

**IN THE COURT OF APPEALS OF IOWA**

No. 23-0535  
Filed March 6, 2024

**STATE OF IOWA,**  
Plaintiff-Appellee,

**vs.**

**PATRICK ROOSEVELT HICKMAN ISABELL,**  
Defendant-Appellant.

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Appeal from the Iowa District Court for Black Hawk County, Andrea J. Dryer,  
Judge.

Patrick Isabell appeals his convictions for robbery in the first degree,  
burglary in the first degree, and going armed with intent. **AFFIRMED.**

Martha J. Lucey, State Appellate Defender, and Vidhya K. Reddy, Assistant  
Appellate Defender, for appellant.

Brenna Bird, Attorney General, and Louis S. Sloven, Assistant Attorney  
General, for appellee.

Considered by Bower, C.J., and Greer and Chicchelly, JJ.

**BOWER, Chief Judge.**

Patrick Isabell appeals his convictions for robbery in the first degree, burglary in the first degree, and going armed with intent, claiming there is insufficient evidence to tie the gun recovered at the scene to him or his accomplice. We find there was sufficient evidence to show Isabell did have a weapon on the night in question and affirm.

***I. Background Facts and Proceedings***

In the early morning hours on or about July 14, 2021, Edna Crawley was at home with her daughter, Shinita Crawley, and her grandson, Khalil Crawley. Edna and Khalil both had rooms on the same floor of the house, while Shinita slept downstairs in the basement. Edna occupied the back bedroom and had retired for the night when she heard a sound like “somebody had ran into the house.” Upon hearing two individuals trying to break through her window, Edna woke her grandson up.

Edna saw both men were carrying guns in their hands as they entered her hallway. One asked for money and jewelry, as well as Edna’s grandson’s ring. Edna would later identify this man as Patrick Isabell. Isabell then proceeded to point his gun at Edna and instructed her to the kitchen, she complied. Khalil heard Edna scream and upon opening his door saw two men holding guns. He proceeded to try and barricade himself in his room by locking the door.

While the two men were upstairs with Edna and Khalil, Shinita was able to call 911 from the basement. She informed the dispatcher the intruders had guns. She continued to stay hidden in the basement until the police arrived.

Back upstairs, Isabell kicked through Khalil's door and aimed his gun at Khalil's head. Khalil stated the guns used were two pistols with extended clips. Isabell took a chain and graduation ring from Khalil while also demanding money. Isabell continued to make threatening remarks about killing Edna.

The police arrived shortly after Shinita called 911. Both Shinita and Khalil overheard statements by both men about hiding the weapons. Eventually, the masked men left the house and surrendered to police. Edna left the home while the men were distracted by the police. Shinita and Khalil exited the home together several minutes after the men surrendered.

None of the witnesses recognized the two men at the time of the incident, stating both men were fully covered. However, both Khalil and Edna noted several differences between the men, which later helped identify them. After exiting the home, Khalil was able to recognize a vehicle parked on the corner of the street. He knew the vehicle belonged to Isabell because the two had previously worked together and from prior encounters with friends.

Police obtained and executed a search warrant for the victim's home. In the search officers were able to locate a Taurus 9mm semiautomatic handgun under the living room couch cushion. Additionally, a high-capacity extended 9mm magazine containing ammo was in a box next to an end table in the living room. All three residents told the police they neither owned a gun at the time nor knew of any gun being in the home.

The police tested the gun for fingerprints, but none were located. The gun was also swabbed for DNA analysis, but testing was never performed. A trace was performed using the serial number from the weapon, to determine the

purchaser information. This came back showing the gun had been purchased in Missouri in February of 2017 to someone with the last name Johnson.

Isabell was subsequently arrested and charged with robbery in the first degree, in violation of Iowa Code sections 711.1 and 711.2 (2021); burglary in the first degree, in violation of sections 713.1 and 713.3; and going armed with intent, in violation of section 708.8. Isabell entered a plea of not guilty and waived his right to a jury trial. The bench trial commenced on December 14, 2022. The court issued its written verdict on December 19, 2022, finding Isabell guilty on all three counts.

## **II. Standard of Review**

In criminal cases, claims based on sufficiency of the evidence are reviewed for correction of errors at law. *State v. Sanford*, 814 N.W.2d 611, 615 (Iowa 2012). For a verdict to withstand a sufficiency challenge it must be supported by substantial evidence. There must be enough evidence “to convince a rational trier of fact the defendant is guilty beyond a reasonable doubt.” *State v. Hennings*, 791 N.W.2d 828, 823 (Iowa 2010) (quoting *State v. Jorgenson*, 758 N.W.2d 828, 834 (Iowa 2008)). “We view the evidence in the light most favorable to the verdict and accept as established all reasonable inferences tending to support it.” *State v. Gay*, 526 N.W.2d 294, 295 (Iowa 1995).

## **III. Analysis**

Isabell argues there is insufficient evidence to establish the gun located in the residence had belonged to him, or a weapon had otherwise been used in the perpetration of the offenses. He supports this contention by highlighting the fact only one gun was found at the home. In addition, there was no DNA analysis done

or fingerprints found on the weapon. However, Isabell fails to provide any reputable evidence to dispute the eyewitness testimony at trial.

The State contends evidence of even one gun and testimony of a second by multiple witnesses was enough to support a finding of guilt on all offenses, claiming the fact finder could have believed the testimony of both suspects having guns and hiding one well enough to not be found before surrender.

We address each conviction individually below.

*A. Robbery in the First Degree*

Under Iowa Code section 711.1(1):

A person commits a robbery when, having the intent to commit a theft, the person does any of the following acts to assist or further the commission of the intended theft or the person's escape from the scene thereof with or without the stolen property:

- a. Commits an assault upon another.
- b. Threatens another with or purposely puts another in fear of immediate serious injury.
- c. Threatens to commit immediately any forcible felony.

Furthermore, “[a] person commits robbery in the first degree when, while perpetrating a robbery, the person purposely inflicts or attempts to inflict serious injury, or is armed with a dangerous weapon.” Iowa Code § 711.2. Isabell argues there was not enough evidence to show he was armed with a dangerous weapon. However, the testimony by Edna and Khalil both point to two guns being used in the commission of the crime. Edna stated she saw both men coming down the hallway with guns. Khalil further corroborated this by testifying Isabell had a gun with a large clip held to his head. Edna's and Khalil's testimony provided sufficient evidence Isabell had a gun during the event.

*B. Burglary in the First Degree*

Iowa Code section 713.3(1) states:

A person commits burglary in the first degree if, while perpetrating a burglary in or upon an occupied structure in which one or more persons are present, any of the following circumstances apply:

- a. The person has possession of an explosive or incendiary device or material.
- b. The person has possession of a dangerous weapon.
- c. The person intentionally or recklessly inflicts bodily injury on any person.
- d. The person performs or participates in a sex act with any person which would constitute sexual abuse under section 709.1.

Once again Isabell points to the lack of finding two guns, lack of fingerprints, and DNA as reasons to reverse his conviction. As stated above, the testimony of all three witnesses is enough to show Isabell and his accomplice both had weapons at the time the crimes occurred. Furthermore, in Shinita's call to the 911 operator she stated there were multiple guns. The lack of finding a second gun is not enough to overcome the testimony of all three witnesses. Additionally, as the State pointed out, if "the evidence was only sufficient to establish the presence of a single gun, that would change nothing." A burglary and robbery would have still been committed while either Isabell or his accomplice was armed.

It is true there was no DNA analysis done on the gun to tie it directly to Isabell. This court has held eyewitness testimony, combined with times in which the witnesses are able to see the weapon, to be sufficient to allow a reasonable inference the weapon was a real gun. *State v. Wright*, No. 17-1639, 2019 WL 1056741, at \*4 (Iowa Ct. App. Mar. 6, 2019). There was sufficient evidence

provided by the testimony of the witnesses for the fact finder to have found Isabell possessed a gun on the night in question and further used it during the burglary.

*C. Going Armed with Intent*

Lastly, Isabell contests his conviction under Iowa Code section 708.8, which states:

A person who goes armed with any dangerous weapon with the intent to use without justification such weapon against the person of another commits a class "D" felony. The intent required for a violation of this section shall not be inferred from the mere carrying or concealment of any dangerous weapon itself, including the carrying of a loaded firearm, whether in a vehicle or on or about a person's body.

Once again Isabell cites only one gun being found and no DNA or fingerprint evidence to attach the gun to him. Khalil testified to having a gun put to his head while threats were made to "shoot his granny" and "blow his effin' head off." Edna also had a gun pointed at her during the incident. This is sufficient evidence to enable the trial court to conclude Isabell was armed with a gun and used it during the events. We affirm.

**AFFIRMED.**