IN THE COURT OF APPEALS OF IOWA

No. 23-0062
Filed March 6, 2024

STATE OF IOWA,
Plaintiff-Appellee,

vs.

CHRISTIAN WILLIAM GOYNE-YARNS,
Defendant-Appellant.

Appeal from the Iowa District Court for Dickinson County, Carl J. Petersen, Judge.

A defendant appeals his conviction for murder in the first degree. **AFFIRMED.**

Jamie Hunter of Dickey, Campbell & Sahag Law Firm, PLC, Des Moines, for appellant.

Brenna Bird, Attorney General, and Linda J. Hines, Assistant Attorney General, for appellee.

Heard by Tabor, P.J., and Badding and Buller, JJ.

TABOR, Presiding Judge.

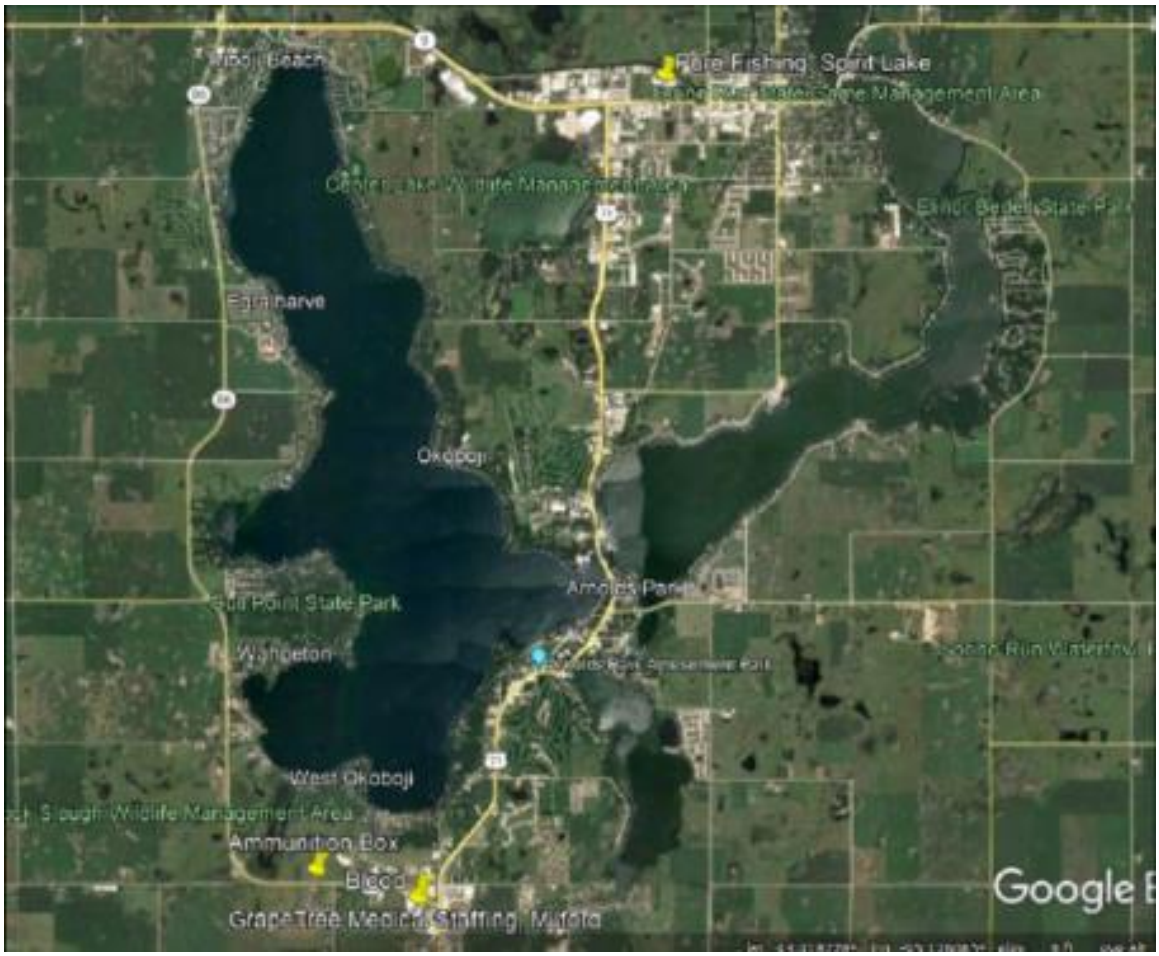
"I was just shot," Shelby Woizeschke told the 911 operator. The operator asked, "You were just shot?" Woizeschke answered, "Yes, by Christian Goyne-Yarns." Woizeschke suffered four bullet wounds and died from her injuries three days later. In the shooting's aftermath, a jury convicted Goyne-Yarns of murder in the first degree. He appeals, challenging the strength of the State's proof and a ruling excluding evidence of a handgun that was tested at the state crime laboratory but ruled out as the murder weapon. Because the State offered overwhelming evidence of his guilt, we affirm.

I. Facts and Prior Proceedings

Woizeschke was the mother of Goyne-Yarns's two sons, born in 2017 and 2019. These parents, who then lived in Minnesota, separated when their younger son was about six months old. After the separation, their relationship was described as "contentious," "toxic, [and] unhealthy." By February 2022, they were both with different partners. Goyne-Yarns had married and moved to Spirit Lake, where he worked on the factory floor at Pure Fishing, a tackle manufacturer. Meanwhile, Woizeschke was employed by GrapeTree Medical Staffing in Milford. According to her family, she planned to move in with her boyfriend and get married. But those plans were upended.

On February 3, Goyne-Yarns had parenting time with their two children. They were in his wife's care when he "badged" into work just before 6:00 a.m. Around 7:30 a.m. Goyne-Yarns told co-workers that he wasn't feeling well and had to go to the bathroom. By 8:15 a.m. they noticed that Goyne-Yarns had not

returned to the plant's floor.[1] When a co-worker checked Goyne-Yarns's locker, his coat was gone, but his cell phone was still there. Goyne-Yarns's distinctive red and black Ford pickup truck was not in the parking lot. Cameras at Pure Fishing showed his truck leaving the lot at 7:44 a.m.



The State offered this map into evidence. Investigators estimated that it was a twelve- to thirteen-minute drive to Milford on Highway 86, which is shown running north-south on the west side of the lake.

[1] Exhibits showed that a co-worker texted Goyne-Yarns at 8:15 a.m. asking: "Hey not feeling well?" He did not reply until 8:44 a.m., saying: "Yeah coming out of bathroom now." Another co-worker sent this message at 8:23 a.m.: "Are you ok you disappeared?" Again, Goyne-Yarns did not respond until 8:43 a.m. when he texted that he had been in the bathroom with diarrhea.

Cameras at GrapeTree showed his truck's arrival at 8:03 a.m. He parked in the GrapeTree lot and waited in the idling truck. Twenty-three minutes later, Woizeschke's Cadillac SRX pulled into the lot. At 8:26 a.m., Goyne-Yarns squeezed out the driver's side door, which was wedged next to a snow drift, and walked toward the Cadillac. The video cut out briefly at 8:27 a.m.,[2] but when it resumed minutes later, it captured Goyne-Yarns's truck driving by a body on the ground. The truck left the GrapeTree parking lot at 8:30 a.m. Goyne-Yarns "badged" back into Pure Fishing at 8:42 a.m. He retrieved his cell phone from his locker and was texting by 8:44 a.m. When Goyne-Yarns was back on the factory floor, he told a co-worker "just out of the blue" that he was a suspect in a shooting.

Meanwhile, at 8:27 a.m., Woizeschke called 911, telling the operator that she had just been shot in the right side of her chest by Goyne-Yarns. She begged the operator to hurry: "Please, please I'm losing a lot of blood, I can't die." When asked to confirm who shot her, Woizeschke repeated: "Christian Goyne-Yarns, he's the father of my two kids." The operator advised her to stay on the line and assured her that help was on the way. She told the operator: "I can't breathe." Then she screamed: "He's back, he's back." When the operator asked if she was still there, the line went silent.

Milford Police Officer Matt Myhre was the first responder to the scene. He recalled that it was an "extremely cold" morning, "well below zero." He drove around the partially plowed parking lot, at first not seeing the victim on the ground between two vehicles. When he did find her, he "attempted to render the best aid

[2] Special Agent Matthew Burns attributed gaps in the video to the lack of motion to trigger the recording.

[he] could until medical arrived." He applied pressure to one of her gunshot wounds; she could not speak to him.

As Dickinson County Sheriff's Deputy Joshua Roberts responded to the shooting at 8:36 a.m., his dashboard camera captured an image later confirmed as Goyne-Yarns's pickup driving north on Highway 86 away from the crime scene. Less than an hour later, police arrested Goyne-Yarns at his workplace. After obtaining warrants, officers searched Goyne-Yarns's work locker, pick-up, and apartment. They did not find the murder weapon. But they did find firearms evidence in three other locations:

One. At the crime scene, investigators recovered three spent casings. And a fired bullet was removed from the victim's body during the autopsy. The casings were from 9mm Remington ammunition and matched the extracted bullet.

Two. At Goyne-Yarns's apartment building, the morning of the shooting, a gun case left in the dumpster caught the eye of a Spirit Lake sanitation worker. To be sure it could go into the landfill, the worker opened the case and found the gun was missing. After hearing news that a handgun was used in the shooting at GrapeTree, the worker contacted police. A few days later, officers searched the landfill and found an empty blue Girsan 9mm handgun case. They traced the serial number from the case to a gun dealer in Minnesota. The dealer recalled trading a Girsan 9mm handgun to Don Yarns in exchange for a shotgun. Don Yarns testified that the shotgun belonged to his grandson, Goyne-Yarns, and he received a case from the dealer that looked "similar" to the Girsan case found at the landfill.[3] The

[3] The dealer testified: "Girsans do have the blue case. That is their symbolic case."

grandfather recalled placing the case in "Christian's Cadillac" that was parked in the driveway.

Three. While driving slowly along the shoulder of Highway 86, Iowa State Trooper Terry Dykstra noticed tire tracks in the snow coming from the bike path. When Dykstra looked in the ditch, he found an open box of 9mm Remington ammunition. Some rounds were missing.

Special Agent Matthew Burns with the Iowa Division of Criminal Investigation interviewed Goyne-Yarns the afternoon of the shooting. At first, Goyne-Yarns insisted that he had been at work from 6:00 a.m. until his arrest. But later Goyne-Yarns agreed "it was fair to say" that he was not in the bathroom at Pure Fishing between 8:00 and 8:30 that morning. Burns asked about the gun used to shoot Woizeschke. Goyne-Yarns said "he shot the gun until it was empty" and then "pitched it somewhere" but could not say exactly where. Goyne-Yarns also "made statements about throwing the ammunition out."

While police investigated her shooting, Woizeschke had emergency surgery at the Lakes Regional Hospital in Spirit Lake. She was transferred to a hospital in Sioux Falls, South Dakota, and kept on life support for three days, but she never regained consciousness. She was twenty-four years old when she died.

One week later, the State charged Goyne-Yarns with murder in the first degree, in violation of Iowa Code sections 707.1 and 707.2(1)(a) (2022). The murder case went to trial in December 2022. The State called sixteen witnesses over three days. The defense presented no evidence. On the fourth day of the trial, the jury retired for deliberations at 11:02 a.m. and returned with a guilty verdict at 12:49 p.m. Goyne-Yarns appeals his conviction.

II. Analysis

A. Sufficiency of the Evidence

Goyne-Yarns claims that the State did not offer sufficient evidence to support the first-degree murder conviction. We review his sufficiency claim for the correction of legal error. *See State v. Burns*, 988 N.W.2d 352, 370 (Iowa 2023). Our review of the jury verdict is "highly deferential." *Id.* In fact, it binds us if supported by substantial evidence. *Id.* We consider evidence to be "substantial" if it could convince rational jurors that the accused is guilty beyond a reasonable doubt. *State v. Jones*, 967 N.W.2d 336, 339 (Iowa 2021). In deciding whether the verdict is supported by substantial evidence, we view the evidence in the light most favorable to the State, including all "legitimate inferences and presumptions that may fairly and reasonably be deduced from the record evidence." *Id.* (citation omitted).

To convict Goyne-Yarns of first-degree murder, the jury had to find:

> 1. On or about the 3rd day of February 2022, the defendant shot Shelby Lynn Woizeschke.
> 2. Shelby Lynn Woizeschke died as a result of being shot.
> 3. The defendant acted with malice aforethought.
> 4. The defendant acted willfully, deliberately, premeditatedly and with a specific intent to kill Shelby Lynn Woizeschke.

Goyne-Yarns challenges the first, third, and fourth elements. His appellate argument starts with a litany of perceived weaknesses in the prosecution's proof that he was the shooter:

- Although his truck can be seen on the GrapeTree surveillance video, it is not possible to see who was inside the truck or who got out of the truck.
- The actual shooting was not captured on video.
- Detectives seized the truck afterward, but failed to do scientific testing or test the steering wheel for fingerprints.

- The keys were found inside the truck, not on Goyne-Yarns's person or with his property.
- Goyne-Yarns's shoes were seized, but the State made no attempt to collect shoe impressions at the scene.
- His clothing was also seized, but not tested.
- Tire prints were found at the scene, but never processed.
- Bullet casings were found on the scene, but never checked for fingerprints. The gun was never found.
- A gun *case* was found in the dumpster of an apartment complex that any number of people had access to; Goyne-Yarns's fingerprints were not found on the gun case and there was no evidence of him putting it in the dumpster.
- There were no fingerprints on the ammunition box or rounds that were found by the side of the road.
- Detectives obtained a buccal swab from Goyne-Yarns, but did not find any DNA evidence linking him to the ammunition box, gun case, or anything related to the shooting.
- During his post-arrest interrogation, Goyne-Yarns admitted leaving Pure Fishing that morning, but never specifically admitted to being at GrapeTree.

Those defense points were valid for its closing argument. But we don't measure substantial evidence on appeal by how much potentially incriminating evidence was missing from the State's case. Rather, we look at the totality of evidence presented, in the light most favorable to the jury's verdict, to see if it was reasonable to convict. *See State v. Button*, 622 N.W.2d 480, 484 (Iowa 2001). As the State emphasized at oral argument, this case was "never a whodunit." As she lay on the frigid pavement bleeding to death, Woizeschke told the 911 operator who shot her. Her dying declaration was corroborated by surveillance video at the parking lots of both Pure Fishing and GrapeTree. Even without finding the murder weapon, through meticulous police work, the State tied the 9mm handgun and ammunition used in the shooting to Goyne-Yarns. And after he faced the documented timeline of events, Goyne-Yarns admitted leaving his workplace, loading the handgun for the first time that day, shooting the gun until it was empty,

and then "pitching" it. The record contained substantial evidence that Goyne-Yarns shot Woizeschke.

As his back-up argument, Goyne-Yarns contends that even if we find sufficient evidence that he was the shooter, the State failed to prove that he had malice aforethought or acted with premeditation. Viewing the totality of the evidence and entertaining all reasonable inferences, we find the State offered ample proof of those elements.

Malice aforethought is defined as a fixed purpose or design to do some physical harm to another that exists before the act is committed. *State v. Buenaventura*, 660 N.W.2d 38, 49 (Iowa 2003). But it need not exist for any given length of time before the killing. *Id*. A jury may infer malice from the use of a deadly weapon. *State v. Shanahan*, 712 N.W.2d 121, 135 (Iowa 2006). Premeditate means "to think or ponder upon a matter before act[ing]." *State v. Davis*, 988 N.W.2d 458, 468 (Iowa Ct. App. 2022) (citation omitted). Like malice aforethought, it need not exist for any minimum time before the homicidal act. *Buenaventura*, 660 N.W.2d at 48. Premeditation may be shown through evidence of (1) planning; (2) motive based on the accused's relationship with the victim; or (3) the nature of the killing, including the use of a deadly weapon combined with an opportunity to deliberate. *Id.*

Goyne-Yarns acknowledges the dangerous-weapon inference supporting malice aforethought. But he insists that no evidence revealed that he had a plan to kill Woizeschke. We disagree. A reasonable jury could infer from the State's evidence that he had a fixed purpose to kill her and carried out it. It was undisputed that Goyne-Yarns and Woizeschke had a contentious relationship. The jurors

could infer from the evidence that he took a handgun to work the morning of the shooting, throwing the empty case in a dumpster at his apartment building. He lied to coworkers about going to the restroom. He left his cell phone in his work locker before leaving in his truck. He loaded the gun on the way to her workplace. Once there, he waited nearly half an hour for her to arrive. After she parked, he left his truck and walked toward her. He shot her four times, twice in the chest.[4] He returned to his truck and circled past where she lay bleeding before leaving the lot. On returning to his work, he lied to coworkers about where he had been. And he made an impromptu comment about being a murder suspect. The cumulative strength of this evidence supports the elements of malice aforethought and premeditation.

B. Weight of the Evidence

Goyne-Yarns also argues that the verdict was against the greater weight of the evidence, though he intermingles that argument with his sufficiency claim.[5] Under Iowa Rule of Criminal Procedure 2.24(2)(b)(7), a defendant may request a new trial when the verdict is "contrary to the weight of the evidence." *See State v. Stendrup*, 983 N.W.2d 231, 246 (Iowa 2022) (quoting *State v. Ellis*, 578 N.W.2d 655, 659 (Iowa 1998)). When faced with a weight-of-the-evidence challenge, the district court should grant a new trial "only in the extraordinary case in which the

[4] Given the brief time it took to complete the shooting, the jury is unlikely to conclude that the parents held any discussion that escalated to a shooting, negating the element of premeditation. Even so, there is no specific amount of time needed to establish premeditation.

[5] The conflation of these two arguments complicates our review. It is better appellate practice to separately brief these as distinct claims with dissimilar standards of review, even if the factual arguments overlap. *See generally State v. Linderman*, 958 N.W.2d 211, 223 (Iowa Ct. App. 2021).

evidence preponderates heavily against the verdict rendered." *State v. Ernst*, 954 N.W.2d 50, 60 (Iowa 2021) (citation omitted). "The question for the court is . . . whether 'a greater amount of credible evidence suggests the verdict rendered was a miscarriage of justice.'" *Id.* (ellipsis in original) (citation omitted).

Goyne-Yarns asserts that the weight of the evidence does not support a finding of premeditation. He claims that "the more credible evidence is that [he] simply went to GrapeTree to meet with Woizeschke. . . . Unsurprisingly, the encounter on February 3 quickly turned contentious, and, sadly, ultimately ended in Woizeschke's death." In denying Goyne-Yarns's new-trial motion, the district court considered the credibility of the State's witnesses. We find no abuse of discretion in its ruling. *See State v. Heard*, 934 N.W.2d 433, 444–45 (Iowa 2019) ("Our appellate review is limited to a review of the exercise of discretion by the trial court, not of the underlying question of whether the verdict is against the weight of the evidence." (citation omitted)). This record includes no credible evidence suggesting that Goyne-Yarns intended an amicable meeting with Woizeschke. To the contrary, he armed himself with a loaded handgun and staked out her parking lot. These facts do not present the extraordinary case in which the evidence preponderates heavily against the jury's guilty verdict.

C. Evidentiary Ruling

As his final claim, Goyne-Yarns seeks a new trial based on the exclusion of evidence about a 9mm handgun found in a wooded area of Milford about eight months after the shooting. Police sent the gun to the state laboratory. There, criminalist Victor Murillo conducted tests and determined it was not the weapon that fired the bullets and spent casings recovered at the crime scene and autopsy.

The district court found that evidence was irrelevant, or if minimally relevant, that it would be confusing to the jury and "potentially prejudicial to the State." We review this issue for an abuse of discretion. *State v. Tucker*, 982 N.W.2d 645, 652 (Iowa 2022).

Goyne-Yarns contends the district court abused its discretion in preventing him from cross examining Agent Burns about "ballistic testing done on a gun that was found in the same small town in which the shooting took place." Originally, the prosecutor informed the defense that this gun was found "two counties" away from the crime scene. But at trial, the agent clarified that the gun was discovered "in some woods on the southside of Milford." It was turned over to Milford police who passed it along to Agent Burns. In the defense offer of proof, the agent explained why he asked the crime lab to test the gun: "I thought it was, you know, just taking good, standard care. We had a 9mm weapon found. We had a 9mm involved with the murder. I thought it prudent to not ignore the fact that they were in the same town."

Also during that offer of proof, the prosecutor had this exchange with Agent Burns:

> Q.: Maybe I misunderstood you. I thought when we initially talked about this it was not found in Milford; it was found two counties over? A.: No, no. It was found in Milford.
> Q.: Okay. My mistake.

Defense counsel said he originally agreed the gun was not relevant because of the distance between the shooting and the spot it was discovered. But when he learned it was found in the same community, he changed his mind. He argued to the district court: "It is relevant because it shows the fact that the police

are continuing to seek out the murder weapon, and I think it shows that, in fact, [Goyne-Yarns's] confession may not be all that it's billed to be." The State maintained the evidence was not relevant and could be misleading information for the jury and a waste of time. It added: "[T]he fact that it was found in the same county doesn't change the fact that it is not the gun." The district court sided with the State, excluding the evidence.

On appeal, Goyne-Yarns first contends that because of the misinformation from the State, he did not have the chance to challenge the validity of Murillo's findings or retest the handgun. Second, he argues that "[e]ven assuming the recovered gun was not the weapon that shot Woizeschke, Goyne-Yarns explained how the evidence was still relevant: seven months into the investigation, the State was not convinced it had the right suspect."

On the first claim, we cannot see that Goyne-Yarns advanced an argument to the district court that he didn't trust the State's ballistics testing. So that objection is not properly before us. *See State v. Rutledge*, 600 N.W.2d 324, 326 (Iowa 1999) (recommending "rigid adherence" to error preservation rules for "very real fear of blindsiding the trial process").

For his second claim, we turn to the rules of evidence. Under Iowa Rule of Evidence 5.401, evidence is relevant if "(a) [i]t has any tendency to make a fact more or less probable than it would be without the evidence; and (b) [t]he fact is of consequence in determining the action." Generally, relevant evidence is admissible. Iowa R. Evid. 5.402. Yet "[t]he court may exclude relevant evidence if its probative value is substantially outweighed by a danger of one or more of the

following: unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence." Iowa R. Evid. 5.403.

We assume without deciding that Agent Burns's choice to have the gun tested was relevant to show that the murder investigation was ongoing. *See* Iowa R. Evid. 5.401. And we assume that the jury would have understood why the agent exercised due diligence. Iowa R. Evid. 5.403. But even if the court abused its discretion in weighing the probative value against the possibility of confusion, exclusion of the evidence was harmless error. *See State v. Webster*, 865 N.W.2d 223, 244 (Iowa 2015). As discussed above, the State offered overwhelming evidence supporting Goyne-Yarns's conviction for first-degree murder. And the conscientiousness of state investigators to have the found firearm tested would not have undermined the strength of the State's case.

AFFIRMED.