

IN THE OHIO COURT OF APPEALS
FIFTH APPELLATE DISTRICT
STARK COUNTY, OHIO

STATE OF OHIO

Plaintiff - Appellee

-vs-

VIRGIL LEE WILLIAMS

Defendant - Appellant

Case No. 2025-CA-00129

Opinion And Judgment Entry

Appeal from the Stark County Court of
Common Pleas, Case No. 2025-CR-0864-B

Judgment: Affirmed

Date of Judgment Entry: August 13, 2026

BEFORE: Andrew J. King, Robert G. Montgomery, and Kevin W. Popham, Judges

APPEARANCES: Kyle L. Stone, Prosecuting Attorney, Christopher A. Piekarski,
Assistant Prosecuting Attorney, for Plaintiff-Appellee; Jacob T. Will, for Defendant-
Appellant

OPINION

Popham, J.,

{¶1} Appellant Virgil Lee Williams (“Williams”) appeals his conviction and sentence after a jury trial in the Court of Common Pleas for Stark County, Ohio. For the reasons below, we affirm.

Facts and Procedural History

{¶2} The Stark County Grand Jury indicted Williams and his co-defendant, Roger Lee Thompson, on one count of felonious assault, in violation of R.C. 2903.11(A)(2)/(D)(1)(a), a felony of the second degree, with attendant firearm and repeat

violent offender specifications, one count of discharge of a firearm on or near prohibited premises, and one count of having weapons while under disability.

{¶3} Williams filed a motion to suppress challenging the search warrant executed at 1241 Worley Avenue NW, Apartment 2, Canton, Ohio. He argued the warrant lacked probable cause because it relied, in part, upon facial-recognition software used to identify him from surveillance photographs. Following an evidentiary hearing, the trial court denied the motion.

{¶4} Williams subsequently waived a jury trial on the repeat violent offender specification, and the matter proceeded to jury trial on the remaining charges and specifications.

{¶5} The evidence presented established the following.

The Shooting

{¶6} On April 12, 2025, shortly before noon, gunfire erupted outside the Shorb Drive Thru located on 12th Street NW in Canton, Ohio.

{¶7} C.S. testified that she frequently patronized the drive-thru because it was located near her home. While driving to the Shorb Drive Thru on April 12, 2025, C.S. picked up a friend and offered to give him a ride home. (2Tr. at 218). They proceeded through the drive-thru without incident, but when they exited and began traveling northbound on Shorb Avenue NW, C.S. heard about 6 to 10 gunshots. (2Tr. at 218, 220, 223). Startled, she attempted to leave the area quickly. As she glanced back, she observed two individuals positioned in the nearby alley. One stood in front of a house with his arm extended while firing a handgun. (*Id.* at 221). The second stood nearby beside a trash can. Although she could not identify either individual, C.S. testified that she observed that both were wearing hooded

sweatshirts or jackets. (2Tr. at 220). C.S. testified that police later recovered a bullet from her vehicle. (*Id.* at 222-223).

{¶8} At approximately the same time, J.H., who lived adjacent to the drive-thru, heard multiple gunshots while inside her residence. (2Tr. at 210). She immediately dropped to the floor. After the shooting stopped, she heard yelling and running in the alley beside her home and called 911.

{¶9} J.H.'s doorbell camera activated when it detected movement. (2Tr. at 201-211). The recording captured an individual walking through her yard before firing a handgun at a passing vehicle. She downloaded the footage and provided it to police. The video was admitted into evidence. (St. Exh. 3).

The Investigation

Surveillance Video

{¶10} The investigation quickly focused on multiple surveillance recordings.

{¶11} Officer Yubak Karki of the Canton Police Department's Real-Time Crime Center reviewed footage from the City's surveillance camera located at the corner of 12th Street NW and Shorb Avenue NW overlooking the Shorb Drive Thru. (St.'s Exh. 1).

{¶12} Officer Karki testified that the video showed two individuals walking together toward the drive-thru shortly before 11:33 a.m. (2Tr. at 233). After briefly lingering outside, both entered the store. Approximately four minutes later, one exited carrying a shopping bag and walked north on Jones Court NW. About one minute later, the second individual exited, briefly spoke with another person in the parking lot, and also proceeded north. (*Id.*)

{¶13} Officer Karki testified that the video showed that approximately ten minutes later, C.S.'s vehicle entered and exited the drive-thru. (2Tr. at 235). As her vehicle turned

onto northbound Shorb Avenue NW, the same two individuals emerged from beside a nearby residence and simultaneously fired multiple rounds toward C.S.'s vehicle before fleeing east on Diana Place NW. (*Id.*). Officer Karki testified that he observed visible muzzle flashes in the video. (2Tr. at 236). Although the footage did not clearly depict either shooter's face, Officer Karki testified that he recognized them as the same individuals shown in the earlier video footage because they were wearing the same clothing.

.... ¶14 Officer Karki testified that approximately twelve individuals wearing black jackets can be observed entering and exiting the frame between 11:33 a.m. and 11:44 a.m. (2Tr. at 245). Officer Karki testified that he was unable to identify any individual's face and did not observe distinctive articles of clothing on any person shown. (2Tr. at 247).

¶15 Detective Michael Brown testified that he supplemented the City's surveillance footage by obtaining recordings from the Shorb Drive Thru security cameras. (2Tr. at 272). The owner permitted him to review and preserve recordings from two exterior cameras and one interior camera. Those recordings likewise showed the two suspects entering the business shortly before the shooting. The Drive Thru surveillance footage, from two exterior cameras and one interior camera, was admitted into evidence at trial. (2T. at 274-275; St. Exh. 2a, 2b and 2c).

GPS Monitoring of Williams

¶16 The State next introduced GPS (Global Positioning Satellite) monitoring evidence.

¶17 Isaac Brenneman, an operations monitor with Oriana House, testified that Williams was wearing a GPS ankle monitor on April 12, 2025. (2Tr. at 284). Brenneman testified he was assigned to supervise Williams, so he met with him and set him up with an

ankle monitor at either the end of 2024 or the beginning of 2025. (2Tr. at 283-284). Brenneman testified that ankle monitors are "[v]ery accurate." 2Tr. at 287. Brenneman testified that Williams' GPS location was being actively monitored on April 12, 2025. (2Tr. at 284).

{¶18} Brenneman testified that he was contacted by the police to provide a "points report" for Williams on April 12, 2025, which he then drafted based on the records maintained by Oriana House. (2Tr. at 284-285, 291). Brenneman testified that a "point" is a location. (2Tr. at 285). Brenneman testified that he generated a points report reflecting Williams' location at one-minute intervals. The points report Brenneman drafted for Williams on April 12, 2025, was admitted into evidence at trial. (2Tr. at 285-286; St.'s Exh. 4).

{¶19} Brenneman testified the report placed Williams immediately adjacent to the Shorb Drive Thru between 11:41 a.m. and 11:45 a.m. Specifically, the report reflected Williams at 1211 Jones Court NW at 11:41 a.m., 1227 Worley Avenue NW at 11:42 a.m., 1222 Shorb Avenue NW at 11:43 a.m., and 1236 Shorb Avenue NW at 11:44 a.m. Brenneman acknowledged that GPS readings have a margin of error, but nevertheless testified that the records definitively placed Williams in the immediate vicinity of the drive-thru at the time of the shooting. (2Tr. at 288).

Detective Diels' Investigation

{¶20} Detective Mark Diels became the lead investigator after responding to the scene.

{¶21} Detective Diels testified that police recovered multiple spent shell casings that were photographed, collected, and submitted to the crime laboratory. (2T. at 310).

{¶22} Using the license plate information obtained from surveillance videos, Detective Diels was able to locate and contact C.S., who reported that she did not realize her vehicle had been struck until she returned home. Detective Diels photographed several bullet holes in the vehicle and recovered a bullet lodged in the driver's door frame. (2Tr. at 313).

{¶23} Detective Diels also reviewed J.H.'s doorbell recording, the City's surveillance footage, and the Shorb Drive Thru security videos. Although he could not immediately identify either suspect, he observed that one carried a shopping bag and had a distinctive outward-turning gait. Detective Diels characterized the gait as the suspect “walks like a duck.” (2T. at 333, 361).

{¶24} Detective Diels testified that investigators created a BOLO¹ using still photographs obtained from the surveillance videos. Detective Diels testified that Officer Brown subsequently used facial-recognition software to generate a possible identification of one suspect as Virgil Williams. (2Tr. at 317).

{¶25} Detective Diels testified that he did not rely solely upon the facial-recognition result. Instead, he compared the BOLO photographs with Williams's Criminal Justice Information System (“CJIS”) photograph, Williams's Ohio Law Enforcement Gateway (“OHLEG”) records, Facebook photographs, and other available images before independently concluding that Williams was the individual depicted in the surveillance videos. Detective Diels also learned that Williams was subject to GPS monitoring and obtained records confirming his location during the shooting.

Search Warrant and Arrest

{¶26} Based upon the investigation, police obtained an arrest warrant for Williams.

¹ “Be On the Look Out”

{¶27} On April 17, 2025, officers arrested Williams at 1241 Worley Avenue NW and executed a search warrant at that residence.

{¶28} Detective Diels testified that he was not present for the actual arrest, but when he encountered Williams at the residence, he noticed Williams was wearing a necklace/chain. (2Tr. at 328-329, 358, 360). Detective Diels testified that Williams had been wearing that same necklace in his Facebook photos, in the still shot used for the BOLO alert, and during the shooting incident. (2Tr. at 328-329, 332, 347).

{¶29} During the search, officers recovered a Glock 19 handgun, a Guess hooded sweatshirt, a Tommy Hilfiger jacket, and tennis shoes. (2Tr. at 317). Detective Diels testified that the recovered clothing was consistent with the clothing worn by the shooters in the surveillance footage. Thompson, who was present inside the residence, was later identified as the second shooter after investigators compared surveillance images with his CJIS and OHLEG photographs.

Ballistics Evidence

{¶30} Abigail Ilijevski, a firearms examiner with the Canton-Stark County Crime Laboratory, examined the Glock handgun, its magazine, and sixteen spent shell casings recovered during the investigation.

{¶31} She determined that the Glock was operable. Six of the recovered shell casings had been fired from the Glock, while the remaining ten had been fired from a different firearm. She further testified that no request had been made to conduct fingerprint or DNA testing on the submitted evidence.

Verdict and Sentence

{¶32} The jury found Williams guilty of felonious assault, discharge of a firearm on or near prohibited premises, having weapons while under disability, and the attendant firearm specification. The trial court subsequently found Williams guilty of the repeat violent offender specification.

{¶33} The court imposed an indefinite prison term of a minimum of eight years to a potential maximum sentence of twelve years for felonious assault, to be served consecutively to a three-year prison term for the firearm specification and consecutively to a five-year prison term for the repeat violent offender specification. The court further imposed concurrent thirty-six-month prison terms for discharge of a firearm on or near prohibited premises and having weapons while under disability, resulting in an aggregate prison term of a minimum sentence of sixteen years to a potential maximum sentence of twenty years.

Assignments of Error

{¶34} Williams raises two assignments of error for our consideration,

{¶35} “I. THE JURY’S FINDINGS OF GUILT WERE AGAINST THE MANIFEST WEIGHT OF THE EVIDENCE.”

{¶36} “II. THE JURY’S FINDINGS OF GUILT WERE BASED ON INSUFFICIENT EVIDENCE.”

I.

Procedural defect

{¶37} Before addressing Williams's assignments of error, we first note a procedural deficiency in his appellate brief. Williams has not separately presented and argued his two assignments of error as required by App.R. 16(A)(7). That rule requires an appellant to

separately identify and support each assignment of error with argument and citation to authority. *Heigel v. MetroHealth Sys.*, 2024-Ohio-1471, ¶ 16 (8th Dist.); *State v. Emch*, 2023-Ohio-3553, ¶ 15 (5th Dist.).

{¶38} Although an appellate court may consider related assignments of error together for purposes of judicial economy, the parties are not afforded the same latitude. See *Fiorilli Constr., Inc. v. A. Bonamase Contracting, Inc.*, 2011-Ohio-107, ¶ 30 (8th Dist.); *Hyde v. Sherwin-Williams Co.*, 2011-Ohio-4234, ¶ 12 (8th Dist.); *State v. Williams*, 2024-Ohio-5578, ¶ 107 (5th Dist.); *State v. Higgins*, 2025-Ohio-2122, ¶ 54 (5th Dist.). Consequently, we could exercise our discretion to summarily overrule Williams's assignments of error. *Comisford v. Erie Ins. Prop. & Cas. Co.*, 2011-Ohio-1373, ¶ 29 (4th Dist.); *Newman v. Enriquez*, 2007-Ohio-1934, ¶ 18 (4th Dist.); *Hyde*, ¶ 12; *Pahoundis v. Beamer*, 2009-Ohio-6881, ¶ 65 (5th Dist.).

{¶39} Nevertheless, in the interest of justice, we elect to address the merits. *Emch* at ¶ 15.

{¶40} There is no dispute that the shooting alleged in the indictment occurred at the Shorb Drive Thru on April 12, 2025. Rather, Williams challenges only the sufficiency, and manifest weight, of the evidence identifying him as one of the shooters.

Standard of Review — Sufficiency of the Evidence

{¶41} A challenge to the sufficiency of the evidence presents a question of law, which we review de novo. *State v. Walker*, 2016-Ohio-8295, ¶ 30. The relevant inquiry is whether, after viewing the evidence in a light most favorable to the State, any rational trier of fact could have found each essential element of the offense proved beyond a reasonable doubt. *State v. Jenks*, 61 Ohio St.3d 259 (1991), paragraph two of the syllabus.

{¶42} A conviction will be reversed for insufficient evidence only where reasonable minds could reach but one conclusion, that the defendant is entitled to acquittal. *State v. Ketterer*, 2006-Ohio-5283, ¶ 94.

Governing Law

{¶43} The State bears the burden of proving beyond a reasonable doubt every element of the charged offenses, including the identity of the offender. *State v. Smith*, 2021-Ohio-2866, ¶ 90 (4th Dist.), citing *State v. Bailey*, 2017-Ohio-2679, ¶ 18 (2d Dist.), and *State v. Tate*, 2014-Ohio-3667, ¶ 15.

{¶44} Identity, however, may be established through either direct or circumstantial evidence. *Jenks*, 61 Ohio St.3d at 272. Circumstantial evidence possesses the same probative value as direct evidence, and the State is not required to exclude every reasonable theory of innocence. *Id.* Likewise, no witness is required to make an in-court identification of the defendant so long as the evidence, viewed as a whole, permits the trier of fact to conclude beyond a reasonable doubt that the defendant committed the offenses. *State v. Smith*, 2020-Ohio-3618, ¶ 13 (5th Dist.); *State v. Lawwill*, 2008-Ohio-3592, ¶ 11 (12th Dist.); *State v. Tate*, 2014-Ohio-3667, ¶ 19.

Application

{¶45} Viewed in the light most favorable to the State, the evidence was sufficient to permit a rational juror to conclude that Williams was one of the shooters.

{¶46} After investigators released a BOLO alert, police received numerous tips, and using facial recognition software, identified one of the individuals depicted in the surveillance images as Williams. Officers then compared the BOLO images with Williams' CJIS records, OHLEG records, and publicly available Facebook photographs. Based upon those

comparisons, Detective Diels identified Williams as the individual shown in the surveillance footage and BOLO alert. (2Tr. at 315-317, 338, 343-348, 361.)

{¶47} Additional evidence corroborated that identification. Williams' GPS records placed him at, or in the immediate vicinity of, the Shorb Drive Thru at the time of the shooting. Moreover, investigators recovered from the residence where Williams and Thompson were arrested a Glock 19 handgun that forensic testing established fired six of the sixteen cartridge casings recovered from the crime scene on Diana Place NW.

{¶48} Although no eyewitness made a definitive in-court identification of Williams as one of the shooters, such testimony was not required. The combination of surveillance footage, investigative identification, GPS evidence, and firearm evidence constituted sufficient circumstantial evidence from which a rational jury could conclude beyond a reasonable doubt that Williams participated in the shooting.

{¶49} Accordingly, Williams' convictions are supported by sufficient evidence.

{¶50} Williams' first assignment of error is overruled.

II.

{¶51} In his second assignment of error, Williams contends that his convictions are against the manifest weight of the evidence. He principally argues that no eyewitness identified him as one of the shooters and that the State's case rested almost entirely upon circumstantial evidence.

Standard of Review - Manifest Weight of the Evidence

{¶52} A manifest-weight challenge concerns the persuasive force of the evidence. *Eastley v. Volkman*, 2012-Ohio-2179, ¶ 19. In conducting this review, an appellate court acts as a "thirteenth juror," independently reviewing the record, weighing the evidence and

reasonable inferences, considering witness credibility, and determining whether the jury clearly lost its way and created a manifest miscarriage of justice. *State v. Jordan*, 2023-Ohio-3800, ¶ 17; *State v. Thompkins*, 78 Ohio St.3d 380, 387 (1997). Reversal on manifest-weight grounds is reserved for the exceptional case in which the evidence weighs heavily against conviction. *Thompkins* at 387.

{¶53} Because the jury personally observes the witnesses, substantial deference is afforded to its credibility determinations. *Eastley* at ¶ 21; *Seasons Coal Co. v. Cleveland*, 10 Ohio St.3d 77, 80 (1984). “An appellate court sits as the thirteenth juror only when evidence contradicts a fact-finder’s findings, see *State v. Martin*, 2022-Ohio-4175, ¶ 26, or when a witness’s testimony is so inconsistent as to material facts, so impeached, or so fantastical as to make it patently unbelievable.” *State v. Reillo*, 2026-Ohio-2701, ¶ 3. Without conflicting testimony or evidence that completely discredits a witness’ testimony the appellate court has nothing to weigh. *Id.*

{¶54} In addition, the Ohio Constitution requires the unanimous concurrence of all three appellate judges before a conviction may be reversed as against the manifest weight of the evidence. Ohio Const., Art. IV, § 3(B)(3); *Bryan-Wollman v. Domonko*, 2007-Ohio-4918, ¶¶ 2-4.

Application

{¶55} Williams’ manifest-weight argument again focuses on identity. While no eyewitness unequivocally identified him as one of the shooters, the jury heard substantial circumstantial evidence linking him to the offenses.

{¶56} Detective Diels explained how investigators received multiple tips after releasing the BOLO alert and how those tips were corroborated through comparisons with

Williams' CJIS records, OHLEG records, and Facebook photographs. The jury also viewed the surveillance recordings and was able to make its own comparison between the individual depicted in the videos and the evidence identifying Williams.

{¶57} The jury likewise heard evidence placing Williams at the scene through GPS records and learned that a Glock 19 recovered from the residence where Williams was arrested was forensically matched to six cartridge casings recovered from the shooting scene. Additionally, clothing recovered from the residence where Williams and Thompson were located matched clothing worn by Williams, as depicted in video surveillance footage.

{¶58} The defense thoroughly explored the weaknesses in the State's case. Neither eyewitness identified Williams. The surveillance footage depicted numerous individuals dressed in similar clothing, and investigators acknowledged that facial features were not readily discernible from portions of the video. The jury was fully aware of those limitations.

{¶59} Nevertheless, resolving conflicts in the evidence and assessing witness credibility are matters committed primarily to the jury. The jury was free to believe all, part, or none of any witness' testimony. *State v. Petty*, 2017-Ohio-1062, ¶ 63 (10th Dist.). The jury heard conflicting evidence and was required to resolve the parties' competing versions of events. Moreover, when the evidence permits competing reasonable interpretations, an appellate court is bound to give it that interpretation which is consistent with the verdict and judgment, most favorable to sustaining the verdict and judgment. *Reillo*, ¶ 28.

{¶60} After independently reviewing the entire record, we cannot conclude that the jury clearly lost its way or created a manifest miscarriage of justice. Although the State's proof of identity was largely circumstantial, circumstantial evidence is entitled to the same weight as direct evidence. *Jenks*, paragraph one of the syllabus. The cumulative evidence provided a

rational basis for the jury's determination that Williams was one of the individuals who fired at C.S.'s vehicle.

Conclusion

{¶61} This is not an exceptional case in which the evidence weighs heavily against conviction. Upon reviewing the entire record and weighing the evidence and all reasonable inferences, we conclude that the jury did not clearly lose its way or create a manifest miscarriage of justice.

{¶62} Williams' second assignment of error is overruled.

{¶63} For the reasons explained above, the judgment of the Court of Common Pleas for Stark County, Ohio is affirmed. Costs to be paid by Appellant Virgil Lee Williams.

By: Popham, J.

King, P.J. and

Montgomery, J., concur