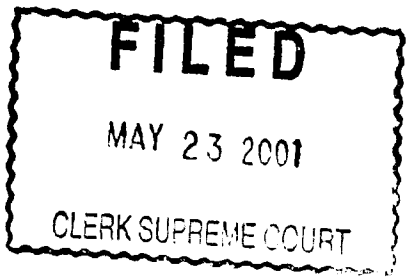
IN THE COURT OF APPEALS OF IOWA

No. 1-248 / 00-0288
Filed May 23, 2001



STATE OF IOWA,
Plaintiff-Appellee,

vs.

COREY ANTHONY PARKER,
Defendant-Appellant.

Appeal from the Iowa District Court for Black Hawk County, James C. Bauch, Judge.

Defendant appeals from the judgment and sentence entered upon a jury verdict finding him guilty of terrorism with intent in violation of Iowa Code section 708.6 (1999). He contends the district court erred in failing to grant his motion for judgment of acquittal based on insufficient evidence to support his conviction.

AFFIRMED.

John W. Ackerman of Ackerman Law Office, Waterloo, for appellant.

D. Raymond Walton, Assistant County Attorney, for appellee.

Considered by Mahan, P.J., and Miller and Vaitheswaran, JJ.

MILLER, J.

Corey Anthony Parker appeals from his conviction, following jury trial, for terrorism with intent in violation of Iowa Code section 708.6 (1999). He claims the trial court erred in failing to grant his motion for judgment of acquittal based on insufficiency of the evidence. We affirm by memorandum opinion pursuant to Iowa Supreme Court Rule 9.

This case arises out of an incident which took place at Gates Park in Waterloo. Elisha Culpepper was the driver, and Timothy Wilson a passenger, in a parked car. Several eyewitnesses observed an incident in which an individual jumped out of another car, approached Culpepper's car, threatened and beat Culpepper, and discharged a handgun into Culpepper's car.

At trial Wilson testified that he had known Parker for a number of years, as he had dated Parker's cousin for a "couple years." Culpepper was unavailable at trial, but testified by deposition that he had met Parker several years earlier when Parker's cousin was dating Culpepper's sister, and he also knew Parker because Parker was currently living with Quineva Bentley, with whom Culpepper and Parker each had a son. Both Culpepper and Wilson identified Parker as Culpepper's assailant. On the night of the incident each had signed a written statement for the police identifying Parker as Culpepper's assailant.

Our scope of review and many of the standards of review that apply in sufficiency-of-the-evidence challenges are set forth in *State v. Kirchner*, 600 N.W.2d 330, 333-34 (Iowa Ct. App. 1999), and need not be repeated here. The following additional standards apply: We give consideration to all of the evidence, not just that supporting the verdict. *State v. Schmidt*, 588 N.W.2d 416,

418 (Iowa 1998). "Inherent in our standard of review of jury verdicts in criminal cases is the recognition that the jury was free to reject certain evidence, and credit other evidence." *State v. Anderson*, 517 N.W.2d 208, 211 (Iowa 1994). The credibility of witnesses, in particular, is for the jury. "The jury is free to believe or disbelieve any testimony as it chooses and to give weight to the evidence as in its judgment such evidence should receive." *State v. Thornton*, 498 N.W.2d 670, 673 (Iowa 1993).

Although other testimony indicated Parker was not at Gates Park, was not the assailant, or was in Minnesota at the time, the testimony of Culpepper and Wilson constitutes substantial evidence supporting the jury's finding of guilt, and that finding is therefore binding on appeal.

AFFIRMED.