

COURT OF APPEALS OF OHIO

**EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA**

STATE OF OHIO,	:	
	:	
Plaintiff-Appellee,	:	No. 114382
	:	
v.	:	
	:	
JAIWON WILLIAMS,	:	
	:	
Defendant-Appellant.	:	

JOURNAL ENTRY AND OPINION

JUDGMENT: AFFIRMED
RELEASED AND JOURNALIZED: May 29, 2025

Criminal Appeal from the Cuyahoga County Court of Common Pleas
Case No. CR-23-686230-O

Appearances:

Michael C. O'Malley, Cuyahoga County Prosecuting
Attorney, and Brad S. Meyer, Assistant Prosecuting
Attorney, *for appellee*.

Law Office of Timothy Farrell Sweeney and Timothy F.
Sweeney, *for appellant*.

DEENA R. CALABRESE, J.:

{¶ 1} Defendant-appellant Jaiwon Williams (“Williams”) appeals his convictions and sentence. We find no error and therefore affirm Williams’s convictions and sentence.

I. Procedural History

{¶ 2} On November 7, 2023, Williams was indicted by a Cuyahoga County

Grand Jury as follows:

Count 99 (Renumbered as Count 1) — Discharge of a firearm on or near prohibited premises under R.C. 2923.162(A)(3), a felony of the third degree, with one-, three-, and six-year firearm specifications

Count 120 (Renumbered as Count 2) — Unlawful possession of dangerous ordnance under R.C. 2923.17(A), a felony of the fifth degree, with one- and six-year firearm specifications

Count 102 (Renumbered as Count 3) — Having weapons under disability under R.C. 2923.13(A)(2), a felony of the third degree

Count 121 (Renumbered as Count 4) — Having weapons while under disability under R.C. 2923.13(A)(2), a felony of the third degree

The defense and the State agreed to renumber the counts in the indictment for purposes of trial. Therefore, we will refer to the charges as the renumbered counts, Counts 1-4, identified above. Counts 1 and 3 stemmed from a shooting that occurred at East 146th Street and Kinsman Road on August 5, 2023.¹ Counts 2 and 4 stemmed from the execution of a search warrant at 11709 Lenacrave Avenue, Cleveland (“Lenacrave house”), on September 15, 2023.

{¶ 3} On July 24, 2024, Counts 1 and 2 were tried by the jury and Counts 3 and 4 were tried to the bench. Williams was found guilty of all charges and corresponding firearm specifications.

¹ The indictment alleged the incident took place on August 4, 2023. The date was amended to August 5, 2023, prior to trial.

{¶ 4} The sentencing hearing was held on August 29, 2024. The trial court imposed the following prison sentence: On Count 1, discharge of a firearm, six years on the firearm specification to be run prior to and consecutive to one year on the underlying offense. On Count 2, possession of a dangerous ordnance, six years on the firearm specification to run prior to and consecutive to one year on the underlying offense. On Count 3, having weapons while under disability, three years. On Count 4, having weapons while under a disability, two years. The court ordered Counts 1, 2, and 4 to run consecutively to one another and the firearm specifications to run consecutively to one another, and concurrently to Count 3. Williams was sentenced to a total of 16 years in prison.

{¶ 5} Williams now appeals his convictions and sentence, raising the following assignments of error for our review:

1. Williams' convictions on all counts and specifications are not supported by constitutionally sufficient evidence of his guilt, in violation of his right to due process as guaranteed by the Fourteenth Amendment to the U.S. Constitution and Article I, Section 10 of the Ohio Constitution.
2. Williams' convictions on all counts and specifications are against the manifest weight of the evidence.
3. The trial court committed reversible error, and violated Ohio sentencing law, in imposing consecutive sentences against Williams on the two six-year firearm specifications because the offenses, in the circumstances, were part of the same act or transaction.

II. Facts

{¶ 6} The events that led to Williams's convictions and sentence took place over the course of three separate dates: August 5, 2023 shooting near the Sunoco

gas station, August 8, 2023 visit to the Lenacrave house, and September 15, 2023 execution of a search warrant at the Lenacrave house.

A. August 5, 2023 — Shooting Incident

{¶ 7} On August 5, 2023, Braylon Washington (“Washington”) arrived at South Pointe Hospital for treatment to a gunshot wound to the foot. He reported being shot while out walking near East 146th Street and Kinsman Road.

{¶ 8} Washington’s shooting was originally assigned to Detective Michael Kitchen with the Fourth District of the Cleveland Police Department. He testified that he used ShotSpotter to confirm that a shooting incident occurred around East 146th and Kinsman near the eastern/southeastern corner of a Sunoco gas station parking lot on August 5, 2023.² Detective Kitchen also obtained an audio report from the ShotSpotter system. (State’s exhibit No. 2.)

{¶ 9} The ShotSpotter report led Detective Kitchen to obtain surveillance videos from the Sunoco gas station. There are two Sunoco videos showing the same corner of the parking lot from different angles. The first Sunoco video (“Sunoco channel 18” video) shows the southeast corner of the parking lot, facing East 146th Street and the sidewalk. The video shows two vehicles, a blue Subaru Outback (“blue Subaru”) and a red Toyota, pull into the Sunoco parking lot together and back into parking spots next to each other. The blue Subaru has a distinctive red, yellow, and white rear dealership plate. Eight individuals exit the two vehicles, all with their

² ShotSpotter is a gunshot detection system that uses microphone sensors that can pinpoint the location of gunshots and alert law enforcement to potential gunfire incidents in real time.

faces masked. The vehicles are left running, and the headlights are left on as the eight masked individuals exit the parking lot on foot and proceed south on East 146th Street. Soon thereafter, multiple muzzle flashes are visible, and all eight individuals race back to the vehicles. Many of them are armed and still actively shooting. After they return to the vehicles, they quickly drive away. The second Sunoco video (“Sunoco channel 20” video) depicts the same incident, but the view is from the front of the vehicles with the camera facing toward the Sunoco gas station.

{¶ 10} Prior to the shooting, the Sunoco videos show the masked gunman later identified as Williams exit the front passenger seat of the blue Subaru. He is wearing a black Adidas ski mask with three Adidas stripes on the back, black shoes, a black sweatshirt with a white logo in the top left corner, and Adidas sweatpants, and he has a black crossbody bag. The back of his pants are pulled down low, showing the top of his underclothes, which are black with a white design. When he returns to the blue Subaru he has a firearm in his right hand. State’s exhibits Nos. 30 and 31 are screenshots taken from the Sunoco videos showing the front and back of the clothing worn by the shooter later identified as Williams.

{¶ 11} Detective Kitchen also obtained two surveillance videos from South Pointe Hospital (“South Pointe videos”), where Washington received medical care for his gunshot wound. The South Pointe videos show a black Nissan Xterra drive into the hospital parking lot, stopping briefly to allow a passenger to exit the vehicle, then speed off. After the Xterra drives off, Washington can be seen hopping across

the parking lot. Detectives later discovered that Williams owned a Nissan Xterra identical to the one that delivered Washington to the hospital parking lot.

{¶ 12} Officers also used the South Pointe videos to identify Washington as one of the shooters at the Sunoco gas station on August 5, 2023. The Champion slides and gray pants Washington was wearing in the South Pointe Hospital videos matched those of one of the gunmen from the Sunoco videos. In the Sunoco videos, Washington returns to the vehicles after the shooting with a handgun with a large white extended magazine. He is visibly seen returning to the vehicles with a limp consistent with being shot in the foot.

{¶ 13} Investigator Philip Habeeb with the Crime Gun Intelligence Center of the Cuyahoga County Prosecutor's Office testified that the ShotSpotter recording reveals both fully automatic gunfire and semiautomatic gunfire. The muzzle flashes on the Sunoco channel 18 video are also consistent with the firing of an automatic weapon.

{¶ 14} Around this time, Detective Michael Zone became interested in the shooting because he was already investigating Washington on an unrelated matter. Detective Zone and Detective Jared Germaine went to the Sunoco gas station to further the investigation. There, they found a combined total of 16 shell casings on East 146th Street on the sidewalk, on the Sunoco property along the guardrail, and in the front yard of 3518 East 146th Street. The shell casings are from at least three different firearms.

{¶ 15} Detectives also obtained two surveillance videos from the A.J. Rickoff school located across the street from the Sunoco gas station. State's exhibit No. 5 contains two videos from the same time as the shooting. The second video shows cars not involved in the shooting driving down East 146th Street, slowing down, then quickly driving off. Detective Zone believed the drivers were fleeing from the gunfire. (Tr. 430-431.)

B. August 8, 2023 — Visit to Lenacrave House

{¶ 16} By August 8, 2023, the investigation had been reassigned to Detective Matthew Zone. Detective Zone was receiving “pings,” or GPS coordinates, indicating the location of Washington's phone. After the shooting and before going to the hospital on August 5, 2023, a ping from Washington's phone indicated it was in the Lenacrave Avenue area. On August 8, 2023, Washington's phone pinged in the Lenacrave Avenue area again. Detectives Zone and Sanchez went to the location where Washington's phone was pinging, at Lenacrave Avenue and Martin Luther King Drive, on August 8, 2023. This is when investigators first linked the Lenacrave house to the August 5, 2023 shooting.

{¶ 17} When Detectives Zone and Sanchez first investigated at the Lenacrave house on August 8, 2023, they encountered Williams at that location. Detective Zone testified that this was when investigators identified Williams as the shooter from the front passenger seat of the blue Subaru in the August 5, 2023 Sunoco gas station shooting. On August 8, 2023, he was wearing identical clothing to that worn by the shooter on August 5, 2023: a black Adidas ski mask with three white stripes

on the back, black crewneck sweatshirt with a white logo on the upper chest, Adidas sweatpants, and black shoes. He was also wearing black underclothes with a white design identical to those worn by the masked shooter. Detectives took pictures of Williams to document the clothing he wore that day. State's exhibits Nos. 29 and 32 are photographs of Williams on August 8, 2023, showing the front and back of his outfit.

{¶ 18} When Detectives Zone and Sanchez investigated at the Lenacrave house on August 8, 2023, they also found two vehicles parked in the street in front of the house. The first was the blue Subaru with the distinctive red, yellow, and white dealership plate on the rear, identical to the vehicle used in the shooting. The blue Subaru was found to be stolen, and upon processing the vehicle Detective Zone discovered that two phones had connected to it via Bluetooth. Those phones belonged to Williams and Trayquan Hogans. Parked right behind the blue Subaru was a black Nissan Xterra belonging to Williams. The black Nissan was identical to the one that delivered Washington to the South Pointe Hospital parking lot after the August 5, 2023 shooting.

{¶ 19} On August 8, 2023, Detectives Zone and Sanchez also found two other males they believed participated in the shooting at the Lenacrave house. One was Trayquan Hogans, who was wearing a gray hoodie similar to one worn by a masked shooter. Hogan was found to have the keys to both the stolen blue Subaru and Williams's Nissan Xterra. Hogan was arrested and subsequently made a telephone

call from the county jail to Williams where they discussed driving Washington to the hospital. Washington was also found at the Lenacrave house on August 8, 2023.

C. September 15, 2023 — Execution of Search Warrant

{¶ 20} On September 12, 2023, and September 13, 2023, Williams posted pictures of himself on Instagram. The first photograph (State's exhibit No. 73) shows Williams and Elijah Hogans in what was later discovered to be the living room of the Lenacrave house. In the photograph, there are six firearms on the floor in front of them. Two of the firearms have long white extended magazines similar to the firearm used in the August 5, 2023 shooting, and one appears to be an automatic weapon. Another photograph (State's exhibit No. 74) posted on Instagram was taken in the back yard of the Lenacrave house. It shows Williams with a black firearm equipped with a machine gun conversion device and a long black extended magazine with black electrical tape.

{¶ 21} The Instagram posts led detectives to obtain a search warrant for the Lenacrave house and Williams's black Nissan Xterra. The search warrant was executed on September 15, 2023. Williams was at the residence when officers arrived to execute the warrant, along with Elijah Hogans and another individual. The black Nissan Xterra was not at the house.

{¶ 22} When they executed the warrant, police found a black Adidas ski mask identical to the one worn by the shooter believed to be Williams and worn by Williams on August 8, 2023, when police visited the house. They also found a black

Adidas crossbody bag identical to the one worn by the shooter believed to be Williams.

{¶ 23} Police also found three firearms during the execution of the warrant. In the dining room they found a Glock 20 with the machine gun conversion and black extended magazine with black electrical tape wrapped around the end, identical to what Williams posted on social media. In the basement wall and ceiling, they found a loaded Berretta and a loaded Smith & Wesson. They found a white extended magazine identical to the one in the photographs posted by Williams on social media. They also found Glock slides, rifle rounds, rounds for handguns, two spare slides, and barrels. Investigator Habeeb testified that all firearms found in the Lenacrave house were operable.

{¶ 24} Police also found Williams's personal paperwork inside the home, his driver's license, medical paperwork, and a bill of sale for a 2016 Nissan Versa. Because officers found Williams's ID and other personal paperwork in the same bedroom, they determined that it was his room. However, Williams's driver's license reflected his address was in Cleveland Heights, not the Lenacrave house.

III. Law and Analysis

A. First Assignment of Error — Sufficiency of the Evidence

{¶ 25} In his first assignment of error, Williams argues that there was insufficient evidence to convict him. Specifically, Williams argues that there was insufficient evidence to establish (1) that he was present at the August 5, 2023 incident (his identity), (2) that the shooting was upon or over a public roadway,

(3) that he possessed a dangerous ordnance, the Glock 20, on September 15, 2023, and (4) that he had a weapon while under disability.

{¶ 26} We have recently reaffirmed that “[a]n 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. Spencer*, 2024-Ohio-5809, ¶ 15 (8th Dist.), citing *State v. Murphy*, 91 Ohio St.3d 516 (2001). The appellate court views the evidence “in a light most favorable to the prosecution” to determine whether “any rational trier of fact could have found the essential elements of the crime proven beyond a reasonable doubt.” *Spencer* at ¶ 15, quoting *State v. Jenks*, 61 Ohio St.3d 259 (1991), at paragraph two of the syllabus. The inquiry is whether the prosecution has met its “burden of production” at trial. *State v. Dyer*, 2007-Ohio-1704, ¶ 24 (8th Dist.), citing *State v. Thompkins*, 78 Ohio St.3d 380, 390 (1997). “In essence, sufficiency is a test of adequacy. Whether the evidence is legally sufficient to sustain a verdict is a question of law.” *Cleveland v. Williams*, 2024-Ohio-3102, ¶ 10 (8th Dist.), quoting *Thompkins* at 386; see also *Cleveland v. Neal*, 2024-Ohio-1467, ¶ 26 (8th Dist.). Appellate courts are not to assess “whether the State’s evidence is to be believed, but whether, if believed, the evidence against a defendant would support a conviction.” *Dyer* at ¶ 24.

1. Discharge of a Firearm on or Near Prohibited Premises

{¶ 27} Williams asserts there was insufficient evidence to convict him of the fifth-degree felony of discharge of a firearm on or near prohibited premises. To prove discharge of a firearm on or near prohibited premises under R.C. 2923.162(A)(3), the State must prove beyond a reasonable doubt that Williams discharged a firearm, upon or over a public road or highway, and the violation created a substantial risk of physical harm to any person or caused serious physical harm to property. Williams contends that the State failed to show he was present at the August 5, 2023 incident or that the shooting was upon or over a public roadway.

{¶ 28} Williams first argues that there was insufficient evidence to identify him as the front-seat passenger in the blue Subaru involved in the August 5, 2023 incident.

Every criminal prosecution requires proof that the person accused of the crime is the person who committed the crime. This truism is reflected in the state's constitutional burden to prove the guilt of "the accused" beyond a reasonable doubt. *In re Winship*, 397 U.S. 358, 364, 90 S.Ct. 1068, 25 L.Ed.2d 368 (1970). Like any fact, the state can prove the identity of the accused by "circumstantial or direct" evidence. *State v. Jenks*, 61 Ohio St.3d 259, 272-273, 574 N.E.2d 492 (1991). The relevant question in a sufficiency-of-the-evidence review 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.*, at paragraph two of the syllabus, following *Jackson v. Virginia*, 443 U.S. 307, 99 S.Ct. 2781, 61 L.Ed.2d 560 (1979).

State v. Tate, 2014-Ohio-3667, ¶ 15.

{¶ 29} "Proof of guilt may be made by circumstantial evidence, real evidence, and direct evidence, or any combination of the three, and all three have equal

probative value.” *State v. Zadar*, 2011-Ohio-1060, ¶ 18 (8th Dist.), citing *State v. Nicely*, 39 Ohio St.3d 147, 151 (1988), *Jenks*, 61 Ohio St.3d at 272.

{¶ 30} In this case there is no direct evidence identifying Williams as the passenger in the blue Subaru; however, the circumstantial evidence supports the inference that he was. The record reveals the following was established at trial: On August 8, 2023, Williams was at the Lenacrave house with other individuals suspected of participating in the shooting. Williams was wearing clothing identical to that worn by the front-seat passenger in the blue Subaru; an identical ski mask, crewneck sweatshirt, and underwear. Detective Zone identified Williams as the front-seat passenger in the blue Subaru in the video based on the clothing he wore. The blue Subaru used in the shooting was parked in front of the Lenacrave house. Williams’s cell phone was connected to the Bluetooth of the blue Subaru.

{¶ 31} Williams argues that the clothing he wore on August 8, 2023, and the clothing worn by the front-seat passenger in the blue Subaru are not similar. First, he argues that on August 8, 2023, he was wearing blue pants, but the individual in the picture was wearing black pants. He also argues the pictures in State’s exhibits Nos. 31 and 32 do not show that he and the shooter were wearing the “same” underclothes. We disagree with Williams’s arguments. Even if the pants are not the same color, the rest of Williams’s clothing, including his underclothes, match sufficiently to support a finding that he was one of the masked shooters at the August 5, 2023 incident, specifically, the front-seat passenger of the blue Subaru. The identical clothing, the proximity to the stolen blue Subaru used in the shooting,

the Bluetooth connection to the stolen blue Subaru, and the proximity to other suspected shooters all support the verdict in this case. When viewed in a light most favorable to the prosecution, the evidence is sufficient to support a finding that Williams was present at the August 5, 2023 shooting.

{¶ 32} Williams next argues there was insufficient evidence to establish he discharged a firearm “upon or over a public road or highway.” Williams argues that there is no evidence that any shots were fired on or over the roadway and that any shots fired would have gone down the sidewalk. The State argues the video clearly shows shots fired over the roadway, the location of the shell casings indicates the shots were fired on the street or near the curb, and individuals in the roadway were fleeing the gunshots.

{¶ 33} The Sunoco channel 18 video clearly shows masked individuals shooting wildly while in the Sunoco parking lot and on the sidewalk adjacent to East 146th Street. The shots were from various angles, and a jury could conclude that shots were fired over the roadway. Williams returns to the blue Subaru with a handgun in his right hand. There is also video from the A.J. Rickoff school that shows cars fleeing from gunfire. When viewed in a light most favorable to the prosecution, the evidence is sufficient to allow a rational trier of fact to find that Williams fired shots over the roadway.

2. Possession of a Dangerous Ordinance

{¶ 34} Williams also contends there was insufficient evidence to establish that he possessed a dangerous ordinance, the Glock 20, on September 15, 2023. To

establish possession of a dangerous ordnance under R.C. 2923.17(A), the State must establish that Williams knowingly acquired, had, carried, or used any dangerous ordnance. In this case, Williams asserts that there was insufficient evidence that he possessed the Glock 20, which was found by police officers in the dining room of the Lenacrave house.

{¶ 35} We have previously addressed possession of a firearm:

To “have” a firearm within the meaning of R.C. 2923.13(A), a person must have actual or constructive possession of it. *State v. Davis*, 8th Dist. Cuyahoga No. 104221, 2016-Ohio-7964, ¶ 13, citing *State v. Adams*, 8th Dist. Cuyahoga No. 93513, 2010-Ohio-4478, ¶ 19. Actual possession is ownership or physical control. *State v. Jones*, 8th Dist. Cuyahoga No. 101311, 2015-Ohio-1818, ¶ 46. In contrast, constructive possession exists when an individual knowingly exercises dominion and control over an object, even though that object may not be within his or her immediate physical possession. *State v. Wolery*, 46 Ohio St.2d 316, 329, 348 N.E.2d 351 (1976); *State v. Washington*, 8th Dist. Cuyahoga Nos. 98882 and 98883, 2013-Ohio-2904, ¶ 22. “[C]ircumstantial evidence is sufficient to support the element of constructive possession.”

State v. Johnson, 2024-Ohio-1163, ¶ 41 (8th Dist.). ““[I]f the evidence demonstrates that the defendant was in close proximity to the contraband, such that the defendant was able to exercise dominion or control over the contraband, this constitutes circumstantial evidence that the defendant was in constructive possession of the items.”” *State v. Walker*, 2018-Ohio-3588, ¶ 9 (8th Dist.), quoting *State v. Carson*, 2017-Ohio-7243 (8th Dist.), quoting *State v. Brooks*, 2011-Ohio-1679, ¶ 17 (8th Dist.).

{¶ 36} In this case, there is no evidence of actual possession, but the facts indicate Williams had constructive possession of the Glock 20 on September 15,

2023. The record contains credible, circumstantial evidence establishing that Williams was aware of the loaded firearms' presence in the house and he had the ability to exercise dominion or control over the weapon. Detective Germaine encountered Williams at the Lenacrave house on three occasions: one occasion prior to the shooting, on August 8, 2023, and again on September 15, 2023. Williams's personal items were found in the house; this included an identification card, medical papers, and other mail addressed to him. Photographs of Williams at the Lenacrave house with firearms were posted on social media. One picture shows him and another individual in the family room of the Lenacrave house with multiple firearms, including automatic weapons and weapons with white extended magazines. Another photograph shows Williams in the backyard of the Lenacrave house with an automatic weapon with black electrical tape on the magazine, identical to that on the Glock 20.

{¶ 37} Viewing the evidence in a light most favorable to the prosecution, we find a rational trier of fact could have found that Williams had constructive possession of the Glock 20 on September 15, 2023.

3. Weapon While Under Disability

{¶ 38} Williams also argues there was insufficient evidence to establish that he had a weapon while under disability on August 5, 2023, and on September 15, 2023. To establish a weapon while under disability under R.C. 2923.13(A)(2), the State must show that Williams knowingly acquired, had, or used a firearm or dangerous ordnance and was under indictment or had been convicted of any felony

offense of violence. *State v. Tejada*, 2025-Ohio-1449, ¶ 23 (8th Dist.). As we previously discussed, Williams returned to the blue Subaru with a handgun in his right hand after the Sunoco shooting on August 5, 2023, and had constructive possession of the Glock 20 on September 15, 2023. Prior to these incidents, he had nine felony convictions. (Tr. 685.) We find a rational trier of fact could have found that Williams had a weapon while under disability on August 5, 2023, and on September 15, 2023.

{¶ 39} We find there was sufficient evidence to support Williams’s convictions for discharge of a firearm on or near prohibited premises, possession of a dangerous ordnance, and having a weapon while under disability. Williams’s first assignment of error is overruled.

B. Second Assignment of Error — Manifest Weight

{¶ 40} In his second assignment of error, Williams argues that his conviction was against the manifest weight of the evidence for the same counts and same reasons as stated above.

{¶ 41} When evaluating a manifest-weight challenge, we question whether the State met its burden of persuasion. *State v. Hill*, 2013-Ohio-578, ¶ 32 (8th Dist.). We “review 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 we must reverse the conviction and order a new trial.” *State v. Wilks*, 2018-Ohio-1562, ¶ 168, citing *Thompkins*, 78 Ohio St.3d at 387. An

appellate court will reverse on manifest weight “only in the exceptional case in which the evidence weighs heavily against the conviction.” *State v. McLoyd*, 2023-Ohio-4306, ¶ 40 (8th Dist.), quoting *Thompkins* at 387.

{¶ 42} After weighing all the evidence as discussed under the first assignment of error, we cannot say that this is one of the rare cases in which the trier of fact lost its way. Williams’s conviction was not against the manifest weight of the evidence and his second assignment of error is overruled.

C. Third Assignment of Error — Consecutive Sentences

{¶ 43} In his third assignment of error, Williams argues that the trial court erred when it sentenced him to consecutive sentences on the two six-year firearm specifications because the offenses were part of the same act or transaction. He asserts the August 5, 2023 shooting and the September 15, 2023 execution of a search warrant were “all part of one continuous and related sequence of firearm events.”

{¶ 44} Regarding consecutive sentences of firearm specifications, we have previously held that

R.C. 2929.14(C)(1)(a) generally requires consecutive service of all firearm specifications. R.C. 2929.14(B)(1)(b) provides an exception to the consecutive service of firearm specifications mandated by R.C. 2929.14(C)(1)(a), if they were committed as part of the same act or transaction. However, R.C. 2929.14(B)(1)(b) provides an exception to the exception “as provided in R.C. 2929.14(B)(1)(g).” Thus, R.C. 2929.14(B)(1)(g), which requires consecutive prison terms on the two most serious specifications in certain specified situations, only applies if the underlying felonies and attendant firearm specifications were committed as part of the same act or transaction. *See, e.g., State v. Burton*, 8th Dist. Cuyahoga No. 105470, 2018-Ohio-95 (Court must

impose consecutive prison terms on firearm specifications that were not committed as part of the same act or transaction.). If the felonies and attendant firearm specifications were committed separately, then the trial court must follow the default rule set forth in R.C. 2929.14(C)(1)(a), which requires mandatory consecutive service of all firearm specifications

State v. Adkins, 2021-Ohio-1294, ¶ 23 (8th Dist.).

{¶ 45} The term “transaction” as it is used in R.C. 2929.71(B) has been defined by the Ohio Supreme Court as “a series of continuous acts bound together by time, space and purpose, and directed toward a single objective.” *State v. Wills*, 69 Ohio St.3d 690, 691 (1994), quoting *State v. Caldwell*, 1991 Ohio App. LEXIS 5879, *26-27 (9th Dist. Dec. 4, 1991). “If the sentencing court determines that the offenses and attendant firearm violations occurred at separate times, locations, and to different victims, then they are not part of the same act or transaction for purposes of R.C. 2929.14(B)(1)(b).” *State v. Fitzgerald*, 2024-Ohio-2710, ¶ 11 (8th Dist.), citing *State v. Dean*, 2015-Ohio-4347, ¶ 214.

{¶ 46} In this case, the trial court found that the “two events were separate events” at the sentencing hearing. (Tr. 678.) The firearm specification attendant to the discharge of a firearm resulted from the August 5, 2023 shooting near the Sunoco gas station at East 146th and Kinsman. The firearm specification attendant to the possession-of-dangerous-ordnance charge resulted from the September 15, 2023 execution of a search warrant at the Lenacrave house. The events took place at separate times and locations; thus, the record supports the trial court’s finding that they were separate events.

{¶ 47} Therefore, the trial court did not err when it sentenced Williams to consecutive sentences on the firearm specifications. Williams's third assignment of error is overruled.

{¶ 48} We find that Williams's conviction is supported by sufficient evidence and is not against the manifest weight of the evidence. In addition, we find the trial court did not err when it sentenced him to consecutive sentences on the two six-year firearm specifications. For the reasons set forth above, the judgment of the trial court is affirmed.

{¶ 49} Judgment affirmed.

It is ordered that appellee recover from appellant costs herein taxed.

The court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this court directing the common pleas court to carry this judgment into execution. The defendant's convictions having been affirmed, any bail pending appeal is terminated. Case remanded to the trial court for execution of sentence.

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

DEENA R. CALABRESE, JUDGE

EILEEN A. GALLAGHER, A.J., and
MICHAEL JOHN RYAN, J., CONCUR