COURT OF APPEALS OF VIRGINIA

Record No. 1674-25-3

JAZION ZYAIRE ROBERTSON, SOMETIMES KNOWN AS
JA'ZION ZYAIRE ROBERTSON
v.
COMMONWEALTH OF VIRGINIA

Present: Judges Athey, Ortiz and Causey

Argued at Lexington, Virginia

Opinion Issued September 22, 2026*

FROM THE CIRCUIT COURT OF THE CITY OF ROANOKE
J. Christopher Clemens, Judge

J. Thomas Love, Jr. (Public Defender's Office, on brief), for appellant.

Ken J. Baldassari, Assistant Attorney General (Jay Jones, Attorney General, on brief), for appellee.

MEMORANDUM OPINION BY
JUDGE CLIFFORD L. ATHEY, JR.

Following a jury trial in the Circuit Court of the City of Roanoke ("trial court"), Ja'Zion Zyaire Robertson ("Robertson") was convicted of first-degree murder, in violation of Code § 18.2-32, and use of a firearm while committing murder, in violation of Code § 18.2-53.1.[1] For those two convictions, the trial court sentenced Robertson to a total of 45 years' incarceration, with 20 years suspended. On appeal, Robertson contends that the evidence was insufficient to sustain his convictions because he did not act with malice or premeditation. He also assigns error to the trial court for sentencing him to 25 years' active incarceration. We affirm the judgment of the trial court.

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

[1] The record reflects that Robertson was also found guilty of shooting into an occupied vehicle, in violation of Code § 18.2-154, but that conviction is not before us on appeal.

I. BACKGROUND[2]

On the night of July 10, 2023, at the intersection of Sigmon and Showalter Roads in Roanoke, Robertson shot and killed James Griffin, III ("Griffin") with a semi-automatic rifle.[3] The shooting occurred following a brief altercation wherein Griffin shot Robertson's friend, Nathaniel Kieth ("Kieth"). As a result of the killing, Robertson was indicted for first-degree murder and use of a firearm while committing murder. He pleaded not guilty and requested a trial by jury, which commenced on October 15, 2024.

At trial, Melissa Wright ("Wright"), a resident of Showalter Road when the killing occurred, testified that she awoke to the sound of a gunshot and glass breaking. Wright saw a man lying in her front yard, so she called 911. She recalled discovering two bullet holes above her front door. Photographs admitted in evidence by the Commonwealth reflected that the holes above Wright's front door were several feet apart. A map was also admitted in evidence showing that her home was across the street from where Sigmon Road ends in a T-intersection with Showalter Road.

Roanoke City Police Officer Tyler Buquor ("Officer Buquor") testified that on July 10, 2023, he received a "call to respond" to the Sigmon-Showalter intersection around 11:30 p.m. Footage from Officer Buquor's body-worn camera was admitted in evidence. The body-worn-camera footage reflected that upon his arrival, Officer Buquor encountered both Robertson and Cydney Williams ("Williams"), who were standing in the driveway of a home on Sigmon Road. In the yard next to the driveway, Kieth was shouting in pain while lying on the ground next to a rifle.

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[2] "In accordance with familiar principles of appellate review, the facts will be stated in the light most favorable to the Commonwealth, the prevailing party at trial." *Gerald v. Commonwealth*, 295 Va. 469, 472 (2018) (quoting *Scott v. Commonwealth*, 292 Va. 380, 381 (2016)). "To the extent that certain facts are found in the sealed portions of the record, we unseal those portions only as to those specific facts mentioned in this opinion. The rest remains sealed." *Khine v. Commonwealth*, 75 Va. App. 435, 442 (2022).

[3] While the parties referred to the rifle as an AR-15 at trial, the firearm was actually "a Smith & Wesson model M&P15," which is "not truly an AR-15 model."

Kieth then indicated that someone had shot him in the stomach and that Robertson had fired the gun in self-defense. Robertson subsequently admitted to firing the rifle. Officer Buquor explained to the jury that he collected Robertson's phone and that Robertson was subsequently transported to the police station.

Former Roanoke City Police Officer Sean McKittrick ("Officer McKittrick") then testified that he arrived at the intersection after receiving a call from dispatch concerning a gunshot wound. His body-worn-camera footage, which was also admitted in evidence, showed that upon his arrival, he found Griffin lying dead in the front yard of Wright's home. Officer McKittrick further testified that, when he found Griffin, the decedent's shirt was torn and Griffin was holding a firearm that had experienced a "stovepipe" jam in his right hand. Officer McKittrick explained to the jury that a "stovepipe" jam occurs when a casing "gets stuck in the mechanism," rendering a firearm incapable of firing.

Allison Cao ("Cao") then testified that on the day of the shooting, she received a call from Griffin around 2:00 p.m. The call prompted her to contact Williams, whom she had not spoken with for several months. Cao also testified that later that same evening, she drove her 2022 Honda Accord to Preston Park to meet with Griffin, who subsequently got into her car. She described Griffin's demeanor as "[u]pset, on edge, very irritable." Cao further testified that she then drove with Griffin to Williams's house. According to Cao, the purpose of the trip was "[t]o talk about what happened years ago when [Williams] and [Griffin] had sexual relations and to say that he was not a pedophile."

Cao recalled that when they arrived at their destination, she parked her car and they walked toward Williams's house. She explained that as she approached the driveway to Williams's home, she "saw a big body figure," whom she identified as Kieth, "standing in the driveway." Cao recounted the events that followed:

> [Kieth] walks up to us and [Griffin] and [Kieth], they're having a conversation. They're talking. And [Griffin] is saying he is not a pedophile. He didn't rape her. He didn't do any of those things that they said. It was all consensual.
>
> And after [Griffin] had looked over towards me, [Kieth] hit [him]. We -- well, they started tugging on each other's shirts, running, punching, and then they go to a patch of grass over by the neighbor's yard. I ran with them. I was following behind them. And then as I saw [Griffin] was tugging on [Kieth]'s shirt, [Kieth] was about to fall down. And then I had saw [Griffin] shoot [Kieth].
>
> And then after that, we ran. Then shot -- well, as we were running, shots were being fired at us.

Cao further recounted that she and Griffin fled toward her car and that they were "[a]bout a hand's length" apart. She testified that she heard additional gunshots coming from behind her about 30 seconds after they began fleeing. She further recalled hearing approximately four to five gunshots, with some of the gunshots occurring before she reached her car and some gunshots occurring while she was ducking for cover inside of her vehicle. She then explained that when the gunshots finally ceased, she looked around and yelled for Griffin, but—receiving no response—she drove away. A bullet hole was later discovered "just above the rear driver side window" of Cao's vehicle.

Roanoke City Police Department forensic investigator Jason Contessa ("Investigator Contessa") testified next that after arriving at the scene of the shooting, he collected four "223, 556 cartridge casings near the intersection" of Sigmon and Showalter Roads. Photographs of the crime scene were also admitted in evidence, showing the location of the casings on the roadway near the stop sign at the end of Sigmon Road. One of the photographs depicted the casings in relation to the location of Griffin's body, which was lying in Wright's front yard adjacent to Showalter Road. Investigator Contessa explained that the casings were the type "[t]ypically . . . fired from an AR-15 style rifle." Investigator Contessa also explained that the firearm recovered from Griffin's hand was a "black Taurus G3 nine millimeter handgun," which had a "stovepipe"

jam—meaning that a casing was "caught in the ejection port." Investigator Contessa then testified that he examined Cao's vehicle and found red stains on the front passenger door. He explained that he took a sample from the red stains and obtained a sample of Griffin's DNA from the "Medical Examiner's Office" before submitting both samples to the Department of Forensic Science ("DFS") for testing. Nicole Harold, a forensic scientist employed by DFS, testified next. After first being qualified as an "expert in the field of forensic science," she confirmed that the sample taken from the red stains on the vehicle contained blood and that Griffin could not be eliminated as a contributor to the DNA profile derived from the red-stain sample.

Detective Paul Delp ("Detective Delp") of the Roanoke City Police Department subsequently testified that he conducted an interview with Robertson on the night of the shooting. Video footage of that interview was also admitted in evidence and played for the jury. During the interview, Robertson claimed that his friend, Kieth, picked him up on the afternoon of July 10, 2023. Robertson told Detective Delp that Kieth claimed that a "guy,"[4] who had previously "talk[ed]" with a girl Kieth was close to, was a pedophile. Kieth then told Robertson that he was going to confront Griffin. Robertson further claimed that Kieth supplied him with a gun so that he could protect Kieth during the planned confrontation because Griffin had threatened to shoot Kieth. Robertson further stated that, after arriving at William's house, he waited behind a parked car in Williams's driveway, where he was able to observe the planned confrontation between Griffin and Kieth. Robertson explained that when Griffin and Kieth started fighting and moving up the street, he followed them with the rifle and disengaged the firearm's safety. Robertson claimed that he saw Griffin shoot Kieth and run toward Cao's

[4] Robertson did not mention Griffin's name during the interview, as he did not know him personally prior to the shooting. However, it is evident that the "guy" was, in fact, Griffin.

vehicle. Robertson further indicated that he "was going to go to [Kieth]";[5] however, Robertson claimed that Griffin, who by then was located on the passenger side of Cao's vehicle, turned around with his gun "pointing back" at him. Robertson maintained that only then did he fire the rifle twice in the direction of Cao's car before running over to Kieth.

During the interview, Robertson admitted that he could not recall the color of the gun Griffin pointed at him. He also indicated that when he fired the rifle, Griffin appeared to be entering the passenger side of Cao's car and that Cao was already in the driver's seat of her vehicle. Robertson was unable to definitively state where Griffin was aiming before Robertson fired the rifle in Griffin's direction. Robertson further stated that he was "scared" when Griffin shot Kieth but also felt "calm."[6] He also estimated that a maximum of 30 seconds elapsed between Griffin shooting Kieth and when he fired the rifle in the direction of Cao's vehicle.

Robertson also acknowledged to Detective Delp that Kieth was the aggressor in the confrontation, and he equivocated concerning whether he was defending Kieth. Robertson also admitted that he told Williams that he was not sure if he fired the rifle in self-defense or not, because Griffin and Cao were already at the car. He further conceded that Griffin and Cao were getting into the car and trying to leave the scene. He also claimed that, by shooting, he was trying to scare Griffin and Cao because he thought they might return. However, he also admitted that he later realized they were trying to leave the scene. Finally, he stated that he was aiming at the window of the car when he fired the rifle.

Detective Delp also testified that he had reviewed data from Williams's, Griffin's, and Kieth's phones but was unable to locate any threats made against Kieth. However, he explained

[5] Robertson clarified that he "was looking for [Kieth]," but after seeing Griffin and Cao running, he "got a little bit closer" and "heard [Kieth] behind him."

[6] Robertson described his recollection of the events as simultaneously "blurry" and "vivid."

to the jury that he did find messages that Robertson sent to an AI chatbot on the evening of the shooting.[7] The messages, which were admitted in evidence, showed that at approximately 6:53 p.m. on July 10, 2023, Robertson messaged the chatbot, "I'm about to fight." The chatbot responded, "I'm sorry to hear that. Violence is never the answer. Please try to stay calm and avoid any physical altercations." Robertson replied, "I do but it's just business." The chatbot again attempted to defuse the situation, but Robertson then asked, "What if I shot them if they step on my property with hostile intent[?]" In response, the chatbot advised Robertson that it could not "condone or encourage any violent or illegal behavior" and that Robertson should "seek legal advice and follow proper procedures." Robertson then queried, "So it's illegal?" The chatbot responded, "I am not a legal expert, but it is generally not legal to use deadly force to protect property. It's important to consult with law enforcement or a legal professional to understand your rights and obligations in these situations." Robertson replied, "Ok I understand," and when the chatbot then asked if there was "anything else [he] want[ed] to talk about[,]" Robertson stated, "No, I'm just waiting."

Dr. Amy Tharp ("Dr. Tharp"), an assistant chief medical examiner, then testified that based upon the autopsy she conducted on Griffin, he was shot in "the front left side of his chin" and "died from a gunshot wound to the head/neck."

Following the completion of the Commonwealth's case-in-chief, Robertson moved to strike, contending that the Commonwealth's evidence was insufficient to prove malice and premeditation. The trial court denied the motion.

Robertson subsequently called Destiny James ("James") in his defense. She explained that she went to Williams's home on the evening of July 10, 2023, with her boyfriend, her child,

[7] Detective Andy Huynh of the Roanoke City Police Department explained that an AI chatbot "provide[s] responses to you as you ask questions." He further explained that Robertson messaged "Snapchat['s] version of [a] chatbot."

and Kieth. She testified that Kieth drove all of them home around 10:00 p.m. James claimed that on the drive home, she heard Griffin threaten Kieth over the phone that he would "shoot [his] shit up." She also testified on cross-examination that, prior to being driven home that night, she heard Griffin threaten Williams that he would "shoot her shit up."

After Robertson's high-school principal and Kieth's grandmother both testified that Robertson enjoyed a positive reputation in the community, Robertson testified on his own behalf. He stated that he was 18 years old when the shooting occurred and that he had been employed as an armed security guard. He explained that he and Kieth became friends while they were both participating in high school football. Robertson recalled that on July 10, 2023, he finished his shift at 8:00 a.m. and Kieth called him, asking him to "hang out." Robertson also testified that when Kieth picked him up, he learned that Kieth "was supposed to get into a fight" with Griffin. Robertson explained that he had never spoken to Griffin, who had been a senior in high school when Robertson was a freshman. However, Robertson knew of Griffin because they both played football at the same school. Robertson also recalled that Kieth told him he wanted to confront Griffin. He stated that Kieth thought Griffin was a pedophile because Griffin had been in a relationship with Williams when "she was underage and he was above age." He further testified that he and Kieth subsequently went to Williams's house, where they stayed for two hours before picking up James, her boyfriend, and James's child. They all returned to Williams's home afterward.

Robertson recalled that, while he was at Williams's home, Williams and Kieth advised him that Griffin was supposed to bring "a lot of people to come jump" them. Robertson testified that he "wasn't going to let [Kieth] get jumped." He also recalled that James had a pellet gun with her and that he used the chatbot on Snapchat to research whether it was "okay" to use the pellet gun.

Robertson then recounted that, around 10:00 p.m., Kieth left to take James, her boyfriend, and her child home. He recalled that Kieth was "scared and nervous" when he returned. Robertson further recalled that Kieth wanted to drop his car off because it had a leak, so Robertson accompanied him to drop off the car at Kieth's house. Williams followed them in her car to bring them back to her home. Robertson then explained that Kieth went inside his house and brought back a rifle, to Robertson's surprise. Kieth advised Robertson that Griffin had threatened to "come shoot their shit up" and asked Robertson if he would protect him. Robertson agreed, but he testified that he did not "think it would get that far," since Griffin failed to show up twice before.

Robertson explained that, upon returning to Williams's house, he positioned himself in front of Williams's vehicle that was parked in her driveway. Williams was approximately three feet away, recording the confrontation. Robertson remained on a FaceTime call with James and her boyfriend, keeping the phone in his pocket "so they could hear and see everything." The rifle was propped up against Williams's car.

Robertson claimed that when he saw Cao arrive with Griffin, he felt like the situation would defuse, so he "let [his] guard down." After Kieth initially punched Griffin and the two began moving "up the hill," they passed out of Robertson's field of vision. Robertson testified that he then heard a gunshot followed by Kieth screaming, so he picked up the rifle, took off the safety, and headed around the corner. He further testified that in the darkness, he saw two figures "running up the hill towards" Cao's car, and he heard Griffin yell words to the effect of, "that's what happens when you mess with me." Robertson then explained to the jury that, after locating Kieth, he looked back up and saw a gun "pointed down at [him]." According to Robertson, he thought he was going to die, so he picked up the rifle and fired two shots "to scare them away." He claimed that he did not aim and "busted [his] lip in the process."

When asked whether he was "surprised when four rounds were found," Robertson said that he was. He claimed that he ran immediately to Kieth after firing the rifle, not realizing that he had shot someone. Robertson recalled that, about two to three minutes later, Cao's vehicle left the scene and he called 911. Robertson testified that he was scared by Griffin's act of aiming a firearm in his direction and that it was "never [his] intention to take a life." Regarding his prior statement to police that Griffin was getting in the car when he shot him, Robertson explained that he was questioning why Griffin did not shoot him and concluded that Griffin must have been getting in Cao's car. He also claimed that he only fired the rifle because a gun was pointed at him.

On cross-examination, Robertson admitted that there were differences between his testimony and his prior statements given during the police interview. He added that Kieth had shown him where the safety for the rifle was located and cleared the gun, leaving one round in the chamber before the shooting.

At the conclusion of all the evidence, Robertson renewed his motion to strike, again contending that there was insufficient evidence of malice or premeditation. The trial court denied the renewed motion. The jury was instructed, and, following deliberations, the jury found Robertson guilty of first-degree murder and use of a firearm while committing murder. The trial court entered conviction orders on both charges and ordered the preparation of a presentence report.

Robertson's sentencing hearing was held on September 2, 2025. The trial court received the presentence report and victim impact statements. The presentence report showed that Robertson had no prior criminal history. Griffin's family members submitted victim impact statements and testified at the sentencing hearing as to the pain and suffering that Robertson had

caused them and their family. Several witnesses testified positively regarding Robertson's character. In allocution, Robertson apologized and expressed regret and remorse for his actions.

"Based on [Robertson's] lack of a criminal record and [his] acceptance of responsibility," the trial court sentenced him to 42 years' incarceration, with 20 years suspended, for first-degree murder, and three years' incarceration for use of a firearm while committing murder. Robertson moved to set aside the verdict and for reconsideration of his sentence. The trial court denied the motions. Robertson appealed.

II. ANALYSIS

A. *Standard of Review*

"When reviewing the sufficiency of the evidence, '[t]he judgment of the trial court is presumed correct and will not be disturbed unless it is plainly wrong or without evidence to support it.'" *Smith v. Commonwealth*, 296 Va. 450, 460 (2018) (alteration in original) (quoting *Commonwealth v. Perkins*, 295 Va. 323, 327 (2018)). "[T]he relevant question is, upon review of 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 *Perkins*, 295 Va. at 327).

The trial court's sentencing determination "is reviewed for an abuse of discretion." *Woodard v. Commonwealth*, 287 Va. 276, 280 (2014). "When exercising its discretionary power . . . the trial court 'has a range of choice, and its decision will not be disturbed as long as it stays within that range and is not influenced by any mistake of law.'" *Minh Duy Du v. Commonwealth*, 292 Va. 555, 563-64 (2016) (quoting *Lawlor v. Commonwealth*, 285 Va. 187, 212-13 (2013)).

B. *The evidence was sufficient to prove that Robertson committed first-degree murder and that he used a firearm while committing murder.*

1. The Commonwealth adduced sufficient evidence of malice.

Robertson first contends that the evidence was insufficient to prove that he acted with malice when killing Griffin, which, if true, would undermine both his murder and firearm convictions. In support, he argues that he "experienced a furor brevis or heat of passion while witnessing his friend screaming in pain on the ground," causing him to "act[] on impulse and without conscious reflection when he fired the rifle." We disagree.

Malice is an essential element of murder. *Rhodes v. Commonwealth*, 238 Va. 480, 485 (1989). A non-malicious killing is manslaughter. *Barrett v. Commonwealth*, 231 Va. 102, 105 (1986). "Malice is evidenced either when the accused acted with a sedate, deliberate mind, and formed design, or committed any purposeful and cruel act without any or without great provocation." *Diaz v. Commonwealth*, 80 Va. App. 286, 314 (2024) (quoting *Woods v. Commonwealth*, 66 Va. App. 123, 131 (2016)). Generally speaking, malice requires "volitional action." *Essex v. Commonwealth*, 228 Va. 273, 280 (1984); *accord Flanders v. Commonwealth*, 298 Va. 345, 363 (2020).

"Heat of passion excludes malice when provocation reasonably produces fear that causes one to act on impulse without conscious reflection." *Graham v. Commonwealth*, 31 Va. App. 662, 671 (2000); *see Barrett*, 231 Va. at 106 ("Heat of passion is determined by the nature and degree of the provocation, and may be founded upon rage, fear, or a combination of both[.] Malice and heat of passion are mutually exclusive; malice excludes passion, and passion presupposes the absence of malice." (citations omitted)). "The law requires the simultaneous occurrence of both reasonable provocation and passion." *Graham*, 31 Va. App. at 671. The "passion" that is "inconsistent" with malice "is the *furor brevis*, which renders a man deaf to the voice of reason." *Brown v. Commonwealth*, 86 Va. 466, 473 (1890). "Generally, whether a

killing was done in the heat of passion upon reasonable provocation is a jury question." *Avent v. Commonwealth*, 279 Va. 175, 201 (2010) (quoting *Barrett*, 231 Va. at 106); *see also McClung v. Commonwealth*, 215 Va. 654, 656 (1975) ("As a general rule, whether provocation, shown by credible evidence, is sufficient to engender the *furor brevis* necessary to rebut the presumption of malice arising from a homicide is a question of fact.").

Here, a rational juror could have found that Robertson "acted with a sedate, deliberate mind, and formed design," when he fired four shots at Griffin, who was attempting to enter Cao's car and flee the scene. *Diaz*, 80 Va. App. at 314 (quoting *Woods*, 66 Va. App. at 131). Robertson, an armed security guard by trade, agreed to defend Kieth during the confrontation by arming himself with Kieth's semi-automatic rifle. Instead of running away when he heard Griffin shoot Kieth, he elected to take the safety off and advance toward the affray. To be sure, he subsequently encountered his friend, Kieth, lying on the ground with a bullet wound, which presumably instilled some fear in Robertson that he, too, would be shot. But the question is not whether Robertson became fearful but whether his fear rendered him "deaf to the voice of reason," *Brown*, 86 Va. at 473, causing him to "act on impulse without conscious reflection," *Graham*, 31 Va. App. at 671.

The evidence, viewed in the light most favorable to the Commonwealth, suggests that Robertson did not act impulsively. Thirty seconds elapsed between Griffin shooting Kieth and Robertson shooting at Griffin, suggesting that while watching Griffin and Cao flee toward Cao's car, hearing Griffin direct a boastful phrase toward Kieth, and "witnessing [Kieth] screaming in pain on the ground," Robertson engaged in a deliberative process. Although Robertson may have ultimately decided to fire at Griffin *after* witnessing Kieth "screaming in pain on the ground," a rational juror could have concluded that his act of raising the rifle and firing four shots—for the purported purpose of persuading Griffin and Cao to leave—was the culmination

of a deliberative process. *See Meade v. Commonwealth*, 74 Va. App. 796, 815 (2022) (considering the accused's rationale for firing to be evidence of "a considered plan" and concluding that the explanation "reflected both thought and calculation"). Moreover, Robertson's interview statement that he felt "calm" when Griffin shot Kieth undermines his assertion on appeal and indicates that he possessed the ability to engage in some reflection before firing at Griffin. In short, there is sufficient evidence from which a rational juror could reject the proposition that Robertson acted in a *furor brevis*.

To the extent Robertson implies that he was thrust into a rage upon witnessing "Kieth lying on the ground screaming in pain after being shot," his own testimony belies this contention. Robertson claimed that he fired the shots to "scare [Griffin and Cao] away" and because he witnessed Griffin aiming at him with a firearm. In any event, the jury was allowed to disbelieve Robertson's "self-serving testimony" and conclude that he fired at Griffin for the purpose of killing him. *Washington v. Commonwealth*, 75 Va. App. 606, 616 (2022) (quoting *Flanagan v. Commonwealth*, 58 Va. App. 681, 702 (2011)); *see also Coleman v. Commonwealth*, 184 Va. 197, 201 (1945) ("Generally, express malice appears when there is shown a deliberate intent to unlawfully take the life of another."). Hence, we conclude that the evidence was sufficient to prove that Griffin acted with malice.

2. The Commonwealth adduced sufficient evidence of premeditation.

Robertson next contends that the evidence was insufficient to prove that he premeditated the killing of Griffin. In support, he avers that he "acted impulsively and without thinking." We disagree.

"To premeditate means to adopt a specific intent to kill, and that is what distinguishes first and second degree murder." *Rhodes*, 238 Va. at 485 (quoting *Smith v. Commonwealth*, 220 Va. 696, 700 (1980)). "The intention to kill need not exist for any specified length of time prior

to the actual killing; the design to kill may be formed only a moment before the fatal act is committed provided the accused had time to think and did intend to kill." *Remington v. Commonwealth*, 262 Va. 333, 352 (2001) (quoting *Weeks v. Commonwealth*, 248 Va. 460, 477 (1994)). Whether an accused possessed the requisite intent to kill "is usually a question for the jury to determine from all the facts and circumstances." *Clozza v. Commonwealth*, 228 Va. 124, 134 (1984). "[A]bsent eyewitness testimony or a voluntary confession, that question necessarily turns upon the import of circumstantial evidence." *Edmonds v. Commonwealth*, 229 Va. 303, 308 (1985); *see also Burkeen v. Commonwealth*, 286 Va. 255, 259 (2013) ("Intent is a state of mind which can be evidenced only by the words or conduct of the person who is claimed to have entertained it." (quoting *Banovitch v. Commonwealth*, 196 Va. 210, 216 (1954))).

"[C]ircumstantial evidence is competent and is entitled to as much weight as direct evidence provided that the circumstantial evidence is sufficiently convincing to exclude every reasonable hypothesis except that of guilt." *Pijor v. Commonwealth*, 294 Va. 502, 512 (2017) (quoting *Dowden v. Commonwealth*, 260 Va. 459, 468 (2000)). Circumstantial facts are not "viewed in isolation," because "although a 'single piece of evidence may [not] be sufficient, the combined force of many concurrent and related circumstances . . . may lead a reasonable mind irresistibly to a conclusion.'" *Commonwealth v. Garrick*, 303 Va. 176, 184 (2024) (alterations in original) (quoting *Moseley v. Commonwealth*, 293 Va. 455, 463 (2017)). "So long as the factfinder's rejection of a proposed hypothesis as unreasonable is not arbitrary, the reasonable hypothesis of innocence principle provides no authority for an appellate court to invade the province of the factfinder." *Cuffee v. Commonwealth*, ___ Va. ___, ___ (Apr. 16, 2026) (citations omitted).

Here, the Commonwealth's evidence showed that Robertson fired a semi-automatic rifle four times at Griffin while Griffin was attempting to enter Cao's vehicle and leave the scene.

See Weeks, 248 Va. at 477 (stating that a jury may consider "whether more than one shot was fired" in assessing whether an accused acted with premeditation). The four casings ejected from the rifle were discovered just across the street from where Cao parked her car, suggesting that the shots were not fired from a great distance. And the evidence indicates that Robertson advanced past where Kieth lay wounded to get closer to his target before firing the rifle. Additionally, one bullet struck Griffin in the head; another embedded in the driver's side passenger door of Cao's car; and the two remaining bullets pierced Wright's home above her front door—which would have been behind Griffin at the time of the shooting—implying that the shots were not wildly placed but carefully aimed at Griffin.

But the way Robertson conducted the shooting is not the only evidence that undermines his claim of impulsivity. Hours before the shooting, Robertson told an AI chatbot that he was "about to fight," referring to the impending fight as "just business." After using the chatbot to research the legality of using lethal force against a trespasser possessing "hostile intent," he told the chatbot that he was "just waiting." This circumstantial evidence further supports a finding that Robertson developed the intent to shoot and kill Griffin by showing that Robertson considered the use of deadly force against Griffin well before Griffin arrived at the scene of the confrontation, not just in the midst of the affray.

Although Robertson maintained that he had no intention of killing Griffin, the jury rejected his claim, and—given the totality of the evidence—it did not do so arbitrarily. *See Cuffee*, ___ Va. at ___. Furthermore, being in a position where it could reject Robertson's hypothesis of innocence, the jury was entitled to "conclude that [Robertson] [wa]s lying to conceal his guilt." *Washington*, 75 Va. App. at 616 (quoting *Flanagan*, 58 Va. App. at 702). Hence, there was sufficient evidence of premeditation, and there is no basis for us to disturb Robertson's conviction.

C. *The trial court did not abuse its discretion in sentencing Robertson.*

Robertson also challenges the sentence imposed by the trial court. But he concedes that the trial court "imposed a sentence in accordance with the statutorily authorized range of punishment" and that, under the standard of review, the trial court did not abuse its discretion. Instead, he asks this Court to apply a standard of review developed in one of our sister states. *See generally McCleary v. State*, 182 N.W.2d 512 (Wis. 1971). We are bound to apply the standard of review applicable to sentencing decisions set forth by our own Supreme Court. *See Gionis v. Commonwealth*, 76 Va. App. 1, 16 (2022). And Robertson is correct that, under said standard, the trial court did not abuse its discretion, as the punishment imposed did not exceed the statutorily authorized range. *See Minh Duy Du*, 292 Va. at 564-65; Code §§ 18.2-10, -32, -53.1.

III. CONCLUSION

For the foregoing reasons, we affirm the judgment of the trial court.

Affirmed.