

**IN THE COURT OF APPEALS OF IOWA**

No. 23-0714  
Filed March 27, 2024

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

**vs.**

**RICCO JAMES FOURKILLER,**  
Defendant-Appellant.

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Appeal from the Iowa District Court for Woodbury County, Tod Deck, Judge.

A defendant appeals his conviction for willful injury causing bodily injury.

**AFFIRMED.**

Martha J. Lucey, State Appellate Defender, and Shellie L. Knipfer, Assistant Appellate Defender, for appellant.

Brenna Bird, Attorney General, Nicholas E. Siefert, Assistant Attorney General, and Matt Braun, Law Student, for appellee.

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

**BADDING, Judge.**

Ricco Fourkiller told a detective that he had a “bad day” on November 24, 2022—and a “person can only take so much,” according to Fourkiller. So when an extremely intoxicated Henry Robinson sat down next to him on a bench in the lobby of an apartment building and called him stupid, Fourkiller said he “exploded.” He pulled a boxcutter out of his pocket and started stabbing Robinson. A jury convicted Fourkiller of willful injury causing bodily injury. On appeal, he challenges the sufficiency of the evidence supporting his conviction.

We review challenges to the sufficiency of the evidence for correction of errors at law, giving high deference to the verdict. *State v. Burns*, 988 N.W.2d 352, 370 (Iowa 2023). In doing so, we view “the evidence ‘in the light most favorable to the State, including all reasonable inferences that may be fairly drawn from the evidence.’” *State v. Ortiz*, 905 N.W.2d 174, 180 (Iowa 2017) (citation omitted).

To find Fourkiller guilty of willful injury causing bodily injury, the jury was instructed that the State had to prove the following:

1. On or about the 24th day of November, 2022, the defendant did stab Henry Robinson in the head and abdomen.
2. The defendant specifically intended to cause a serious injury to Henry Robinson.
3. The defendant’s acts caused a bodily injury to Henry Robinson as defined in Instruction No. 16.
4. The defendant’s use of force was not justified as described in instructions No. 24 through 29.

Fourkiller only challenges the second element, claiming the evidence was insufficient to prove he specifically intended to cause serious injury. The instructions explained the concept of “specific intent” to the jury as follows:

“Specific intent” means not only being aware of doing an act and doing it voluntarily, but in addition, doing it with a specific purpose in mind.

Because determining the defendant’s specific intent requires you to decide what he was thinking when an act was done, it is seldom capable of direct proof. Therefore, you should consider the facts and circumstances surrounding the act to determine the defendant’s specific intent. You may, but are not required to, conclude a person intends the natural results of his act.

And serious injury was defined as any “bodily injury which creates a substantial risk of death or which causes serious permanent disfigurement or extended loss or impairment of the function of any bodily part or organ.”<sup>1</sup>

Fourkiller argues the evidence showed he only “*punched* Robinson while holding a boxcutter,” so there was no specific intent to cause him serious injury. (Emphasis added.) This is a bit of misdirection. First, Fourkiller does not challenge the State’s proof of the first element—that Fourkiller “did stab Henry Robinson in the head and abdomen.” Second, Fourkiller admitted on cross-examination at trial that he stabbed Robinson: “Q. Now, you stabbed Henry and you ran from the apartment complex; correct? A. Yes.” Third, the altercation was caught on a surveillance camera in the lobby of Robinson’s apartment building. The video from that camera shows Fourkiller stabbing at Robinson’s head and torso at least twenty times.

The video starts at 1:30 a.m. with Fourkiller sitting on a bench. He testified that he and his cousin, Alina Wright, were waiting for a ride after visiting some friends at the building. She was sitting in a nearby chair. Robinson entered the

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<sup>1</sup> The term “bodily injury” was defined as “physical pain, illness or any impairment of physical condition.”

lobby, visibly intoxicated,<sup>2</sup> and made eye contact with Fourkiller. They had a supposed beef with one another because of Robinson's unwanted advances on Fourkiller's aunt (and Wright's mother) Kristie.

Robinson sat down next to Fourkiller on the bench and said, "What's up son?" Fourkiller answered, "Sup?" and began digging around in his right pocket. Robinson said something like, "I don't need you in none of my business." Fourkiller then reached his hand into his left pocket and said, "She told me . . . what you did to her." Robinson muttered, "Are you stupid?" Upset, Fourkiller and Wright both challenged, "Are you?" Robinson gestured to the front door and asked: "You wanna step outside?" Having secured what was in his left pocket by then—a boxcutter—Fourkiller stood up, transferred it to his right hand, and said: "Shit homie, what's up huh?" Then, Fourkiller started stabbing Robinson. He kept going even after Wright told him to stop. As Fourkiller finished, Wright accused Robinson of "touch[ing] her mom," and Fourkiller called Robinson a pervert. With those parting words, Fourkiller and Wright walked out of the building.

As Robinson remained seated on the bench, blood began to drip to the floor at his feet. He got up and left after a couple of minutes, and someone in his apartment building called 911. Robinson was transported to the hospital. He was treated for a total of six stab wounds: three to the scalp, two to the lip, and one to the abdomen. The scalp and abdomen wounds were closed with staples, and the lip wounds were sutured. The wounds were fairly shallow and superficial, with no acute internal injuries. Robinson was released from the hospital the next day.

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<sup>2</sup> Robinson's blood alcohol concentration was measured at .387 at the hospital.

In arguing the State failed to prove he specifically intended to seriously injure Robinson, Fourkiller points out that Robinson was intoxicated and off his mental-health medications, which sometimes made him aggressive. Fourkiller continues that it was the physically bigger Robinson who started the contact in what he viewed as a threatening manner and, after Robinson asked him to step outside, he “did not want to give Robinson the opportunity to hurt him or Wright.” He argues this intent to prevent harm “does not mean he intended to cause serious injury.”<sup>3</sup> He also relies on his statements that he never wanted to hurt Robinson “bad,” his claim that he was remorseful, and the ultimately superficial nature of Robinson’s injuries. Summing it up, Fourkiller contends: “Robinson was looking for a fight that night, Ricco just wanted a ride home.”

To start, Fourkiller’s claims of fearing Robinson are not supported by the evidence. When asked by the investigating detective what he was thinking when stabbing Robinson, Fourkiller responded: “I don’t know. . . . I was just going through it that day. . . . He was there, and he kept fucking with me. . . . He got in my face.” The video shows that after Robinson sat next to him on the bench, Fourkiller did not move away or act fearful. Instead, before Robinson said much of anything to him, Fourkiller began looking in his pockets for the boxcutter he always carried with him. While Robinson did ask Fourkiller if he wanted to go outside, he did not make any threatening moves toward Fourkiller. It was Fourkiller

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<sup>3</sup> As the State points out in its brief, Fourkiller seems to touch on circumstances relevant in a justification analysis. But because he does not specifically challenge the State’s proof of lack of justification, we find any such claim is waived. See Iowa R. App. P. 6.903(2)(g)(3); *Soo Line R. Co. v. Iowa Dep’t of Transp.*, 521 N.W.2d 685, 691 (Iowa 1994) (“[R]andom mention of this issue, without elaboration or supportive authority, is insufficient to raise the issue for our consideration.”)

who stood up and started the attack after Robinson called him stupid. And, as noted, Fourkiller was not just punching Robinson; he thrust and slashed the boxcutter at Robinson's head and torso multiple times.

The surgeon who treated Robinson at the hospital testified that any penetration injury to the torso, like Robinson had, is automatically categorized as a "very urgent, life-threatening" trauma when it comes into the hospital "[b]ecause there are many significant organs that could be injured which could cause quick deterioration." Indeed, in other cases, we have recognized the head and torso are areas of the body that are highly vulnerable to fatal injury. See, e.g., *State v. Stewart*, No. 22-0936, 2024 WL 466561, at \*7 (Iowa Ct. App. Feb. 7, 2024) (finding multiple cuts and blows to the head supported finding of specific intent); *State v. Boutchee*, No. 17-1217, 2018 WL 3302010, at \*3 (Iowa Ct. App. July 5, 2018) (finding "plentiful evidence" of specific intent given defendant's blows to the victim's head—a part of "the body vulnerable to mortal injuries"); *State v. Gear*, No. 02-0071, 2003 WL 1524153, at \*3 (Iowa Ct. App. Mar. 26, 2003) (finding defendant's stabbing of victim "in the torso, an area vulnerable to fatal injuries," supplied substantial evidence of specific intent to kill for attempted murder).

It's true that Robinson's injuries turned out to be non-life-threatening. See *State v. Bell*, 223 N.W.2d 181, 184 (Iowa 1974) ("[T]he extent of injury may be taken into consideration in determining defendants' intent."). But the State didn't have to prove serious injury resulted—only that it was intended. Using its common sense, the jury could have rationally concluded that Fourkiller's multiple blows to Robinson's head and torso with a boxcutter were done with the specific purpose of creating a substantial risk of death or causing serious permanent disfigurement

or extended loss or impairment of the function of any bodily part or organ. See *Ortiz*, 905 N.W.2d at 180 (“Evidence is substantial if, when viewed in the light most favorable to the State, it can convince a rational jury that the defendant is guilty beyond a reasonable doubt.” (cleaned up)). And while Robinson testified that his injuries had healed, he was left with a scar on his stomach. The jury was within its authority to conclude that scarring is a serious permanent disfigurement within the meaning of a serious injury. See *State v. Hanes*, 790 N.W.2d 545, 554 (Iowa 2010).

Upon viewing the evidence in the light most favorable to the State—including the nature of the attack against Robinson with a potentially deadly instrumentality being targeted at areas of his body that had heightened vulnerability to serious injury—we conclude the verdict was adequately supported and affirm Fourkiller’s conviction. See *Burns*, 988 N.W.2d at 371.

**AFFIRMED.**