

**IN THE COURT OF APPEALS OF IOWA**

No. 6-309 / 05-0942  
Filed July 12, 2006

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

**vs.**

**WILLIAM GEORGE LUCAS, JR.,**  
Defendant-Appellant.

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Appeal from the Iowa District Court for Des Moines County, John Linn,  
Judge.

William George Lucas, Jr. appeals from his conviction following a bench  
trial for first-degree murder. **AFFIRMED.**

Alfredo Parrish of Parrish, Kruidenier, Moss, Dunn, Boles, Gribble & Cook,  
L.L.P., Des Moines, for appellant.

Thomas J. Miller, Attorney General, Ann Brenden and Scott Brown,  
Assistant Attorneys General, Patrick C. Jackson, County Attorney, and Ty  
Rogers, Assistant County Attorney, for appellee.

Heard by Vogel, P.J., and Zimmer and Vaitheswaran, JJ.

**ZIMMER, J.**

William George Lucas, Jr. appeals from his conviction following a bench trial for first-degree murder. He contends the district court erred in denying his motion to suppress statements he made to police officers. Lucas also argues there was insufficient evidence to support his conviction. We affirm the judgment of the district court.

***I. Background Facts & Proceedings***

On February 10, 2004, Lucas invited Michael Harper, Jr. to join him at the apartment Brent Saner shared with his half-brother, Bobby Callen. Lucas and Saner were upset with Harper because they believed he intended to implicate them in the theft of a paintball gun or had already done so. Lucas, Saner, and Debbie Gentry (Saner's girlfriend) agreed that Gentry would lure Harper to a place where Saner and Lucas could confront him about the paintball gun or beat him up.

Harper left Saner's house with a young man named Matthew Boughton. Gentry left Saner's house a short time later and caught up with Harper and Boughton. Gentry told Harper she had argued with Saner because Saner believed she was flirting with Harper at the apartment. Gentry pretended to cry and asked Harper to walk her home. She waved Boughton off, and he left in a different direction.

Gentry walked with Harper to a wooded area in Burlington near Plane Street. As previously planned, Lucas and Saner were waiting behind some "pillars" at that location dressed in dark clothing with their faces covered. Lucas and Saner had agreed to jump out and beat Harper up or otherwise confront him

about the paintball gun issue. Instead, after Gentry and Harper walked past them, they revealed themselves and began to talk with Harper.

Initially, the conversation did not address Lucas and Saner's fear that Harper intended to snitch on them. Lucas and Saner told Harper they wanted to show him the site for a clubhouse they intended to build in some nearby woods. Lucas walked into the woods with Harper, and Saner and Gentry followed them. As Harper walked next to Lucas, Harper spoke with his girlfriend, Nicole Duttweiler, on his cell phone using a hands-free earpiece. Harper told Duttweiler he was walking with Lucas, Saner, and Gentry. At one point, Saner and Gentry stopped, and Saner told Gentry that Lucas had told him "once he started to hit Mikey [Harper], he wouldn't be able to stop."

While Harper was on the phone, Lucas walked back to Gentry and Saner and showed Saner a knife with an unfolded blade. Gentry recognized the knife as belonging to Saner. She believed Lucas was going to kill Harper, but was too scared to warn him. Lucas and Harper walked into the woods ahead of Saner and Gentry. Saner left Gentry's side three different times to go to where Harper and Lucas were located in the woods. Each time, Saner returned to Gentry to report on the attack as it unfolded. The first time Saner returned, he reported Lucas was sitting on top of Harper. The second time Saner left Gentry, she heard Harper say "let me go" or "let me live." When Saner returned, he reported Harper had taken off running, Lucas ran after him, and they only caught him because he tripped on something under the snow. Saner left Gentry a third time and was gone longer than the first two times. Gentry moved to a different area in the woods because she heard Harper yell her name. Nicole Duttweiler also

heard Harper yelling when she called him back a few minutes after she had spoken with him on the phone while he was walking with Lucas, Saner, and Gentry. Harper's phone was set to answer automatically. When the phone picked up, Duttweiler heard "a lot of shuffling around and wrestling," so she hung up. She immediately called back. When the phone picked up, she heard Harper screaming, "let me go, don't touch me, get off me," and "stay away from me." When Duttweiler attempted to call Harper again, her call was directed straight to Harper's phone mail. When she was unable to reach Harper, Duttweiler concluded Harper's cell phone battery had died.<sup>1</sup>

Saner and Lucas eventually came out of the woods without Harper and began walking back to Saner's apartment. Gentry noticed Lucas had blood all over his face. Back at the apartment, Lucas took a shower, and Gentry saw Saner wrap a knife in a sock or some kind of white garment. At some point, Gentry, Saner, and Lucas agreed upon a story to tell the police if they were questioned about Harper. They all agreed to say they were walking on Plane Street in Burlington earlier on February 10 when they saw Harper and talked briefly with him. They agreed they would tell the police that Harper left them walking in the direction of Midtown Garden Apartments.

Duttweiler became concerned when she was unable to reach Harper on his cell phone and he did not contact her the next day. She eventually called Harper's mother, Barbara Cerra, and reported what she had overheard the

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<sup>1</sup> Harper had told Duttweiler in the previous conversation that his battery was going to die.

previous night. Cerra called the police during the early evening hours of February 11. She reported her son missing, and an investigation ensued.

Burlington Police Officer Rodney Fogle visited Saner's apartment during the evening of February 11 after he learned Harper spent a lot of time there. At the apartment, Officer Fogle spoke with Saner and Lucas. They both indicated they had last seen Harper on February 10. After Officer Fogle left the apartment, he received a call from Harper's father, Michael Harper, Sr. Harper's father told the officer he thought his son had been beaten up and Lucas had something to do with it. The officer returned to Saner's apartment and spoke with Lucas again, asking "if Mikey [Harper] had gotten beat up or if he beat up Mikey." Lucas said, "you must have been speaking to Nicole [Duttweiler.]"

Late in the afternoon on February 12, Harper, Sr. found his son's body lying in the snow in a wooded area in Burlington. An autopsy later revealed Harper's body had 111 knife wounds, and the hyoid bone and thyroid and cricoid cartilage structures in his neck had been fractured. The medical examiner opined Harper died from multiple stab wounds and strangulation.

Lucas spoke with Harper's ex-girlfriend, Emily Cooper, on the phone on February 12. He told her "everything wasn't meant to happen the way it did." Lucas told Cooper he and Saner pretended to be Harper's friend. He said they intended to beat Harper up, but nothing was meant to go wrong. He also claimed he "wasn't the one that done anything," and Saner "did everything." Lucas's voice was cracking with emotion when he spoke to Cooper.

During the evening of February 12, investigators determined Lucas and Saner should be interviewed because they had been seen with Harper the day

he disappeared. Lucas came to the Burlington Police Department to be interviewed that same evening. Initially, he told the police that he, Saner, and Gentry saw Harper while he was walking up Plane Hill on the way to a party. Lucas claimed he never saw Harper again. Later on during the same interview, Lucas admitted he was "skirmishing" with Harper near the woods, but he denied he had a knife or stabbed Harper. He claimed he did not know whether Saner had stabbed Harper, but he assumed that if it happened, Saner must have done it. At the end of Lucas's interview, he was arrested for first-degree murder.

On February 23, 2004, the State filed a trial information formally charging Lucas and Saner with murder in the first degree. While in jail, Lucas wrote an incriminating letter to a fellow inmate, Lucas McAlister, seeking his assistance in developing a trial defense. In the letter, Lucas admitted his role in the murder. He admitted he and Saner found out about Harper "narcing" on them regarding the paintball gun and formulated a plan which called for Gentry to lure Harper to a place where they could confront him. Lucas admitted he got into a fight with Harper, he had possession of the murder weapon at the time, and Saner had some of his own knives. Lucas also admitted he inflicted one-third of the knife wounds suffered by Harper, but claimed there had been no strangulation. According to Lucas, the knife became stuck in the back part of Harper's neck, and when it was pulled free, it made a noise that sounded like something was being broken in Harper's neck. Lucas also wrote that when Saner stabbed Harper in the chest, "blood skwirted [sic] onto my face." He indicated Harper died as he and Saner left the scene of the crime.

On January 10, 2005, Dr. William Logan, the mental health expert retained by the defense, interviewed Lucas. Lucas told Dr. Logan that after the initial altercation with Harper, the victim attempted to run away. According to Lucas, Saner caught Harper, threw him to the ground, and stabbed Harper. Lucas denied he ever had a knife.

Dr. Michael Taylor, the State's mental health expert witness, interviewed Lucas on January 13, 2005. Lucas told Dr. Taylor there had been an altercation with Harper, Saner became angry when Lucas allowed Harper to get up and run away, and Saner jumped on Harper when he tripped over some underbrush. Lucas told the doctor he stayed away from the fight, but when he thought he heard Harper yell something about a knife, he walked closer and saw blood on Harper's chin. Lucas claimed Saner turned the knife on him and told him to stay out of it. Lucas denied touching the knife.

Dr. Logan met with Lucas again on January 23, 2005. The second meeting took place because the doctor did not have the letter Lucas had written to McAlister admitting his role in the crime when he first interviewed the defendant. During this second interview, Lucas told Dr. Logan that after the initial altercation, he and Saner chased Harper down when Harper attempted to run away, and he tackled Harper. Lucas claimed Saner handed him a knife two times and told him to stab Harper, but he refused and stabbed the knife into the ground. Lucas told Dr. Logan that Saner shoved him off of Harper and stabbed Harper. Lucas said his forearm might have accidentally slipped onto Harper's neck during the fight.

Lucas filed a motion to suppress the statements he made to law enforcement officers prior to the time *Miranda* warnings were given. The district court denied the motion.

Lucas waived his right to a jury trial, and his case was tried to the court. Lucas's trial testimony differed in some respects from the versions of the events leading to Harper's death he had earlier related to the police, mental health experts, and McAlister. Lucas testified he fought with Harper and sat on him. He claimed Harper attempted to escape, but tripped on some underbrush. Lucas said he was attempting to calm Harper down by sitting on him. Lucas claimed Saner handed him a knife twice, but he refused to stab Harper. He admitted he might have accidentally fractured Harper's hyoid bone because he placed his forearm across Harper's mouth, and it accidentally slipped off and onto the victim's neck, where he held it "[p]robably for a couple minutes trying to get him under control when he was fighting me." Lucas testified Saner pushed him aside and jumped on Harper with the knife, implying Saner did all of the stabbing.

Lucas presented a defense of diminished responsibility based primarily on his level of immaturity. Dr. Logan testified, "in a situation in which a rapid decision may have been called for," Lucas's "capacity to form intent to kill someone could have been compromised," and he could not make good judgments in a crisis situation. On cross-examination, Dr. Logan admitted if Lucas had refused Saner's order to stab Harper, consistent with his testimony at trial, that act would have disproved his theory that Lucas could not make good judgments in a crisis situation. He also acknowledged that if the facts in the letter Lucas wrote to McAlister were true, then Lucas was capable of premeditation in

the killing of Harper. Dr. Taylor testified for the State. He opined Lucas did not suffer from any mental disorder that would prevent him from forming the specific intent to kill. He testified Lucas had the ability to premeditate.

On April 21, 2005, the district court found Lucas guilty of first-degree murder, and he was later sentenced to life in prison. Lucas now appeals.

## ***II. Motion to Suppress***

Lucas first contends the district court erred in denying his motion to suppress statements he made at the police station without the benefit of a *Miranda* warning.

The facts pertinent to Lucas's interrogation are largely undisputed. Between 6:45 p.m. and 7:45 p.m. on February 12, 2004, Iowa Division of Criminal Investigation Special Agent Tim Sammons asked Burlington Police Officer Adam Schaefer and Des Moines County Sheriff's Deputy Mark McIntyre to locate and interview Lucas and Saner regarding Harper's disappearance. The officers drove to Saner's apartment in an unmarked city vehicle. They were wearing plain clothes. Callen answered the door at approximately 8:00 p.m. The officers identified themselves and asked to speak with Saner. Saner came to the door, and the officers again identified themselves and explained why they were there. Saner agreed to speak with them about Harper's disappearance. When the officers asked Saner if they could conduct an interview in the apartment, he indicated there was nowhere to sit on the first floor and invited the officers to follow him upstairs to a bedroom. When the officers entered the bedroom, they saw Lucas.

The officers believed it would be easier to interview Lucas, Saner, and Callen at the Burlington Police Department, and the men agreed to go to the police station.<sup>2</sup> Callen asked the officers if he could drive Lucas and Saner to the police station, and the officers agreed to this procedure. Callen drove Lucas and Saner to the police station in his vehicle. Callen, Lucas, and Saner were not discouraged from consulting with one another or making phone calls along the way. The officers drove to the police station and waited on the front steps for Callen's car to arrive. The men entered the building with the officers through a public door and were taken to a first floor conference room.

The first floor of the police station can only be accessed through a keypad or a command radio, but egress is unrestricted. Officer Schaefer told Lucas, Saner, and Callen he would be back in several minutes to speak with them after he settled them in the conference room. The room was in a nonpublic location, so a uniformed police officer was stationed in the room to ensure the men "didn't wander off into an area where there w[ere] confidential files or police equipment." The room had cable television and a telephone. Callen testified he was made comfortable in the room, but he claimed he did not feel free to leave. Callen admitted he understood that because the men were in a secure area of the police station, the police would not want them to wander around. While the three men were at the police station, the two that were not being interviewed waited in the conference room together.

The interviews were conducted in an eight by fifteen foot room on the second floor of the police department with a partition that reduced the size to

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<sup>2</sup> The officers were in Saner's apartment for nine to ten minutes.

eight by ten feet. Similar to the first floor of the police station, the second floor can only be accessed through a keypad or with a key, but egress is unrestricted. The officers decided not to give Lucas or Saner a *Miranda* warning before conducting the interviews. Saner was interviewed first for one hour and forty-five minutes while Lucas waited in the conference room. Following Saner's interview, Officer Schaefer and Deputy McIntyre interviewed Lucas for two hours and forty-five minutes beginning at approximately 10:29 p.m.

The officers told Lucas they appreciated him coming to the police station "voluntar[ily] to try to get some things squared away," and they apologized for making him wait after he complained his "butt" hurt from sitting and waiting while they interviewed Saner. Lucas was never told he was not free to leave the police station. During the interrogation, the officers confronted Lucas with inconsistencies in his statement and information Saner and Gentry had provided the police. Lucas consistently claimed he did not harm Harper, but he admitted he had a minor skirmish with Harper near the woods.

Near the end of the interrogation, Officer Schaefer accused Lucas of stabbing Harper; Lucas denied the claim and said he would not answer any more questions without the presence of his lawyer. At that point, Officer Schaefer arrested Lucas for first-degree murder and handcuffed him. The officers questioned Lucas for several more minutes, and they ended the first interrogation at 1:15 a.m. At 2:33 a.m., Lucas was Mirandized and waived his *Miranda* rights. The officers interrogated him again until 2:52 or 2:53 a.m.

In his motion to suppress, Lucas claimed the statements he gave to the police were obtained in violation of the standards set forth in *Miranda v. Arizona*,

384 U.S. 436, 478-79, 86 S. Ct. 1602, 1630, 16 L. Ed. 2d 694, 726 (1966). Lucas maintains he was in police custody at the time of the interrogation and was entitled to a *Miranda* warning, and he claims the interrogation was confrontational and accusatorial. Lucas argues he was not free to leave the police station because he was placed in a secured room during the interrogation with two police officers blocking his exit from the room, and one of the officers had a gun on his belt. He also he maintains his statements were involuntary, and his right to cut off questioning was not honored.

The State contends Lucas was not in custody when he was interviewed at the police station, and consequently, *Miranda* warnings were not required. The State also argues Lucas did not preserve error on his claims that his statements were “involuntary” and his “right to cut off questioning was not honored” because those claims were not raised in his motion to suppress. *See Meier v. Senecaut*, 641 N.W.2d 532, 537 (Iowa 2002) (stating, “It is a fundamental doctrine of appellate review that issues must ordinarily be both raised and decided by the district court before we will decide them on appeal.”).

We review a district court’s ruling on a motion to suppress statements allegedly made in violation of constitutional guarantees de novo. *State v. Turner*, 630 N.W.2d 601, 606 (Iowa 2001). We independently evaluate the totality of the circumstances as shown by the entire record. *State v. Howard*, 509 N.W.2d 764, 767 (Iowa 1993). We defer to the district court’s fact findings due to its opportunity to assess the credibility of witnesses, but we are not bound by those findings. *Turner*, 630 N.W.2d at 606.

Before an individual who is in custody may be subjected to interrogation, the individual must be advised of his or her constitutional rights to remain silent and to have appointed counsel present prior to any questioning. *Turner*, 630 N.W.2d at 607 (citing *Miranda*, 384 U.S. at 478-79, 86 S. Ct. at 1630, 16 L. Ed. 2d at 726). If these warnings are not given, any evidence obtained as a result of a custodial interrogation is inadmissible unless the State can show the defendant knowingly waived those rights. *Miranda*, 384 U.S. at 479, 86 S. Ct. at 1630, 16 L. Ed. 2d at 726. The requirement of *Miranda* warnings does not arise unless there is both custody and interrogation. *State v. Countryman*, 572 N.W.2d 553, 557 (Iowa 1997). Here, there is no dispute the officers conducted an interrogation of Lucas without giving him *Miranda* warnings. The question is whether Lucas was in custody at the time of the interrogation.

Lucas was clearly not in custody when he arrived at the police station and when he waited to be interviewed in the conference floor on the first floor of the station. His status after he was moved to the second floor of the police station and interviewed presents a much closer question. However, for purposes of this appeal, we find it unnecessary to resolve this issue. Even if we assume without deciding that Lucas was in custody at the police station before he received *Miranda* warnings, we find the admission of the defendant's statements to be harmless beyond a reasonable doubt. See *State v. Peterson*, 663 N.W.2d 417, 430-35 (Iowa 2003) (applying harmless error analysis in the context of a *Miranda* violation).

In order for constitutional error to be harmless, the State must "prove beyond a reasonable doubt that the error complained of did not contribute to the

verdict obtained.” *Id.* at 431 (citation omitted). We conduct a two-step analysis to determine whether the State has met its burden: (1) we ask what evidence the fact-finder actually considered in reaching its verdict, and (2) we weigh the probative force of that evidence against the probative force of the erroneously admitted evidence standing alone; and we ask whether the force of the evidence is so overwhelming as to leave it beyond a reasonable doubt that the verdict resting on that evidence would have been the same without the erroneously admitted evidence. *Id.* Only when the effect of the erroneously admitted evidence is comparatively minimal can we say there is no reasonable possibility such evidence might have contributed to the conviction. *State v. Hensley*, 534 N.W.2d 379, 383 (Iowa 1995).

We find the effect of the statements made by Lucas before he was given a *Miranda* warning minor when compared to the effect of the evidence used by the fact-finder to reach its verdict. Before Lucas was given a *Miranda* warning, he claimed he had last seen Harper on February 10, 2004, when Harper walked away from his group of friends. The inference drawn from this statement—that Lucas was not truthful about his role in the murder—is easily drawn from other evidence in the record. Lucas made substantially the same statement on separate occasions to Officer Fogle at Saner’s apartment, Harper’s mother, Harper’s uncle, and Harper’s father. He was not in custody when any of those statements were made.

Later on during his interview at the police station, Lucas told officers he had a minor skirmish with Harper, but he did not know how Harper had gotten stabbed or who stabbed him. As we have already mentioned, Lucas admitted

“skirmishing” or “fighting” with Harper on numerous other occasions when explaining his versions of the events that led to Harper’s death. In addition, Lucas sent a two and one-half page letter to a fellow inmate admitting his role in Harper’s murder in considerable detail. The effect of the statement Lucas made at the police station is minimal when compared to the effect of the evidence detailed by the district court to support its guilty verdict. See *State v. Deases*, 518 N.W.2d 784, 791 (Iowa 1994) (stating, “If substantially the same evidence is in the record, erroneously admitted evidence is not considered prejudicial.”) Therefore, any alleged error was harmless beyond a reasonable doubt. See *State v. Simmons*, \_\_\_ N.W.2d \_\_\_ (Iowa 2006) (finding harmless error when a district court admitted statements made by a defendant prior to receiving a *Miranda* warning when the defendant had earlier made substantially similar statements that were admissible.)

### ***III. Sufficiency of Evidence***

Lucas next claims the record contains insufficient evidence to support his conviction. He contends there was insufficient evidence in the record to support the district court’s finding that he stabbed or strangled Harper. Lucas asserts he put his arm over Harper’s mouth to keep him from yelling, and his arm accidentally fell over Harper’s neck for several minutes when Harper jerked his head back. Lucas maintains the physical evidence supports his claim that only Saner stabbed Harper because the bloody knife was in the pocket of a jacket worn by Saner, and Lucas had no reason to be angry with Harper after the initial confrontation because “the incident involving the theft had been resolved.” Lucas also claims there was insufficient evidence in the record to support the court’s

findings that he acted with premeditation, deliberation, the specific intent to kill, and malice aforethought; he participated in felony murder; and he aided and abetted Saner. For the reasons that follow, we find no merit in any of Lucas's contentions.

We review sufficiency of evidence claims for the correction of errors at law. *State v. Petithory*, 702 N.W.2d 854, 856 (Iowa 2005). We will uphold the verdict if substantial evidence supports it. *State v. Williams*, 695 N.W.2d 23, 27 (Iowa 2005). Substantial evidence is defined as evidence that "could convince a rational trier of fact that the defendant is guilty beyond a reasonable doubt." *State v. Robinson*, 288 N.W.2d 337, 339 (Iowa 1980). We consider all the evidence in the record, not just evidence supporting the defendant's guilt. *State v. Randle*, 555 N.W.2d 666, 671 (Iowa 1996). We also consider legitimate inferences and presumptions that may reasonably be deduced from the evidence in the record, and we view the evidence in the light most favorable to the State. *State v. Casady*, 597 N.W.2d 801, 804 (Iowa 1999). Circumstantial and direct evidence are equally probative. Iowa R. App. P. 6.14(6)(p); *State v. Hopkins*, 576 N.W.2d 374, 378 (Iowa 1998).

The district court found Lucas guilty of first-degree murder after concluding the State proved the following by evidence beyond a reasonable doubt:

1. On or about the 10<sup>th</sup> day of February, 2005, Lucas:
  - (a) stabbed or strangled Michael Allen Harper, Jr. and,
  - (b) aided and abetted Brent Lee Saner when Saner stabbed or strangled Michael Allen Harper, Jr.
2. Michael Allen Harper, Jr. died as a result of being stabbed or strangled by either Lucas or Saner.
3. Lucas:
  - (a) acted with malice aforethought and
  - (b) aided and abetted Brent Lee Saner when Saner acted with

- malice aforethought.
4. Lucas:
    - (a) acted willfully, deliberately, premeditatedly, and with the specific intent to kill Michael Allen Harper, Jr. and,
    - (b) aided and abetted Brent Lee Saner when Saner acted willfully, deliberately, premeditatedly, and knowing Saner did so with a specific intent to kill Michael Allen Harper, Jr., and
    - (c) was participating in the crime of willful injury and,
    - (d) aided and abetted Brent Lee Saner when Saner was participating in the crime of willful injury.

Based on the evidence presented at trial, the district court reasonably concluded Lucas made a plan with Gentry and Saner to confront Harper, lured him to the woods, argued with him, and stabbed or strangled him. The court found the letter written by Lucas to a fellow inmate admitting his role in Harper's murder to be the most believable version of the crime. Lucas had no motive to lie in the letter because he wrote it with the intent McAlister would assist him to formulate an effective defense for trial; he never expected the letter would be turned over to the authorities and used as an exhibit against his interests. We agree with the district court's finding that "[t]he assertions made by Lucas in the letter are consistent, coherent, and neatly fit with the other facts of the State's prosecution, including other witness statements and the physical evidence."

In addition to this incriminating written admission by Lucas that he stabbed Harper, Gentry testified she witnessed Lucas holding a knife before entering the woods with Harper, she overheard Harper's screams while Saner reported back to her about the attack as it unfolded, and she saw blood on Lucas's face when he returned to her side without Harper. Furthermore, immediately following a phone conversation in which Harper told his girlfriend he was walking with Lucas, Saner, and Gentry, she called him back and overheard the sounds of a struggle

and Harper's protests. After the murder, Lucas told Emily Cooper he was pretending to be friends with Harper, was going to beat him up, but "everything wasn't meant to happen the way it did."

The physical evidence also supports Lucas's first-degree murder conviction. As the district court noted, Harper's blood was discovered on the following items found in Saner's apartment: Nike shoes, two jackets, a hat, pants, a knife, and gloves that matched Lucas's description of gloves he had worn and allegedly discarded the night of the murder. Saner's half-brother testified Saner had borrowed one of the jackets from him the night of the murder. The other jacket was discovered in the same box as the shoes and the gloves Lucas had worn. It is reasonable to infer that the shoes found in the apartment were worn by Lucas the night of the murder because the police took Saner's shoes when he was jailed, and the crime lab discovered Harper's blood on the left shoe. We find there was sufficient evidence to support Lucas's conviction of first-degree murder.

#### ***IV. Conclusion***

We find it unnecessary to address the issues raised by the defendant regarding the motion to suppress because any constitutional error alleged was harmless beyond a reasonable doubt. We find substantial evidence supports the district court's verdict. Therefore, we affirm the judgment and sentence of the district court.

**AFFIRMED.**