COURT OF APPEALS OF VIRGINIA

Record No. 0963-25-2

RAMON DYTRELL COLEMAN
v.
COMMONWEALTH OF VIRGINIA

Present: Judges Beales, Lorish and Duffan

Argued at Lexington, Virginia

Opinion Issued November 10, 2026*

FROM THE CIRCUIT COURT OF THE CITY OF RICHMOND
Jacqueline S. McClenney, Judge

Monica Tuck, Assistant Public Defender (Virginia Indigent Defense Commission, on briefs), for appellant.

Jason D. Reed, Senior Assistant Attorney General (Jay Jones, Attorney General, on brief), for appellee.

MEMORANDUM OPINION BY
JUDGE KEVIN M. DUFFAN

A jury convicted Ramon Dytrell Coleman of possession of a firearm by a violent felon. The circuit court sentenced him to five years' incarceration. On appeal, Coleman argues that the circuit court erred when it admitted the entire body camera video from an officer who did not testify at trial. Finding no error, we affirm.

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

BACKGROUND[1]

In the late afternoon to early evening of March 12, 2024, Richmond police officers were patrolling Mosby Court in both marked and unmarked vehicles. From her unmarked vehicle, Richmond Police Sergeant Jessica Spence saw Coleman walking with an object that appeared to be a firearm in his left jacket pocket. Sergeant Spence relayed her observation to other officers over the radio.

Detective Wren Sinclair was patrolling nearby in a marked vehicle when he heard Sergeant Spence state that Coleman may be armed. As Coleman approached, Detective Sinclair, who was approximately 20 to 30 feet away, saw Coleman's left jacket pocket move as if it were "heavily weighted down with something inside of it." Detective Sinclair parked his car and opened his door to speak with Coleman, but Coleman ran. As Coleman fled, Detective Sinclair saw "the outline of a firearm, a trigger well, and then the mag well" in Coleman's pocket. Detective Sinclair chased Coleman to a gap between two apartment buildings and down a sloped wooded area.

Detective Sinclair continued to pursue Coleman through this wooded area while Coleman ran through the brush some 10 to 15 feet away. While in the wooded area, Detective Sinclair observed Coleman reach into his pocket and withdraw a gun. Detective Sinclair then withdrew his gun and demanded to see Coleman's hands. Coleman dropped the gun while in the brush and ran out of the woods with Detective Sinclair following. As Detective Sinclair pursued Coleman,

[1] We recite the facts "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.

he radioed their location to other officers. Coleman was apprehended a short time later by Richmond Police Officers Rivera and Gibson.

Once Coleman was apprehended, the officers placed him in handcuffs, patted him down for weapons, put him inside of a patrol car, and drove him back to where the encounter began. During the drive, Detective Sinclair asked Coleman, "how long you think it's gonna take me to find [the gun]?" Coleman denied having a gun and stated he had "straight weed."

Detective Sinclair left Coleman with Officer Rivera at the patrol car and went to the woods to search for the discarded gun. After "less than three-and-a-half minutes" of searching, Detective Sinclair recovered a .40 caliber Glock 22 pistol with an extended magazine. The pistol only had dirt on one side, was not wet or rusted, and did not appear to Detective Sinclair to have been there for any significant amount of time.

While Detective Sinclair was searching for the gun, Coleman remained with Officer Rivera. Officer Rivera's body camera recorded his interactions with Coleman during this period.[2] Officer Rivera opened Coleman's car door and stood in front of him as Coleman alternated between sitting and standing. When a group of officers emerged from the woods, Coleman asked, "I'm free to go?" and one of the officers responded "you're going to jail." Less than a minute after this interaction, Coleman's sister approached from a nearby vehicle and began to ask Coleman questions. In response, Coleman stated, "They said they got the gun." He explained that he was just walking but he "ran like a fucking dummy" because he "had everything on [him]." Coleman asked Officer Rivera if the officers found "the gun or the sack . . . my drugs?" Officer Rivera stated that he did not know.

When Detective Sinclair returned to the patrol car, Coleman asked, "Where the gun?" Officer Rivera replied, "In his hand." Coleman called out to Detective Sinclair, "Man, you lucky

[2] This is the challenged portion of Officer Rivera's body camera footage.

motherfucker. You a dirty bitch, you a dirty motherfucker. Man, I'll pay you for that one." The Commonwealth charged Coleman with possession of a firearm by a violent felon.

On the day of trial, Coleman moved to exclude the approximately eight-minute portion of Officer Rivera's body worn camera footage that was recorded while Detective Sinclair was searching for the firearm, arguing that the Commonwealth would not be able to lay a foundation for admission with the witnesses that were present. The Commonwealth argued that Detective Sinclair would authenticate Officer Rivera's body worn footage because he could identify himself in the beginning of the video. The court found Officer Rivera's body worn footage would be admissible if the Commonwealth properly authenticated it.[3]

At trial, Detective Sinclair testified Richmond police officers are equipped with body worn cameras and that it is the Department's policy for an officer to turn their body camera on when interacting with a civilian. He described how to turn the cameras on and off and that the first 30 seconds of a recording does not include audio. He explained that if an officer unholsters their firearm or taser, every officer's body camera within a 50-foot radius would also turn on.

The Commonwealth first played a video from Detective Sinclair's body worn camera footage which showed Detective Sinclair's pursuit of Coleman and his search for the gun. The Commonwealth then showed Officer Rivera's body camera footage. Detective Sinclair identified himself and Coleman at the beginning of the video and stated that it was "a fair and accurate presentation of what had occurred after [he] finished the foot pursuit."

At the conclusion of the evidence, the jury convicted Coleman of possession of a firearm by a violent felon. The circuit court sentenced him to five years' incarceration. Coleman appeals.

[3] The circuit court excluded statements Coleman's sister made in the video.

ANALYSIS

Coleman argues that the portion of Officer Rivera's body camera footage after Detective Sinclair went to search for the gun would have "only [been] admissible under the 'independent silent witness' theory," but further contends that it is inadmissible here due to a lack of authentication because Detective Sinclair could not verify if the recording accurately depicted the encounter between Coleman and Officer Rivera. Applying our Supreme Court's precedent to the facts here, we disagree.

Determining the "'admissibility of evidence is within the discretion of the trial court,' and an appellate court will not reject such decision absent an 'abuse of discretion.'" *Williams v. Commonwealth*, 71 Va. App. 462, 487 (2020) (quoting *Tirado v. Commonwealth*, 296 Va. 15, 26 (2018)). Similarly, a circuit court's decision that a photograph or videotape is sufficiently authenticated by a witness with personal knowledge is reviewed on appeal solely for an abuse of discretion. *See Wilson v. Commonwealth*, 29 Va. App. 236 (1999) (noting that the admissibility of videotapes is determined on an abuse of discretion standard). This "standard draws a line—or rather, demarcates a region—between the unsupportable and the merely mistaken, between the legal error . . . that a reviewing court may always correct, and the simple disagreement that, on this standard, it may not." *Jefferson v. Commonwealth*, 298 Va. 1, 10-11, (2019) (alteration in original) (quoting *Reyes v. Commonwealth*, 297 Va. 133, 139 (2019)). "In this context, 'we do not substitute our judgment for that of the trial court. Rather, we consider only whether the record fairly supports the trial court's action.'" *Bista v. Commonwealth*, 303 Va. 354, 370 (2024) (quoting *Kenner v. Commonwealth*, 299 Va. 414, 423 (2021)). "Only when reasonable jurists could not differ can we say an abuse of discretion has occurred." *Id.* (quoting *Commonwealth v. Swann*, 290 Va. 194, 197 (2015)).

The admissibility of video footage is governed by the same rules which apply to the admission of photographs. *See Tirado*, 296 Va. at 26. Photographs and videos are "generally admitted into evidence for two purposes: to illustrate a witness' testimony, and as an 'independent silent witness' of matters revealed by the photograph [or video]." *Baez v. Commonwealth*, 303 Va. 421, 434 (2024) (alteration in original) (quoting *Bailey v. Commonwealth*, 259 Va. 723, 738 (2000)).

"As a silent witness, or a witness that 'speaks for itself,' video or photograph evidence is admissible when '[g]iven an adequate foundation assuring the accuracy of the process producing it.'" *Id.* (alteration in original) (quoting *Ferguson v. Commonwealth*, 212 Va. 745, 746 (1972)). "A photograph [or video] which is verified by the testimony of a witness as fairly representing what that witness has observed is admissible in evidence and . . . it need not be proved by the [individual] who made it." *Tirado*, 296 Va. at 26-27 (second alteration in original) (quoting *Bailey*, 259 Va. at 738); *see also Ferguson*, 212 Va. at 746. "[I]t is not necessary that a witness observe or testify to every moment depicted in the video. Rather, it is sufficient for a witness to affirm that the video accurately represents what transpired based on the witness's observations." *Baez*, 303 Va. at 435.

Virginia Rule of Evidence 2:901 provides that authentication "is satisfied by evidence sufficient to support a finding that the thing in question is what its proponent claims." *See Baez*, 303 Va. at 435. "The authentication inquiry is a narrow one and is only concerned with the genuineness of the offered evidence." *Canada v. Commonwealth*, 75 Va. App. 367, 377 n.4 (2022). "[A]uthentication does not set a high barrier to admissibility, and is generally satisfied by any form of proof that supports a finding that it is what it purports to be." *Atkins v. Commonwealth*, 68 Va. App. 1, 9 (2017) (alteration in original) (quoting Charles E. Friend & Kent Sinclair, *The Law of Evidence in Virginia* § 17-1, at 1164 (7th ed. 2012)). Once the

proponent of the evidence has established its admissibility, "any gaps in the evidence are relevant to the trier of fact's assessment of its weight rather than its admissibility." *Church v. Commonwealth*, 71 Va. App. 107, 122-23 (2019) (citing *Kettler & Scott, Inc. v. Earth Tech. Cos.*, 248 Va. 450, 459 (1994)).

Here, the circuit court did not abuse its discretion because the evidence at trial supports the circuit court's finding that, in this case, "the thing in question"—Officer Rivera's body camera footage—"is what its proponent claims," as required by Rule 2:901. Va. R. Evid. 2:901. Detective Sinclair identified himself and Coleman at the beginning of Officer Rivera's body worn video and affirmed that the footage accurately depicted Coleman's seizure and walk to the patrol car. In addition, several parts of the video from Officer Rivera's camera capture the same events depicted in the video from Detective Sinclair's camera, just from a different perspective. For example, both videos include the short drive back to the start of the pursuit and the conversation in the car. Although the point of view is understandably different, the recorded events and statements are the same.

Further, the video from Officer Rivera's body camera is time-stamped and does not skip or miss time according to that stamp. The circuit court reviewed the video in its entirety and could reasonably conclude it was one continuous video. Although Detective Sinclair did not create the video, "our case law is clear that its accuracy can be affirmed by someone other than the person who made it." *Baez*, 303 Va. at 436; *see Tirado*, 296 Va. at 26-27. Detective Sinclair was not required to observe every moment depicted in the video for the circuit court to determine that it was authentic—what the proponent claimed it to be—and for it to be admissible.[4] *Baez*,

[4] While there may be a gap between what the witness saw and what the video captured that could affect an authentication analysis, "[g]iven the multitude of factual scenarios—some foreseeable, some not—that can arise in a single legal context," we confine this ruling to the specific facts of this case; in doing so we avoid making "a broad pronouncement on an open legal question." *Butcher v. Commonwealth*, 298 Va. 392, 397 (2020).

303 Va. at 435. The record evidence fairly supports the circuit court's admission of Officer Rivera's body camera footage into evidence, and, as result, the circuit court did not abuse its discretion.

CONCLUSION

For these reasons, the circuit court's judgment is affirmed.

Affirmed.