

IN THE COURT OF APPEALS OF IOWA

No. 3-057 / 12-0557
Filed March 13, 2013

**IN RE THE DETENTION OF
RANDY ELLIOT,**
Respondent,

RANDY ELLIOT,
Respondent-Appellant.

Appeal from the Iowa District Court for Black Hawk County, Kellyann M. Lekar, Judge.

A respondent appeals the district court's order of commitment after a jury found him to be a sexually violent predator. **AFFIRMED.**

Michael H. Adams, Local Public Defender, and Thomas J. Gaul, Assistant Public Defender, Special Defense Unit, for appellant.

Thomas J. Miller, Attorney General, and John McCormally, Assistant Attorney General, for appellee State.

Considered by Vogel, P.J., and Potterfield and Doyle, JJ.

VOGEL, P.J.

Randy Elliot appeals the district court's order of commitment following a jury verdict finding him to be a sexually violent predator, as defined by Iowa Code section 229A.2 (2011). Elliot asserts there is insufficient evidence to prove he suffers from a mental abnormality or that he is likely to reoffend if not confined.

We review challenges to the sufficiency of the evidence for correction of errors at law. *In re Det. of Betsworth*, 711 N.W.2d 280, 286 (Iowa 2006). "If there is substantial evidence upon which a rational trier of fact could find the respondent to be a sexually violent predator beyond a reasonable doubt, we are bound by the jury's finding." *Id.*

Based on Dr. Elwood's testimony, we find the evidence sufficient to support the jury's finding that Elliot has a mental abnormality as defined under Iowa law and is likely to reoffend if not confined in a secure facility. While Elliot's expert, Dr. Rosell, offered opinions contrary to Dr. Elwood, it was up to the jury to decide which expert was more credible and whose opinion to accept. *See In re Det. of Altman*, 723 N.W.2d 181, 185 (Iowa 2006). We therefore affirm the district court's order of commitment pursuant to Iowa Court Rule 21.29(1)(b).

AFFIRMED.