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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

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STATE OF IOWA,	)	
Plaintiff-Appellee,	)	
vs.	)	
RONALD RAY THOMAS,	)	9-22 88-754
Defendant-Appellant.	)	

Appeal from the Iowa District Court for Polk County (No. 37353), Dick Strickler, Judge.

Defendant appeals from his conviction, after a jury trial, for second-degree murder. **AFFIRMED.**

Patricia M. Hulting of Roehrick, Hulting & Moisan, Des Moines, for defendant-appellant.

Thomas J. Miller, Attorney General; Bruce Kempkes, Assistant Attorney General; and James Ramey, Assistant County Attorney, for plaintiff-appellee.

Heard by Oxberger, C.J., and Donielson and Habhab, JJ.

DONIELSON, J. 517

Defendant appeals from his conviction, after a jury trial, for the crime of second-degree murder in violation of Iowa Code sections 707.1 and 707.3. He was accused of the stabbing death of an elderly woman in her home. He claims the evidence was not sufficient as a matter of law to convict him of murder in the second degree.

Defendant Ronald Ray Thomas was charged for the stabbing death of Irene Lahmon which occurred in her home on August 2, 1987. She lived in a low-income housing project in Des Moines. Her rent was due on August 3, and she always paid in cash. Thomas, who is an unemployed alcoholic, was often around the housing project because two of his sisters lived there. Also, he sometimes did odd jobs for Lahmon.

The apartment manager found Irene Lahmon on August 3, 1987. The manager went to the apartment because she became concerned when Lahmon did not pay her rent promptly that morning as was her habit. Thomas accompanied the manager to the room. Lahmon had been beaten about the head with a baseball bat and there was blood on the walls. Her death was the result of several stab wounds.

The only issue raised on appeal is the sufficiency of the evidence to sustain a finding of guilt. In reviewing the jury's finding of guilt, the appellate court views the evidence in a light most favorable to the State. State v.

Hall, 287 N.W.2d 564, 565 (Iowa 1980). The jury's finding of guilt is binding upon this court unless there is not substantial evidence in the record to support it or such finding is clearly against the weight of the evidence. State v. Schrier, 300 N.W.2d 305, 306 (Iowa 1981). Substantial evidence means such evidence as could convince a rational trier of fact that the defendant is guilty of the crime charged beyond a reasonable doubt. Id. It is sufficient to raise a fair inference of guilt as to each essential element of the crime although the evidence must do more than raise suspicion, speculation, or conjecture. State v. Williams, 179 N.W.2d 756, 758 (Iowa 1970).

The State submits the prosecution amassed sufficient evidence to prove that defendant murdered Lahmon to steal her money. The State asserts that defendant's willingness to divulge information to his friends and others that only the murderer would have known is evidence of his guilt.

Our review of the evidence reveals that a rational jury could have found the following facts. In August 1987, Mrs. Lahmon lived alone in a housing project and had no relatives or close friends. Her only source of income was social security, but she always paid her rent in cash and on time.

The defendant lived ten blocks away from the housing project. The evidence shows he was frequently drunk, had little money, and often hung around the victim's apartment

complex. By defendant's own admission, he knew the victim and had done odd jobs for her.

On Monday, August 3, the manager of the housing project became concerned because Mrs. Lahmon failed to pay her rent on time. Taking a pass key with her, the manager went to Lahmon's apartment. The defendant followed her. At the apartment, the manager unlocked the door, stepped inside, and called out for Mrs. Lahmon. Hearing nothing, she looked inside the bedroom and found her lying on the bed. The manager could not tell that Lahmon had been stabbed.

After the manager and the defendant left the apartment, defendant remarked, "She can't be dead." Without explanation, the manager then asked him to get the project's landlord while the manager telephone the police. Before they arrived to investigate, defendant told a neighbor that "someone had either killed or stabbed her."

Concerning the night of the murder, there was testimony that a friend watched the defendant walk to Mrs. Lahmon's house and heard a conversation about money. This happened at approximately ten o'clock, which is the estimated time of death.

On the morning after the death, the defendant supplied the beer, wine, and cigarettes for his friends. This was an unusual occurrence because, according to his girl friend, the defendant never had a lot of money.

The owner of the convenience store where defendant usually purchased his beer said she never saw defendant with a much as a one-dollar bill except on two occasions, and she never saw him with a five-dollar bill over a two-year period. However, after Mrs. Lahmon's murder, it was noticed that defendant was carrying large amounts of money and buying more than the normal quantities of booze and cigarettes.

At the scene of the crime, the police investigating the murder found six hairs on the victim's body which were Negroid and had many characteristics which were similar to known head and pubic hairs of the defendant. However, there were also dissimilarities, so the examiner's opinion was only that the hairs could have belonged to the defendant.

The officers also found a small purse with blood-like stains on it under Mrs. Lahmon's head. Within the purse, they found a taxicab receipt on which was found defendant's fingerprint.

The defendant raises several arguments about the credibility of the witnesses and the evidence presented. However, it is the role of the jury to choose which testimony to believe or disbelieve and to give such weight to the evidence as in its judgment the evidence is entitled to receive. State v. Blair, 347 N.W.2d 416, 420 (Iowa 1984). After hearing the testimony and seeing the evidence

presented, the jury found the defendant guilty beyond a reasonable doubt. This conclusion is binding upon us because we find, viewing the evidence in a light most favorable to the State, there is substantial evidence in the record to support the guilty verdict.

Therefore, the decision of the district court is affirmed.

AFFIRMED.