

IN THE COURT OF APPEALS OF IOWA

No. 3-1043 / 12-2135
Filed December 18, 2013

STATE OF IOWA,
Plaintiff-Appellee,

vs.

DARON WAYNE THOMAS,
Defendant-Appellant.

Appeal from the Iowa District Court for Polk County, Richard G. Blane II,
Judge.

A defendant contends there was insufficient evidence to support a jury
finding him guilty of first-degree robbery. **AFFIRMED.**

Nicholas A. Bailey of Bailey Law Firm, P.L.L.C., Mitchellville, for appellant.

Thomas J. Miller, Attorney General, Katie Fiala, Assistant Attorney
General, John P. Sarcone, County Attorney, and Susan Cox, Assistant County
Attorney, for appellee.

Considered by Danilson, C.J., and Vaitheswaran and Potterfield, JJ.

VAITHESWARAN, J.

A jury found Daron Thomas guilty of first-degree robbery in connection with the theft of money from a Check into Cash store in Des Moines. On appeal, Thomas contends the evidence was insufficient to support the jury's finding of guilt.

The jury was instructed that the State would have to prove the following elements of first-degree robbery:

1. On or about May 25, 2012, the Defendant had the specific intent to commit a theft.
2. To carry out his intention or to assist him in escaping from the scene, with or without the stolen property, the Defendant:
 - a. committed an assault on Sherry O'Neill and/or
 - b. threatened Sherry O'Neill and/or
 - c. put Sherry O'Neill in fear of immediate serious injury.
3. The Defendant was armed with a dangerous weapon.

Thomas specifically asserts "there is insufficient evidence in the record to show that [he] was the man that robbed the Check into Cash store on May 25, 2012, and there is insufficient evidence to show that he possessed a dangerous weapon at the time of the offense." A reasonable juror could have found otherwise.

A man wearing capri jean pants and white tennis shoes and sporting a shaggy goatee entered the Check into Cash store shortly after it opened. The man demanded money from assistant manager Sherry O'Neill. O'Neill testified that the man said "give it up, give it up" and put his hand in his pocket, as if he was reaching for a weapon. She testified she was in fear. O'Neill gave him all the funds in a cash drawer. Not satisfied, the man walked behind the counter

and took more money from a shelf. He left with a total of \$1929. O'Neill called 911.

A police officer in the vicinity saw a man matching the description of the person who robbed the store. He approached the man, only to have him run into a nearby restaurant. Officers apprehended the man in the bathroom of the restaurant. They found \$1909 under a roll of toilet paper and an additional \$20 bill in the man's pocket. They also recovered a knife from the man's pocket. The blade of the knife was seven and three-sixteenths inches long, well over the five-inch length required to qualify as a dangerous weapon. See Iowa Code § 702.7 (2011). The man was identified as Thomas.

Based on this record, we are persuaded that the jury's finding of guilt is supported by substantial evidence. See *State v. Bass*, 349 N.W.2d 498, 500 (Iowa 1984) (setting forth the standard for evaluating challenges to the sufficiency of the evidence). Accordingly, we affirm Thomas's judgment and sentence for first-degree robbery.

AFFIRMED.