

STATE OF WEST VIRGINIA
SUPREME COURT OF APPEALS

State of West Virginia,
Plaintiff Below, Respondent

v.) No. 23-362 (Mason County CC-26-2022-F-14)

Anthony Yester,
Defendant Below, Petitioner

MEMORANDUM DECISION

Petitioner Anthony Yester appeals his conviction, as set forth in the Circuit Court of Mason County’s May 16, 2023, sentencing order, for concealment of a deceased human body.¹ The petitioner alleges that the circuit court erred in denying his motion for a judgment of acquittal and ruling that there was sufficient evidence for a jury to convict him for concealment of a deceased human body. Upon our review, finding no substantial question of law and no prejudicial error, we determine that oral argument is unnecessary and that a memorandum decision affirming the petitioner’s conviction is appropriate. *See* W. Va. R. App. P. 21.

The victim, Paul Matheny, was killed by a gunshot wound to the head, and his body was discovered off Gill Road in Mason County. Workmen for a tree cutting company began cutting trees and shrub in the Gill Road area at around 8:30 a.m. on October 28, 2021. Upon arrival at the work site, the crew immediately noticed a truck parked in a power line right-of-way, and they initially assumed the vehicle belonged to hunters out on the trail. However, the workmen reconsidered their assumption after the temperature began to rise and the truck remained unmoved because they knew that hunters generally stopped hunting before the full heat of the day set in at noon. Concerned that the occupant of the truck might be in distress, the workers approached the vehicle and discovered the body of the victim in the bed of the truck. The victim had a black trash bag around his head with the long portion of a nylon cinch strap, without its ratchet mechanism, encircling his torso. The truck’s gas tank cover was open with a rag protruding from it; there were burn marks around the fuel compartment, spreading to the driver’s side door; and the ground was scorched near the truck. The tree workers called 911.

Shortly after the discovery of the victim’s body, Anthony Black, the petitioner’s long-time friend, contacted law enforcement and informed them that he saw the petitioner shoot the victim

¹ The petitioner appears by counsel Paul A. Knisley. The State of West Virginia appears by Attorney General John B. McCuskey and Assistant Attorney General Mary Beth Niday. Because a new Attorney General took office while this appeal was pending, his name has been substituted as counsel.

in the very early morning hours of October 28, 2021, and his girlfriend, Janelle Siders, the petitioner's girlfriend, Rachel Thomas, and the petitioner's cousin, Jessica Rhodes, also saw the shooting. Law enforcement officers questioned Ms. Thomas, and she stated that the petitioner shot the victim, and he drove the victim's truck to Gill Road while she followed in another car. Ms. Thomas stated that she and the petitioner drove back home after he parked the victim's truck in the area of a power line. The petitioner was arrested and, in May 2022, indicted for murder and concealment of a deceased human body.

At the petitioner's trial, the State's lay witnesses included Mr. Black, Ms. Thomas, and Ms. Rhodes. Mr. Black testified that he and Ms. Siders went to the petitioner's home late on the evening of October 27, 2021. Ms. Siders stayed in the passenger seat of their vehicle, parked in the driveway of the petitioner's home, while Mr. Black went to a back bedroom in the petitioner's home to smoke marijuana with the petitioner. Mr. Black testified that he was present when the petitioner raised his arm, "pointed his gun[,] and hit [the victim] in the head." Mr. Black saw the victim fall straight backwards with a thudding noise and believed the victim was dead before he hit the ground. Ms. Thomas testified that she and the petitioner were living together on October 27, 2021, when the victim came to the petitioner's home. There was friction between the petitioner, Ms. Thomas, and the victim due to the victim's history of unwanted advances towards Ms. Thomas, and the victim was unwelcome at the petitioner's home. Ms. Thomas repeatedly told the victim to leave, and the situation escalated quickly from that point. Ms. Thomas testified that she was present when the petitioner shot the victim, and she witnessed the victim fall straight back to the ground after he was shot. During her trial testimony, Ms. Thomas was not questioned regarding her statement to law enforcement about driving to Gill Road after the shooting or about meeting a champagne-colored sedan. Ms. Rhodes also testified at the petitioner's trial and stated that she had gone to visit with Ms. Thomas at around 6:00 p.m. on October 27, 2021, and was present when Mr. Black and the victim arrived. Ms. Rhodes ran to the kitchen, outside of visual range of the front door, when she saw Ms. Thomas pull a gun from the back waistband of her pants during her argument with the victim. Ms. Rhodes hid in the kitchen during the shooting and did not see what transpired, and she remained inside the petitioner's house for a couple of hours after the shooting. Ms. Rhodes stated that Ms. Thomas and the petitioner were not inside the house with her after the shooting, but that Ms. Thomas had checked on her periodically.

The State's witnesses at the petitioner's trial also included Lieutenant Steven Greene, of the Mason County Sheriff's Department, who testified that he responded to the location where the victim's body was discovered and noticed that the truck was parked "in the power line" and "[t]here was a burnt area on the driver's side of the truck that started in the area of the fuel fill door and spread to the rear of the truck." During his testimony, Lieutenant Greene identified State's photographic exhibits depicting images of the victim's deceased body in the bed of the pickup truck with a strap around the torso of the body,² a strap which he further described as a "ratchet-style strap. . . not the actual ratchet part of the strap. Only the strap with a hook on one end and no hook on the other end that would slide through the ratchet." A crime scene specialist with the West

² Although referenced by both parties and described in the trial transcripts, the record on appeal does not contain any photographs depicting the victim's torso encircled by the long, nylon cinch strap that was entered into evidence.

Virginia State Police testified concerning his documentation and collection of evidence at the petitioner's home including photographs depicting images of "a part of a cinch strap that one might use in a truck to strap down material" found adjacent to the petitioner's driveway. The appellate record shows that the crime scene specialist was describing the image in a photograph admitted as State's exhibit twenty, depicting a ratchet mechanism without its corresponding, long, nylon strap. The specialist also identified and authenticated photographic images that he had taken of a "box of garbage bags that was in the bed of a red truck that was parked at the top of the [petitioner's] driveway," and "a roll of garbage bags that [were] on the hood of that red truck that was parked at the top of the driveway." The Mason County Medical Examiner testified that upon her collection of the body, she observed the victim "laying in the bed of the truck with a trash bag covering the upper portion of his face" with "ratchet straps around his upper torso." Dr. Jacqueline Benjamin, the State Medical Examiner, testified that the victim's body arrived at the medical examiner's office with "a nylon strap around [the body], . . . [h]e was fully clothed but had straps around the upper part of his body." Dr. Benjamin testified that the victim died from a "gunshot wound on his left temple with an exit wound on the right side of his head."

At the close of the State's case, the petitioner moved for a judgment of acquittal pursuant to Rule 29(a) of the West Virginia Rules of Criminal Procedure,³ arguing that there was insufficient evidence for a reasonable jury to convict him for the charge of concealment of a deceased human body. In ruling on the petitioner's motion, the circuit court indicated that it had reviewed the evidence and concluded that it would disregard the State's evidence concerning trash bags found on the hood and in the bed of the petitioner's truck in its sufficiency analysis because "anyone in Mason County is going to have trash bags—black trash bags in their cabinet." The court stated that the undisputed evidence was that the petitioner shot the victim, and the victim's body was later discovered several miles away. The circuit court found that, viewing the evidence in the light most favorable to the State, there was sufficient evidence to sustain a conviction for concealment of a human body and denied the petitioner's motion for an acquittal.

On November 18, 2022, a jury convicted the petitioner of concealment of a deceased human body and voluntary manslaughter. The petitioner subsequently pled guilty to a prohibited person in possession of a firearm charge and a recidivist information. On May 16, 2023, the circuit court sentenced the petitioner to consecutive sentences of fifteen years imprisonment for voluntary manslaughter, not less than one nor more than five years imprisonment for concealment of a deceased human body, and five years imprisonment for recidivism; the court also sentenced the petitioner to five years imprisonment for prohibited person in possession of a firearm, to run concurrently to his other sentences. The petitioner now appeals his conviction for concealment of a dead body, arguing that the circuit court erred in denying his motion for judgment of acquittal for insufficient evidence.

³ Rule 29(a) of the West Virginia Rules of Criminal Procedure provides, in relevant part:

The court on motion of a defendant or of its own motion shall order the entry of judgment of acquittal of one or more offenses charged in the indictment or information after the evidence on either side is closed if the evidence is insufficient to sustain a conviction of such offense or offenses.

“The Court applies a de novo standard of review to the denial of a motion for judgment of acquittal based upon the sufficiency of the evidence.” *State v. Juntilla*, 227 W. Va. 492, 497, 711 S.E.2d 562, 567 (2011) (citing *State v. LaRock*, 196 W. Va. 294, 304, 470 S.E.2d 613, 623 (1996)). When reviewing the sufficiency of the evidence to support a conviction, we have held that

[a] criminal defendant challenging the sufficiency of the evidence to support a conviction takes on a heavy burden. An appellate court must review all the evidence, whether direct or circumstantial, in the light most favorable to the prosecution and must credit all inferences and credibility assessments that the jury might have drawn in favor of the prosecution. The evidence need not be inconsistent with every conclusion save that of guilt so long as the jury can find guilt beyond a reasonable doubt. . . . Finally, a jury verdict should be set aside only when the record contains no evidence, regardless of how it is weighed, from which the jury could find guilt beyond a reasonable doubt.

Syl. Pt. 3, in part, *State v. Guthrie*, 194 W. Va. 657, 461 S.E.2d 163 (1995). We note that “[w]hen considering sufficiency-of-evidence claims, this Court’s review is highly deferential to the jury’s verdict.” *State v. Thompson*, 240 W. Va. 406, 414, 813 S.E.2d 59, 67 (2018).

On appeal, the petitioner alleges that the circuit court erred in denying his motion for a judgment of acquittal because the State’s trial evidence was insufficient to show beyond a reasonable doubt that he had committed the crime of concealment of a deceased human body under West Virginia Code § 61-2-5a(a).⁴ The petitioner argues that the State’s failure to present any case theory explaining how the victim’s body came to be in the bed of a pickup truck off Gill Road and the State’s failure to introduce any evidence of the petitioner’s contact with the victim’s truck or a champagne-colored sedan near Gill Road after the shooting required the circuit court to grant his motion for a judgment of acquittal. The petitioner does not dispute that the victim’s body was found under conditions suggesting that there was an attempt to conceal the body; rather, he asserts that the State’s bald presentation of circumstantial photographic evidence, without showing a direct connection between that evidence and the petitioner, was insufficient to prove that he had attempted to conceal the victim’s body.

Here, the evidence admitted during the petitioner’s trial shows that two eyewitnesses saw the petitioner shoot the victim while the victim was on the petitioner’s property; both eyewitnesses saw the victim fall straight backwards after he was shot, with Mr. Black instinctively knowing that the victim was dead before he hit the ground. The evidence also shows that, according to Ms.

⁴ West Virginia Code § 61-2-5a(a) provides:

Any person who, by any means, knowingly and willfully conceals, attempts to conceal or who otherwise aids and abets any person to conceal a deceased human body where death occurred as a result of criminal activity is guilty of a felony and, upon conviction thereof, shall be confined in a correctional facility for not less than one year nor more than five years and fined not less than one thousand dollars, nor more than five thousand dollars.

Rhodes, the petitioner's location was unknown for at least a couple of hours after the shooting occurred, and the victim's body was discovered a few hours later about five miles away from the petitioner's property where he was killed. The victim's body was discovered in the bed of a truck parked near a power line and showed signs that an attempt had been made to set the vehicle, containing the petitioner's body, on fire. Law enforcement officers testified that a ratchet mechanism was found in the petitioner's driveway—missing its corresponding long, nylon cinch strap—along with black garbage bags conspicuously located on the hood and in the bed of the petitioner's truck.⁵ Medical examiners and law enforcement testified that the victim's body was discovered with a black garbage bag around his head with the long portion of a nylon cinch strap wrapped around his torso—a strap that was missing its corresponding ratchet mechanism. Viewed collectively, this evidence paints a grim picture, and while the petitioner objects to the circumstantial nature of this evidence, we have previously indicated that “there is no qualitative difference between direct and circumstantial evidence.” *Guthrie*, 194 W. Va. at 669, 461 S.E.2d at 175. The Court “may accept any adequate evidence, including circumstantial evidence, as support for the conviction.” *Id.* at 668, 461 S.E.2d at 174 (citing *Jackson v. Virginia*, 443 U.S. 307, 319 (1979)). Further, the petitioner's objection to the manner in which the State presented the evidence during his trial, i.e., the State's alleged failure to connect him to the location where the victim's body was discovered, is without merit “as . . . ‘the weighing of the evidence, and the drawing of legitimate inferences from the facts are jury functions[.]’” *See Williams v. Precision Coil, Inc.*, 194 W. Va. 52, 59, 459 S.E.2d 329, 336 (1995) (quoting *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986)). Accordingly, when viewed in the light most favorable to the State, we conclude that the evidence was sufficient for a reasonable trier of fact to find that the petitioner was responsible for the concealment of the victim's deceased body, and the circuit court did not err in denying the petitioner's motion for a judgment of acquittal. Therefore, the petitioner's conviction will not be set aside.

For the foregoing reasons, we affirm.

Affirmed.

ISSUED: July 30, 2025

CONCURRED IN BY:

Chief Justice William R. Wooten
Justice Tim Armstead
Justice C. Haley Bunn
Justice Charles S. Trump IV

⁵ The circuit court's elimination of the trash bag evidence from its consideration of the petitioner's motion for a judgment of acquittal did not restrict the jury's consideration of it, nor does it limit this Court's consideration of that same evidence. As we have held, “[t]he function of an appellate court 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, is sufficient to convince a reasonable person of the defendant's guilt beyond a reasonable doubt.” *Guthrie*, 194 W. Va. at 663, 461 S.E.2d at 169, Syl. Pt. 1, in part (emphasis added).