

**IN THE COURT OF APPEALS OF IOWA**

No. 6-367 / 05-0730

Filed May 24, 2006

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

**vs.**

**LEONA LYNN BECK,**  
Defendant-Appellant.

---

Appeal from the Iowa District Court for Monroe County, Daniel P. Wilson,  
Judge.

Leona Lynn Beck appeals her convictions for second-degree criminal mischief, third-degree burglary, and second-degree theft. **AFFIRMED.**

Linda Del Gallo, State Appellate Defender, and Shellie Knipfer, Assistant State Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Robert Ewald, Assistant Attorney General, and Steven E. Goodlow, County Attorney, for appellant.

Considered by Mahan, P.J., and Hecht and Eisenhauer, JJ.

**EISENHAUER, J.**

Leona Lynn Beck contends there is insufficient evidence to support her convictions for second-degree criminal mischief, third-degree burglary, and second-degree theft. We review her claim for corrections of errors at law. *State v. Rohm*, 609 N.W.2d 504, 509 (Iowa 2000). We will uphold a finding of guilt if substantial evidence supports the verdict. *Id.* “Substantial evidence is evidence upon which a rational finder of fact could find a defendant guilty beyond a reasonable doubt.” *Id.*

Beck lived with Timothy Emerson in his home from April to July 2004. On July 14, Emerson told Beck she had to move out. Emerson then changed the locks to the house.

From August 8 until August 12, Emerson was in Las Vegas, Nevada. Upon returning home one the evening of August 12, Emerson found his home had been broken into and left in disarray; numerous items were broken or missing, the kitchen faucet was left running, food was strewn about the kitchen, the refrigerator doors were left open allowing the food inside to spoil, and mothballs had been inserted into the gas tank of his motorcycle and riding lawn mower. Missing were a computer, a shotgun, Emerson’s passport, his mother’s jacket, and his cat. Also missing were written statements Emerson obtained from friends concerning the breakup of the relationship with Beck and the circumstances surrounding her leaving the home. A friend’s sister had last checked the home on August 10, and found the home in order.

Officers executed two search warrants on the home of Beck's brother, with whom Beck lived on the weekends. They discovered a coat Emerson claimed to belong to his mother and another coat he believed was missing from his home.

A hair appearing to match that of Beck was found caught on a sliver of wood in the garage.<sup>1</sup> Shoeprints discovered on Emerson's recently-painted deck and in sugar and flour on the kitchen floor matched shoes owned by Beck.

Beck was charged with first-degree criminal mischief, third-degree burglary, and second-degree theft. At trial, Beck claimed she was with her family on August 11 and 12, when the crime could have been committed. The jury returned verdicts finding Beck guilty of second-degree criminal mischief, third-degree burglary, and second-degree theft.

In evaluating the sufficiency of the evidence for jury consideration, we view it in the light most favorable to the verdict. *State v. Acevedo*, 705 N.W.2d 1, 4 (Iowa 2005). Furthermore, we consider not only evidence which supports the verdict, but all reasonable inferences which could be derived from the evidence. *Rohm*, 609 N.W.2d at 509. With these principles in mind, we conclude substantial evidence supports Beck's convictions. Items reported stolen were found in Beck's possession. A hair and shoe print matching Beck's hair and shoes were found on the premises. She had the motive to retaliate against Emerson, and the nature of the crime committed suggests it was done in retaliation.

Beck claims she could not have committed the crimes because during the timeline established because she was with her family. Her mother testified

---

<sup>1</sup> DNA testing on the hair was inconclusive.

accordingly. However, the jury is free to believe or disbelieve any testimony as it chooses and to give weight to the evidence as in its judgment such evidence should receive. *State v. Thornton*, 498 N.W.2d 670, 673 (Iowa 1993). The very function of the jury is to sort out the evidence and “place credibility where it belongs.” *Id.*

Because sufficient evidence supports the jury’s verdict, we affirm.

**AFFIRMED.**