

COURT OF APPEALS OF VIRGINIA

Record No. 1108-25-1

KASHEEM DAVID WILDER
v.
COMMONWEALTH OF VIRGINIA

Present: Judges Athey, Ortiz and Causey

Opinion Issued August 25, 2026*

FROM THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH

Tanya Felton, Judge

(John E. Robins, Jr., on brief), for appellant. Appellant submitting on brief.

(Jason S. Miyares,¹ Attorney General; John A. Fisher, Assistant Attorney General, on brief), for appellee.

MEMORANDUM OPINION PER CURIAM

The Circuit Court of the City of Virginia Beach (“trial court”) convicted Kasheem David Wilder (“Wilder”) of carrying a concealed weapon and sentenced him to ten days’ incarceration. On appeal, Wilder argues that the trial court erred by finding the evidence sufficient to support the conviction. Finding no error, we affirm the trial court’s judgment.²

* This opinion is not designated for publication. *See* Code § 17.1-413(A).

¹ Jay C. Jones succeeded Jason S. Miyares as Attorney General on January 17, 2026.

² Having examined the briefs and record in this case, the panel unanimously agrees that oral argument is unnecessary because “the facts and legal arguments are adequately presented in the briefs and record, and the decisional process would not be significantly aided by oral argument.” *See* Code § 17.1-403(ii)(c); Rule 5A:27(c).

I. BACKGROUND³

On March 31, 2025, officers employed by the Virginia Beach Police Department investigated a reported robbery. Near the reported robbery location, officers located Wilder and discovered that he had an active warrant for his arrest. After searching Wilder's backpack incident to arresting him on the outstanding warrant, police found a machete and subsequently charged Wilder with possession of a concealed weapon in violation of Code § 18.2-308. After his conviction in the Virginia Beach General District Court, Wilder appealed to the trial court. The matter was set for a de novo bench trial on July 3, 2025.

At trial, the Commonwealth called Officer Christopher Marshall ("Officer Marshall") of the Virginia Beach Police Department, who testified that he was on duty on March 31, 2025, and responded to the reported robbery. Officer Marshall recalled that he drove to a gas station whereupon he observed Wilder, who matched the description of the robbery suspect, seated on the curb handcuffed. Officer Marshall testified that he identified Wilder and determined that Wilder had an active warrant for his arrest. Officer Marshall also recalled that Wilder was seen wearing a zipped backpack prior to being arrested. Officer Marshall testified that he seized the zipped backpack, which contained a machete with a blade about 12 inches long. The Commonwealth rested.

Next, Wilder moved to strike, arguing that the machete had not been readily accessible to him while inside of the backpack because the backpack had been on his back with the zipper closed. The trial court denied the motion to strike. Wilder elected not to present additional

³ "Consistent with the standard of review when a criminal appellant challenges the sufficiency of the evidence, we recite the evidence below 'in the "light most favorable" to the Commonwealth, the prevailing party in the trial court.'" *Hammer v. Commonwealth*, 74 Va. App. 225, 231 (2022) (quoting *Commonwealth v. Cady*, 300 Va. 325, 329 (2021)). In doing so, we discard any evidence that conflicts with the Commonwealth's evidence, and regard as true all the credible evidence favorable to the Commonwealth and all inferences that can be fairly drawn from that evidence. *Cady*, 300 Va. at 329.

evidence and renewed his motion to strike based on the same theory. The trial court denied the renewed motion to strike, finding that the machete was readily accessible and reasoning that Wilder did not have to take his backpack entirely off his back but instead could have hung the backpack off of his shoulder to access the machete. The trial court subsequently convicted Wilder of carrying a concealed weapon and sentenced him to ten days' incarceration. Wilder appealed.

II. ANALYSIS

A. *Standard of Review*

“When an appellate court reviews the sufficiency of the evidence underlying a criminal conviction, its role is a limited one.” *Commonwealth v. Garrick*, 303 Va. 176, 182 (2024). “The judgment of the trial court is presumed correct and will not be disturbed unless it is ‘plainly wrong or without evidence to support it.’” *Pijor v. Commonwealth*, 294 Va. 502, 512 (2017) (quoting Code § 8.01-680). “Thus, ‘it is not for this [C]ourt to say that the evidence does or does not establish [the defendant’s] guilt beyond a reasonable doubt because as an original proposition it might have reached a different conclusion.’” *Commonwealth v. Barney*, 302 Va. 84, 97 (2023) (alterations in original) (quoting *Cobb v. Commonwealth*, 152 Va. 941, 953 (1929)).

The only relevant question for this Court on appeal “is, after reviewing the evidence in the light most favorable to the prosecution, whether any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.” *Id.* (quoting *Sullivan v. Commonwealth*, 280 Va. 672, 676 (2010)). “If there is evidentiary support for the conviction, ‘the reviewing court is not permitted to substitute its own judgment, even if its opinion might differ from the conclusions reached by the finder of fact at the trial.’” *McGowan v. Commonwealth*, 72 Va. App. 513, 521 (2020) (quoting *Chavez v. Commonwealth*, 69 Va. App. 149, 161 (2018)).

B. *The trial court did not err in denying Wilder's motion to strike because the evidence was sufficient to convict Wilder of carrying a concealed weapon.*

Wilder asserts on appeal that the evidence was insufficient to support his conviction because the machete was not “about his person.” He claims that because the machete was inside his closed backpack, it was not readily accessible. We disagree.

It is unlawful for an individual to carry a machete “about his person” when hidden from common observation. Code § 18.2-308(A). A weapon is “about his person” under Code § 18.2-308(A) when it is “so connected with the person as to be readily accessible for use or surprise if desired.” *Schaaf v. Commonwealth*, 220 Va. 429, 430 (1979) (quoting *Sutherland v. Commonwealth*, 109 Va. 834, 835 (1909)). “Judicial use of the term ‘readily’ simply recognizes that the availability contemplated by the statute means ‘in a ready manner’ or ‘without much difficulty.’” *Hunter v. Commonwealth*, 56 Va. App. 50, 64 (2010) (quoting *Watson v. Commonwealth*, 17 Va. App. 124, 127 (1993)). Thus, a weapon in a zippered handbag is “readily accessible.” *Schaaf*, 220 Va. at 430-32.

Here, Wilder was wearing a backpack containing a machete when he was detained. As the trial court noted, he did not need to put the backpack down to access the weapon. He could have simply hung the backpack on one shoulder, unzipped it, and reached into it to arm himself. *See Hall v. Commonwealth*, 12 Va. App. 559, 564 (1990) (holding that carrying a gym bag “tucked under” the appellant’s right arm gave him “ready access to the bag and its contents”). So even if accessing the machete would have required Wilder to make a “noticeable ‘body motion,’” he could have done so “without much difficulty.” *Watson*, 17 Va. App. at 127; *Hunter*, 56 Va. App. at 64. Thus, there was sufficient evidence for the trial court to conclude that the machete was “about [Wilder’s] person.” Code § 18.2-308(A).

III. CONCLUSION

For the foregoing reasons, we affirm the trial court's judgment.

Affirmed.