

IN THE COURT OF APPEALS OF IOWA

No. 8-652 / 07-0359
Filed November 26, 2008

STATE OF IOWA,
Plaintiff-Appellee,

vs.

RICCO FOUNTAIN THIGPEN,
Defendant-Appellant.

Appeal from the Iowa District Court for Linn County, David M. Remley,
Judge.

A defendant appeals following his conviction of two counts of first-degree
robbery. **AFFIRMED.**

Clemens A. Erdahl and Mark D. Fisher, Cedar Rapids, for appellant.

Thomas J. Miller, Attorney General, Elisabeth S. Reynoldson, Assistant
Attorney General, and Harold Denton, County Attorney, for appellee.

Considered by Huitink, P.J., and Vogel and Eisenhauer, JJ.

PER CURIAM

Following a jury trial, Ricco Thigpen was convicted of two counts of first-degree robbery in violation of Iowa Code sections 711.1 and 711.2 (2005). On appeal he asserts the district court erred: (1) in failing to suppress the photo identification line-up, (2) in failing to grant his motion in limine as to information Thigpen was known by one or more street names, and (3) in failing to grant Thigpen's motion for judgment of acquittal or for new trial.

We agree with the district court that there was a reasonable effort to harmonize the photographs selected in the line-up and the photo line-up was not impermissibly suggestive, nor was there a substantial likelihood of misidentification. *State v. Rawlings*, 402 N.W.2d 406, 408 (Iowa 1987). Further, the victims spent an extended amount of time with or near the defendant during the evening prior to the robbery such that each readily identified the defendant from the line-ups presented.

We also agree with the district court's denial of Thigpen's motion in limine, as the use of nicknames or street names explained the officer's conduct, leading him to suspect Thigpen as the person who committed the robberies.

We further agree with the district court's denial of Thigpen's motions for judgment of acquittal and new trial, as the greater weight of the evidence does support the verdict. *State v Ellis*, 578 N.W.2d. 655, 658-659 (Iowa 1998).

We therefore affirm pursuant to Iowa Court Rule 21.29(1)(a), (b), (c), (d), and (e).

AFFIRMED.