

**IN THE COURT OF APPEALS OF IOWA**

No. 3-997 / 12-1906  
Filed November 20, 2013

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

**vs.**

**JEAN DE HAVUGIMANA,**  
Defendant-Appellant.

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Appeal from the Iowa District Court for Linn County, Jane F. Spande,  
District Associate Judge.

Jean Havugimana appeals his conviction for driving while barred.

**AFFIRMED.**

Lars G. Anderson of Holland & Anderson, L.L.P., Iowa City, for appellant.

Thomas J. Miller, Attorney General, Jean C. Pettinger, Assistant Attorney  
General, Jacob Marshall, Student Legal Intern, Jerry Vander Sanden, County  
Attorney, and Laurie Craig, Assistant County Attorney, for appellee.

Considered by Doyle, P.J., and Tabor and Bower, JJ.

**DOYLE, P.J.**

Jean Havugimana appeals his conviction for driving while barred. He contends there was insufficient evidence to establish he had operated a motor vehicle. Because we find there was sufficient evidence from which the jury could have reasonably found beyond a reasonable doubt that Havugimana operated a motor vehicle, we affirm.

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

Viewing the trial evidence in the light most favorable to the jury's guilty verdict, see *State v. Romer*, 832 N.W.2d 169, 172 (Iowa 2013), the jury could have found the following facts. On December 18, 2011, at approximately 8:30 p.m., a caller reported seeing someone walking away from the area of Highway 30 eastbound and Interstate 380, where a car was in the ditch. Cedar Rapids police officers were dispatched to the scene.

Officer Brian Havlicek responded, and after he arrived in the vicinity, he drove to a convenience store at the nearest exit, about a half-mile from the scene and the closest open business. After entering the store, Officer Havlicek observed Havugimana standing at the counter speaking with the store clerks and looking through a phone book. The officer asked if anyone had been involved in an accident. When Havugimana did not reply and turned away, the officer asked him for identification. Havugimana produced a valid New York driver's license with the name of Jean Niynabeshaho. The picture on the license did not match Havugimana's features.

Officer Havlicek again asked Havugimana if he had been involved in an accident and if he had any knowledge of why the car would be in the ditch, and

Havugimana replied, "No." He was asked if he happened to have any keys that might match the car in the ditch, and he again replied, "No." When asked if he had any keys, Havugimana produced a set of keys, but none appeared to be ignition keys for a vehicle. Havugimana told the officer he did not have any more keys. Havugimana then consented to a search of his pockets, and the officer found a set of car keys and a wallet. In the wallet was an Iowa identification card with a photo that matched Havugimana's features and bearing the name—Jean Havugimana.

Officer Havlicek determined Havugimana had been barred from driving, and he gave Havugimana's car keys to another responding officer, Officer Liedtke, to see if the keys would fit the vehicle. As Officer Liedtke pulled away to head back to the car in the ditch, Havugimana admitted to Officer Havlicek that he had been driving and did go in the ditch.

Upon arriving at the accident scene, Officer Liedtke determined the keys worked in the car's door. However, he did not try them in the ignition. Havugimana was ultimately charged with driving while barred, in violation of Iowa Code sections 321.560 and 321.561 (2011), and providing false identification information, in violation of section 719.1A.

A jury trial followed. One of the convenience store clerks testified Havugimana came into the store that night, stated he had driven his car into the ditch, and asked the store clerks to help him pull the car out. She testified the other clerk offered to call him a tow truck, but Havugimana refused. She testified a phone book was brought out at one point to look up numbers for a towing service, and then Officer Havlicek arrived.

Havugimana testified at trial that one of the car keys Officer Havlicek found in his pocket was a key to the car in the ditch. However, he testified he was not driving the car that night, and he denied confessing to anyone that he had driven the car that evening. He testified he was out for a walk, and he stopped by the convenience store to buy beef jerky. He testified he did not really have any conversation with the store clerks, because the officer arrived shortly thereafter, and he did not remember a phone book on the counter in front of him when the officer arrived.

Havugimana's sister testified that she was actually the one who drove the car into the ditch that night. Nevertheless, she admitted she did not come forward and tell police she had been driving after learning her brother had been arrested.

The jury found Havugimana guilty as charged. He now appeals his driving while barred conviction, challenging the sufficiency of the evidence to support that conviction. We review a claim that insufficient evidence supports a conviction for errors at law. *Romer*, 832 N.W.2d at 174.

## ***II. Discussion.***

We will uphold the jury's verdict unless there is an absence of substantial evidence in the record to sustain it. See *State v. Sanford*, 814 N.W.2d 611, 615 (Iowa 2012). "Substantial evidence" is the kind of proof which could "convince a rational jury that the defendant is guilty beyond a reasonable doubt." *Id.* In assessing the sufficiency of the evidence, we "consider all the evidence presented, not just the inculpatory evidence," *id.*, and "we find circumstantial evidence equally as probative as direct." *State v. Meyers*, 799 N.W.2d 132, 146

(Iowa 2011). We follow the “long-standing admonition” to consider the facts in a light most favorable to upholding the jury’s verdict, and, in doing so, we indulge all legitimate inferences and presumptions that may be fairly and reasonably deduced from the evidence offered at trial. *See id.*; *see also State v. Leckington*, 713 N.W.2d 208, 213 (Iowa 2006). “Inherent in our standard of review of jury verdicts in criminal cases is the recognition that the jury is free to reject certain evidence, and credit other evidence.” *Sanford*, 814 N.W.2d at 615 (internal quotation marks, alteration marks, and citation omitted). When reviewing a sufficiency-of-the-evidence claim, we do not venture into an evaluation of a witness’s credibility. *State v. Smith*, 508 N.W.2d 101, 102 (Iowa Ct. App. 1993). It is for the jury to determine credibility. *Id.*

After reviewing the record in the light most favorable to the verdict, and in applying the above precepts, we find there was sufficient evidence from which the jury could have reasonably found beyond a reasonable doubt that Havugimana operated a motor vehicle. Accordingly, we reject Havugimana’s claim of insufficient evidence, and we affirm the judgment and sentence of the district court.

**AFFIRMED.**