

IN THE COURT OF APPEALS OF IOWA

No. 7-472 / 06-1005
Filed July 25, 2007

STATE OF IOWA,
Plaintiff-Appellee,

vs.

MAURICE WALKER, SR.,
Defendant-Appellant.

Appeal from the Iowa District Court for Clinton County, James E. Kelley,
Judge.

Defendant appeals his convictions following a jury trial for two counts of
first-degree murder. **AFFIRMED.**

Mark C. Smith, State Appellate Defender, and James G. Tomka, Assistant
Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Jean C. Pettinger, and James Kivi,
Assistant Attorneys General, and Michael L. Wolf, County Attorney, for appellee.

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

MAHAN, P.J.

A jury convicted defendant Maurice Walker Sr. of two counts of murder in the first degree for the deaths of his former wife and her boyfriend. Maurice appeals, claiming there was insufficient evidence to support the convictions. We affirm.

I. Backgrounds Facts and Prior Proceedings

At approximately 11:15 p.m. on April 12, 2005, Everett Koehler heard a scream and a series of popping sounds while he watched television in his apartment in Clinton, Iowa. The bodies of Renee Walker and her live-in boyfriend, Steven Kersey, were found the next day in one of the neighboring apartments. Renee's former husband, Maurice, was charged with two counts of first-degree murder.

At trial police investigators described a violent murder scene. Both Renee and Steven were shot multiple times at close range just inside the door of their apartment. Bags of groceries from their recent trip to the store lay strewn across the floor. A bloody ski mask was left on top of a kitchen drawer. Renee's blood was on the mask, and Maurice's DNA was present around the mouth of the mask.

Based on an analysis of bullet fragments, investigators concluded a Hi-Point .380 automatic pistol delivered the fatal gunshots. While the gun was never recovered, the State presented evidence that Maurice had previously owned a Hi-Point .380 automatic pistol. Even though he had filled out paperwork transferring ownership of the gun to Renee, he still had the box for the gun, and police discovered a discharged bullet casing in the basement of his home. A

ballistics examination found that the discharged bullet casing from his basement matched those found at the murder scene: the bullets had all been fired from the same gun.

The State also set forth contradicting statements made by Maurice shortly after the murders. The State presented evidence that Maurice purchased a ticket at a bus station in Chicago approximately twenty-five hours after the murders. Maurice did not immediately board the bus; instead, he left the station. Two hours later someone discovered his burning van¹ on the side of the road. Shortly thereafter, Maurice returned to the bus station and rode a bus to Davenport. When he arrived in Davenport, Maurice told a friend that his van had caught on fire. However, later that same day, he told a police officer investigating that he had left his van in Chicago with a mechanic.

Prosecutors developed multiple motives for the murders. First, Maurice was the beneficiary of a million-dollar insurance policy² on Renee's life. One month prior to the murder, he sent the insurance payment via overnight mail. Shortly thereafter, someone called to make sure the payment was received and then inquired as to how long the policy would be in effect. Second, Maurice and Renee's twenty-year-old daughter testified that Maurice did not like Steven Kersey. She also testified that Maurice was controlling and physically abusive towards Renee. Six months prior to the murder she witnessed Maurice striking Renee.

¹ A forensic scientist testified that an accelerant, gasoline, was found on the burnt van.

² Maurice initially told police the value of the insurance policy was only \$100,000, not \$1 million.

Maurice relied on an alibi defense at trial. In support of this defense, one witness testified that he drove with Maurice to Chicago on the day of the murder. The State pointed out that this witness was not with Maurice at the time of the murder. The witness last saw Maurice in the afternoon, more than six hours before shots were fired at Renee's apartment.

At the conclusion of the evidence, Maurice moved for judgment of acquittal on all charges. The court denied this motion, and the jury found Maurice guilty of both counts of first-degree murder. On appeal, Maurice claims there was insufficient evidence to support the jury's verdict.

II. Standard of Review

Our review of a sufficiency-of-the-evidence claim is for errors at law. *State v. Leckington*, 713 N.W.2d 218, 221 (Iowa 2006). The standards governing our review of claims of insufficient evidence are well established:

In a sufficiency-of-the-evidence challenge we review all the evidence to determine whether a rational trier of fact could have found the defendant guilty beyond a reasonable doubt. We view the evidence in the light most favorable to the State and draw all fair and reasonable inferences from all the evidence. We do not uphold a verdict on evidence that merely raises suspicion, speculation, or conjecture regarding guilt.

State v. Brown, 569 N.W.2d 113, 115 (Iowa 1997) (citations omitted). Direct and circumstantial evidence are equally probative. Iowa R. App. P. 6.14(6)(p). We consider "the evidence supporting not just guilt, but innocence, too." *State v. Smitherman*, ____ N.W.2d ____, ____ (Iowa 2007).

III. Merits

Maurice contends the State failed to produce sufficient evidence that he was the person who shot Steven Kersey and Rene Walker, arguing the evidence

“is insufficient to establish guilt beyond a reasonable doubt due to the fact that all of the testimony establishes that Maurice Walker was not present when the murders occurred.” Specifically, he claims the State failed to rebut his alibi defense.

Contrary to Maurice’s claims, we find the record contains substantial evidence to disprove his alibi defense. On the morning of the murder, Maurice drove to Chicago with an acquaintance from his church. Maurice dropped off this acquaintance and went to a hotel by himself. Surveillance videos at the hotel show that Maurice checked into the hotel at approximately 4:15 p.m. He left the hotel approximately forty minutes later. He did not return to the hotel until approximately 2:30 a.m. The travel time between the hotel and Clinton, Iowa, is roughly two and one-half hours. Based on this evidence, it is clear that Maurice had the ability to drive to Renee’s apartment in Clinton before Everett Koehler heard the scream and popping noises at 11:15 p.m. Likewise, Maurice did not return to his Chicago hotel room until three hours and fifteen minutes after Everett Koehler heard the suspicious noises. In total, neither his alibi defense nor the surveillance videos from his hotel prove that he could not have been in Clinton at the time of the murders.

Viewing the evidence in a light most favorable to the State, we conclude substantial evidence supports the first-degree murder convictions. First, Maurice’s DNA was present on a bloody ski mask found at the scene of the crime. Second, he previously owned the same type of gun used to commit the murders. A discharged bullet casing found at his home matched those found at the scene of the murder. Finally, there were plausible motives for the murders—

he was the beneficiary of Renee's substantial insurance policy, he was physically abusive towards Renee, and he disliked Steven Kersey. In total, we find this evidence sufficient to support the jury's conclusion that Maurice murdered both Renee and Steven. Accordingly, we find the district court did not err in denying Maurice's motion for judgment of acquittal.

AFFIRMED.