

**IN THE COURT OF APPEALS OF IOWA**

No. 6-228 / 05-0587  
Filed June 14, 2006

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

**vs.**

**DONTAYE VALDEZ WRIGHT,**  
Defendant-Appellant.

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Appeal from the Iowa District Court for Black Hawk County, Stephen C. Clarke, Judge.

Dontaye Valdez Wright appeals his convictions for possession of more than ten grams of cocaine base with intent to deliver and failure to affix a drug tax stamp. **AFFIRMED.**

Linda Del Gallo, State Appellate Defender, and Dennis Hendrickson, Assistant Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Sharon K. Hall, Assistant Attorney General, Thomas J. Ferguson, County Attorney, and Brad Walz, Assistant County Attorney, for appellee.

Considered by Zimmer, P.J., and Miller and Hecht, JJ.

**MILLER, J.**

Dontaye Valdez Wright appeals his convictions for possession of more than ten grams of cocaine base (crack cocaine) with intent to deliver, in violation of Iowa Code section 124.401(1)(b)(3) (Supp. 2003), and failure to affix a drug tax stamp, in violation of section 453B.12 (2003). He contends that his convictions are not supported by sufficient evidence.<sup>1</sup> We affirm.

We review challenges to the sufficiency of the evidence supporting a guilty verdict for corrections of errors at law. We will uphold a verdict if substantial record evidence supports it. Evidence is substantial if it would convince a rational fact finder that the defendant is guilty beyond a reasonable doubt.

We review the evidence in the light most favorable to the State, including legitimate inferences and presumptions that may fairly and reasonably be deduced from the evidence in the record. The court considers all the evidence in the record, not just the evidence that supports the verdict.

*State v. Webb*, 648 N.W.2d 72, 75-76 (Iowa 2002) (internal citations omitted).

Wright claims the evidence is insufficient to prove he intended to deliver crack cocaine in any amount or that he was in possession of an amount exceeding ten grams, and was insufficient to prove the drug tax stamp charge. After reviewing the record with the applicable standards in mind we conclude there is sufficient evidence that the .30 gram, fifty dollar rock of crack cocaine that was found individually wrapped on the ground on the path Wright took when running from the officers belonged to Wright and that he had intended to sell the rock to Officer Payne. Other crack cocaine found on Wright was wrapped

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<sup>1</sup> Wright filed a pro se appellate brief in addition to the brief filed by his attorney. His first claim, related to evidence arguably indicating an intent on his part to use some of the crack cocaine, merely implicates the fact-finding function of the jury and does not render insufficient the otherwise substantial evidence of his intent to deliver. His second claim, that an informant's tip and results of police investigation do not suffice to support a finding of intent to deliver, is without merit given the substantial record evidence of an intent to deliver as hereafter described.

similarly to this individual rock, and the top of the packaging holding the single rock was dry although it had earlier been raining.

Furthermore, although Officer Payne's phone call to Wright (a/k/a Black) was brief it was long enough for him to ask Wright for a fifty dollar rock of crack cocaine using street terminology. Within thirty minutes of the call Wright showed up at the meeting place that had been agreed upon during the phone call. He was wearing the clothing he had described to Payne during the phone call.

It is undisputed that Wright was in possession of 6.42 grams of crack cocaine, which consisted of twenty-one rocks of twenty and fifty dollar size. An additional twenty-seven individually wrapped rocks of crack cocaine weighing a total of 3.45 grams were found on the ground under Wright after his struggle with the officers. The testimony presented at trial shows that such a large number of individually wrapped rocks of crack cocaine is consistent with an intent to deliver. The testimony of police officers also indicated that the plastic bags of crack cocaine found on and under Wright's person contained more than ten dosage units of crack cocaine. Finally, there were no drug tax stamps affixed to either the crack cocaine found on Wright's person or the crack cocaine found under him after the struggle.

We conclude there was sufficient evidence in the record to support Wright's convictions for possession of more than ten grams of crack cocaine with the intent to deliver, and for failure to affix a drug tax stamp.

**AFFIRMED.**