

IN THE COURT OF APPEALS OF IOWA

No. 22-1504
Filed March 6, 2024

STATE OF IOWA,
Plaintiff-Appellee,

vs.

JOHNNY MACK HILL JR.,
Defendant-Appellant.

Appeal from the Iowa District Court for Linn County, Ian K. Thornhill, Judge.

Johnny Mack Hill Jr. appeals from his conviction for attempted murder.

AFFIRMED.

Martha J. Lucey, State Appellate Defender, and Nan Jennisch, Assistant Appellate Defender, for appellant.

Brenna Bird, Attorney General, and Joseph D. Ferrentino, Assistant Attorney General, for appellee.

Considered by Ahlers, P.J., Buller, J., and Vogel, S.J.*

*Senior judge assigned by order pursuant to Iowa Code section 602.9206 (2024).

VOGEL, Senior Judge.

Johnny Mack Hill Jr. appeals his conviction for attempted murder, arguing the evidence is insufficient to support the verdict. We reject his arguments and affirm.

On the night of October 2, 2020, Hill and his brother were at a Cedar Rapids bar. The bar's camera system captured many of the events that night. At 11:11 p.m., Hill began arguing with a man known as Tyga in the bar parking lot after Hill hugged a woman who was with Tyga. The two men separated, and both re-entered the bar around 11:14 p.m. At 11:15 p.m., Tyga walked up to Hill and his brother and resumed arguing. Hill soon exited the bar to the parking lot, opened his car door, rummaged inside the car for a few seconds, and then re-entered the bar. Back in the bar at 11:16, Hill resumed arguing with Tyga, and the two men's argument quickly began drawing attention from others in the bar. About fourteen seconds after Hill re-entered the bar, Tyga is first seen holding a handgun while Hill is obscured behind a pillar. The two men backed up and immediately began firing toward each other, with both men taking cover behind walls. Hill testified he fired three or four times but was not aiming directly at Tyga. After a few seconds of gunfire, Hill left the bar followed by his brother. Hill and his brother then entered Hill's vehicle and drove away from the bar.

Police soon identified and arrested Hill for his role in the shooting. He proceeded to a jury trial in June 2022. The jury found Hill guilty of (1) attempted murder, (2) intimidation with a dangerous weapon, (3) felon in possession of a firearm, and (4) going armed with intent. The district court sentenced him to terms of incarceration not to exceed twenty-five years on Count 1, ten years on Count 2,

five years on Count 3, and five years on Count 4, run concurrently. He appeals only his conviction for attempted murder.

We review sufficiency of the evidence claims for correction of errors at law. When evaluating the sufficiency of the evidence, we consider “whether, taken in the light most favorable to the State, the finding of guilt is supported by substantial evidence in the record.” There is substantial evidence if the evidence “would convince a rational fact finder the defendant is guilty beyond a reasonable doubt.” We draw all legitimate inferences in support of the verdict. However, “[e]vidence which merely raises suspicion, speculation, or conjecture is insufficient.” The evidence must at least raise a fair inference of guilt as to each essential element of the crime.

State v. Crawford, 974 N.W.2d 510, 516–17 (Iowa 2022) (alteration in original) (internal citations omitted).

The jury was instructed the State must prove all of the following elements to convict Hill of attempted murder:

1. On or about the 2nd day of October, 2020, the defendant shot at [Tyga].
2. By his acts, the defendant expected to set in motion a force or chain of events which would cause or result in the death of [Tyga].
3. When the defendant acted, he specifically intended to cause the death of [Tyga].
4. The Defendant acted without justification.

See Iowa Code § 707.11 (2020). Hill challenges the evidence to support the second and third elements.

In evaluating whether Hill set in motion events that would cause or result in Tyga’s death, we consider whether he “carried out an act in furtherance of the required specific intent to commit the crime of attempted murder.” *State v. Young*, 686 N.W.2d 182, 185 (Iowa 2004). For this element, it is sufficient that the video shows Hill stepped out of the bar and away from Tyga, briefly rummaged in his car, re-entered the bar, and then shot in Tyga’s general direction seconds later.

While Hill testified he was only trying to start his car when he stepped outside, circumstantial evidence strongly indicates he instead retrieved his handgun from his car. The jury was not required to believe Hill's self-serving testimony. See *State v. Thornton*, 498 N.W.2d 670, 673 (Iowa 1993) ("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."). Hill also portrays Tyga as the intoxicated aggressor. His claims are at least partly undercut by the bartender's statements to police that Hill shot first. Regardless of how the jury viewed Tyga, Hill set in motion events to cause Tyga's death when Hill stepped outside during their argument, rummaged in his car, and—to the jury's satisfaction—retrieved his handgun before opening fire seconds later.

As to Hill's specific intent to kill Tyga, Hill unquestionably fired his handgun toward Tyga. Puffs of smoke and debris seen in the video and damage to the wall where Tyga took cover show Hill's bullets landed near Tyga. Hill argues he was not aiming at Tyga and, at most, only wanted to scare Tyga. However, the jury may find "one who uses a dangerous weapon intends to cause physical harm, and even to kill." *State v. Green*, 896 N.W.2d 770, 780 (Iowa 2017); see also *State v. Mong*, 988 N.W.2d 305, 314–15 (Iowa 2023) ("[T]he general rule is that one who arms himself with the express purpose of shooting another cannot ordinarily claim the elements of murder or attempted murder are lacking." (alteration in original) (quoting *State v. Smith*, 240 N.W.2d 693, 695 (Iowa 1976))). While Hill and his brother testified Hill was only reacting to Tyga's aggression, again, the jury was entitled to disregard their testimony and find Hill intended to cause Tyga's death by firing toward him. See *Thornton*, 498 N.W.2d at 673.

Finding the evidence sufficient for the jury to conclude both that Hill set in motion a force or chain of events that would cause or result in Tyga's death and that he specifically intended to cause Tyga's death, we affirm.

AFFIRMED.