

IN THE COURT OF APPEALS OF IOWA

No. 6-615 / 05-1518
Filed September 7, 2006

STATE OF IOWA,
Plaintiff-Appellee,

vs.

ANTAVIS MARICE WARDELL WATSON,
Defendant-Appellant.

Appeal from the Iowa District Court for Lee (South) County, R. David
Fahey, Judge.

Antavis M. W. Watson appeals from his conviction and sentence for two
counts of delivery of cocaine. **AFFIRMED.**

Linda Del Gallo, State Appellate Defender, and Patricia Reynolds,
Assistant Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Richard Bennett, Assistant Attorney
General, Michael Short, County Attorney, and Bruce C. McDonald, Assistant
County Attorney, for appellee.

Considered by Huitink, P.J., and Mahan and Zimmer, JJ.

HUITINK, P.J.

Antavis M. W. Watson appeals from his conviction and sentence for two counts of delivery of cocaine. We affirm.

I. Background Facts and Proceedings.

On February 4, 2005 and March 4, 2005, Deputy Sheriff Stacy Weber of the Lee County Sheriff's Department conducted a controlled buy of cocaine with the assistance of informant Steve Austin. The controlled buy occurred at 326½ South Ninth Street in Keokuk. The controlled buy was recorded by electronic voice recorder, and Deputy Weber heard and observed the controlled buy take place. Weber identified the voice on the recording as Antavis M. W. Watson.

Watson was charged with two counts of delivery of less than five grams of cocaine, as a person over the age of eighteen, and done within 1000 feet of a school in violation of Iowa Code sections 124.401(1)(c)(2) and 124.401A (2005). At trial the recording was played for the jury. Austin testified that he participated in the drug transactions as an informant for the police. Deputy Weber testified that Watson was twenty-four years of age and that the house where the controlled buys occurred was within 1000 feet of a school. A photograph and testimony indicated that the school was across the street from the house. Defense witness Jeremiah D. Nichols testified that drugs were sold out of the house at 326½ South Ninth Street directly across the street from an elementary school.

At the close of the State's case, Watson made the following motion for judgment of acquittal:

MR. SWAN [WATSON'S COUNSEL]: Your Honor, on behalf of my client, the State has completed its case here today. It's our position that they have not met their burden to go forth. I think the evidence that they have put on is not enough to submit this matter to a jury. We would ask that the Court enter an acquittal on my client's behalf at this time.

The trial court denied Watson's motion. The record on Watson's renewed motion for judgment of acquittal made at the close of all the evidence provides:

THE COURT: You wish to renew your motion then, Mr. Swan?

MR. SWAN: Yes, I do, Your Honor.

THE COURT: Is there anything further that you'd like to state in that regard, Mr. Swan?

MR. SWAN: Just what I stated before and that I make the motion for acquittal on the grounds that there's not evidence here to submit this to a jury.

The court also denied Watson's renewed motion for judgment of acquittal. The jury found Watson guilty as charged, and he was sentenced accordingly.

On appeal Watson argues the following:

- I. The record contains insufficient evidence to support defendant's conviction on the school enhancement.

II. Standard of Review.

We review sufficiency of the evidence claims for errors at law. *State v. Webb*, 648 N.W.2d 72, 75 (Iowa 2002) (citing *State v. Heard*, 636 N.W.2d 227, 229 (Iowa 2001)).

III. Merits.

The State argues Watson's motions for judgment of acquittal made at the close of the State's evidence and renewed at the close of all the evidence were insufficient to preserve his sufficiency of the evidence claim for our review. We agree. Watson's motions for judgment of acquittal lack a sufficient specificity to

alert the court to the specific grounds upon which he relied for judgment of acquittal. See *State v. Crone*, 545 N.W.2d 267, 270 (Iowa 1996). Moreover, we are unable to gather from the context in which the motion was made that the grounds for the motion were obvious and understood by the trial court and counsel. See *State v. Williams*, 695 N.W.2d 23, 27 (Iowa 2005).

Because Watson has failed to preserve error on his sufficiency of the evidence claim, we decline to consider it on appeal. The judgment of the district court is affirmed.

AFFIRMED.