

IN THE COURT OF APPEALS OF IOWA

No. 2-1020 / 10-1483
Filed January 9, 2013

STATE OF IOWA,
Plaintiff-Appellee,

vs.

MARKELA LASHAN DAVIS,
Defendant-Appellant.

Appeal from the Iowa District Court for Muscatine County, Gary P. Strausser, District Associate Judge.

Markela Lashan Davis appeals from the judgment entered against her for driving while license barred. **AFFIRMED.**

Mark C. Smith, State Appellate Defender, and David A. Adams and Shellie Knipfer, Assistant Appellate Defenders, for appellant.

Thomas J. Miller, Attorney General, Jean C. Pettinger, Assistant Attorney General, and Alan Ostergren, County Attorney, for appellee.

Considered by Potterfield, P.J., and Danilson and Tabor, JJ.

POTTERFIELD, P.J.

Markela Lashan Davis appeals from the judgment and conviction entered against her following a trial to the court and guilty verdict for driving while her license was barred. She contends there was not sufficient evidence to support her conviction. We affirm, finding the officer testimony and squad car video was sufficient evidence to support her conviction.

I.Facts

On April 10, 2010, a Muscatine County officer observed a vehicle speeding at a rate of eighty-two miles per hour in a sixty-five-mile-per-hour speed zone. He caught up with and stopped the vehicle. When the vehicle was pulled over, the officer observed a person with “long, shiny hair” in the driver’s seat change places with the front-seat passenger. The stop was also being recorded by camera inside the officer’s vehicle. Davis was in the passenger seat when the officer arrived at the vehicle window, and Davis’s boyfriend was in the driver’s seat. Both Davis and her boyfriend were handcuffed and taken into custody.

Davis waived her right to a jury trial and a bench trial was held. At trial, Davis stipulated her license was barred at the time of the stop. The officer testified to his observations, including the change of seats by the passenger and the driver. Davis’s boyfriend testified he was driving the vehicle at the time of the stop. The court watched the squad car camera footage multiple times and found the footage corroborated the officer’s observation that the driver and passenger had switched. The court determined Davis was operating the vehicle at the time of the stop and found her guilty of operating while license barred. Davis appeals,

contending there was not sufficient evidence that she was operating the vehicle to support her conviction.

II. Analysis

“We review challenges to the sufficiency of evidence presented at trial for the correction of errors at law.” *State v. Meyers*, 799 N.W.2d 132, 138 (Iowa 2011). We ask whether a finding of guilt is supported by substantial evidence in the record, when taken in the light most favorable to the State. *Id.* Evidence is substantial “if it would convince a rational fact finder the defendant is guilty beyond a reasonable doubt.” *Id.* We draw all fair and reasonable inferences from the evidence presented to the court on the record. *Id.* Assessments regarding the credibility of a witness are particularly the role of the finder of fact. *State v. Arne*, 579 N.W.2d 326, 328 (Iowa 1998).

In our review of the record, we find the district court properly considered the trooper’s camera footage and found the officer’s testimony to be credible. While one witness who participated in the act and is in a relationship with Davis states otherwise, this does not change the weight of the contrary evidence. Davis also hypothesizes on appeal that the video “is not so clear as to definitively identify the defendant or to rule out the movement of the female passenger in the back seat.” Drawing all fair and reasonable inferences from the video and testimony, we find the testimony and video was sufficient to convince a rational fact finder that Davis is guilty beyond a reasonable doubt. *See Meyers*, 799 N.W.2d at 138.

AFFIRMED.