 626, 1995-Ohio-283, 653 N.E.2d 675, ¶ 45. We have also recognized that "there can be no bright-line distinction regarding the probative force of circumstantial and direct evidence." *State v. Jenks*, 61 Ohio St.3d 259, 272, 574 N.E.2d 492 (1991), superseded by constitutional amendment on other grounds as stated in *State v. Smith*, 80 Ohio St.3d 89, 1997-Ohio-355, 684 N.E.2d 668, ¶ 49, fn. 4. " 'Circumstantial evidence is not less probative than direct evidence, and, in some instances, is even more reliable.' " *State v. Nicely*, 39 Ohio St.3d 147, 151, 529 N.E.2d 1236 (1988), quoting *United States v. Andrino*, 501 F.2d 1373, 1378 (9th Cir. 1974). The United States Supreme Court has likewise recognized that " '[c]ircumstantial evidence ... may ... be more certain, satisfying and persuasive than direct evidence.' " *Desert Palace, Inc. v. Costa*, 539 U.S. 90, 100, 123 S.Ct. 2148, 156 L.Ed.2d 84 (2003), quoting *Rogers v. Missouri Pacific RR. Co*., 352 U.S. 500, 508, fn. 17, 77 S.Ct. 443, 1 L.Ed.2d 493 (1957).

Id. at 32.

{¶43} The circumstantial evidence in this case established that Yates not only possessed the drugs, but he trafficked them. In addition to the three bags that contained methamphetamine and fentanyl/xylazine, authorities found drug paraphernalia such as digital scales, three cell phones, credit and debit cards, a bank slip that listed several hundred dollars, and $1,840 cash in mostly hundred-dollar bills. Except for the cell phone taken from Yates's person, all items were located under Yates's bed pillow. "It has long been established that otherwise innocuous objects such as bags, money, or cell phones can be used as criminal tools in drug trafficking and these items may constitute circumstantial evidence for drug trafficking." *State v. Cobb,* 2024-Ohio-458, ¶ 17 (8th

Dist.), citing *State v. Hawthorne*, 2016-Ohio-203, ¶ 21 (8th Dist.), citing *State v. Bowling*, 2010-Ohio-3595, ¶ 60 (8th Dist.); *State v. Fitzpatrick*, 2026-Ohio-2523, ¶ 43 (4th Dist.). In addition, Program Manager James Varney found a bag with several individually packaged syringes in a common closet, along with additional debit cards. Although a loose piece of paper included the name of Eithan Taylor, one of the debit cards found in that bag included Yates's name on it, and the syringes are consistent with his messaging in which he advised Derek Bowen that he possessed syringes for $5.

{¶44} Further, Investigator Chaffins testified at length regarding the extraction information taken from Yates's three cell phones that pointed to his ownership. All three devices included the same email address incorporating Yates's name; two phones contained a Cash App tag that included Yates's name; and one contained Yates's Facebook username and Google information. Moreover, the State adduced evidence in the form of cell phone extractions of messages sent to and from Yates on three devices that established that at least six individuals had attempted or had purchased drugs from Yates. *See Fitzpatrick* at ¶ 44 (ample credible evidence to sustain convictions when the State adduced testimony that at least three individuals had attempted or had bought drugs at the residence).

{¶45} We find, after our review of the record, we believe that the State adduced ample competent credible evidence to show Yates knowingly trafficked in methamphetamine and a fentanyl-related compound. This evidence provided ample, competent, credible evidence to establish, beyond a reasonable doubt, that Yates committed the offenses of aggravated drug trafficking and trafficking in a fentanyl-related compound.

{¶46} Accordingly, we overrule Yates's first assignment of error.

B. Manifest Weight

{¶47} In his second assignment of error, Yates asserts that his convictions are not supported by the manifest weight of the evidence.

{¶48} To decide whether the case is an exceptional case in which the evidence weighs heavily against conviction, this court must review the record, weigh the evidence and all reasonable inferences, and consider witness credibility. *State v. Martin*, 20 Ohio App.3d 172, 175, (1st Dist. 1983). However, a reviewing court must bear in mind that credibility generally is an issue for the trier of fact to resolve. *State v. Schroeder*, 2019-Ohio-4136, ¶ 61 (4th Dist.); *State v. Dunn*, 2012-Ohio-518, ¶ 16 (4th Dist.); *State v. Wickersham*, 2015-Ohio-2756, ¶ 25 (4th Dist.). Because the trier of fact sees and hears the witnesses, an appellate court will afford substantial deference to a trier of fact's credibility determinations. *Schroeder* at ¶ 62. The jury has the benefit of seeing witnesses testify, observing facial expressions and body language, hearing voice inflections, and discerning qualities such as hesitancy, equivocation, and candor. *State v. Fell*, 2012-Ohio-616, ¶ 14 (6th Dist.); *State v. Pinkerman*, 2024-Ohio-1150, ¶ 26 (4th Dist.). Thus, an appellate court may reverse a conviction only if the trier of fact clearly lost its way in resolving conflicts in the evidence and created a manifest miscarriage of justice. *State v. Benge*, 2021-Ohio-152, ¶ 28 (4th Dist.); *Hodges* at ¶ 53.

{¶49} Yates contends that (1) River House Program Manager James Varney testified that Yates had not had any behavioral problems or issues before that day, (2) other roommates shared the room, (3) authorities failed to complete an investigation into the informant's role in the narcotics trafficking, and (4) authorities did not videotape or

record the search. As the State points out, however, witness testimony contained no inconsistencies. Further, staff found the bag containing methamphetamine and fentanyl/xylazine, $1,840, debit and credit cards, and two cell phones with Yates's identification information and messages consistent with Yates's activities, on Yates's bed, under his pillow, covered by his bedspread. In addition, when Yates returned to River House that day, he possessed a third phone that contained information consistent with the other two phones. Finally, Investigator Chaffins testified at trial that the six conversations he testified at length about were "a small snippet. . . It's an example of the numerous very similar conversations that I found throughout the device[s]. . . I just picked out conversations at random that were indicative of drug activity." Chaffins further stated that Yates "was the author" and his work times and group counseling and probation officer check-in times aligned with the messages.

{¶50} Only in extraordinary circumstances when evidence presented at trial weighs heavily in favor of acquittal will an appellate court overturn a conviction on the manifest weight of the evidence grounds. *State v. Ridenour*, 2023-Ohio-2713, ¶ 50 (12th Dist.). This case is not one of those extraordinary cases. Here, the evidence presented at trial does not weigh heavily in favor of acquittal. Consequently, after reviewing the record, weighing the evidence and all reasonable inferences, and considering the witnesses' credibility, we conclude that ample competent, credible evidence supports Yates's felony convictions. Moreover, we do not find the trial court clearly lost its way and created such a manifest miscarriage of justice that the adjudication must be reversed. Thus, the verdict was supported by sufficient evidence and was not against the manifest weight of the evidence. We overrule Yates's second and final assignment of error.

IV. CONCLUSION

{¶51} We overrule the assignments of error and affirm the trial court's judgment.

JUDGMENT AFFIRMED.

JUDGMENT ENTRY

It is ordered that the JUDGMENT IS AFFIRMED and that appellant shall pay the costs.

The Court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this Court directing the Lawrence County Common Pleas Court to carry this judgment into execution.

If a stay of execution of sentence and release upon bail has been previously granted by the trial court or this court, it is temporarily continued for a period not to exceed 60 days upon the bail previously posted. The purpose of a continued stay is to allow appellant to file with the Supreme Court of Ohio an application for a stay during the pendency of proceedings in that court. If a stay is continued by this entry, it will terminate at the earlier of the expiration of the 60-day period, or the failure of the appellant to file a notice of appeal with the Supreme Court of Ohio in the 45-day appeal period set forth in the Rules of Practice of the Supreme Court of Ohio. Additionally, if the Supreme Court of Ohio dismisses the appeal prior to expiration of 60 days, the stay will terminate as of the date of such dismissal.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

Smith, P.J. & Wilkin, J.: Concur in Judgment and Opinion.

For the Court

BY: _____
Michael D. Hess, Judge

NOTICE TO COUNSEL

This document constitutes a final judgment entry and the time period for further appeal commences from the date of filing with the clerk.