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IN THE SUPREME COURT OF IOWA

STATE OF IOWA, Plaintiff–Appellee, RHETT BRYAN WICKETT, Defendant–Appellant.	Supreme Court No.: 25-0639 Warren County Case No. AGCR035150

APPEAL FROM IOWA DISTRICT COURT FOR WARREN COUNTY

Hon. Kevin Parker

APPELLANT'S BRIEF

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STATEMENT OF ISSUES

I. THE DISTRICT COURT ERRED IN DENYING A MOTION FOR JUDGMENT OF ACQUITTAL

II. THE DISTRICT COURT ABUSED DISCRETION FOR SENTENCING WICKETT TO A TWO-YEAR PRISON TERM

ROUTING STATEMENT

This case should be transferred to the court of appeals because it presents a question regarding application of existing legal principles. IA R. APP. P. 6.1101(3)(a).

NATURE OF THE CASE

This is an appeal from a conviction and sentence following a guilty verdict to Harassment Second Degree, Harassment First Degree, Assault, and Assault Causing Bodily Injury. (D0088, *Disposition Order,* 4/15/25). The defendant was sentenced to two years prison term. (D0088 at 2).

STATEMENT OF FACTS

On August 9, 2024, Rhett Wickett ("Wickett") was charged with multiple counts. (D0014, *Trial Info*, 8/9/24).

This case stems from a tumultuous relationship. Wickett struggled to find closure following the end of his marriage. Although the incident at issue occurred several years after the divorce, Wickett continued to struggle with the impact of the marriage's dissolution.

On July 26, 2024, Wickett was looking to speak with his ex-wife's subsequent husband, Chad Daniels ("Daniels"). Wickett testified he and Daniels were childhood

friends. (D0105, *Trial Trans. Vol. I* at 221:12-14, 6/25/25). Wickett drove to Daniels' home. (D0105 at 223:1-18). Accounts of what occurred next are inconsistent.

According to the Daniels' brothers and friend Ben Camp ("Camp"), Wickett initiated an altercation with Sam Daniels ("Sam"). (D0105 at 160:9-14). Each testified Wickett approached Sam with his fists swinging, after no provocation. (D0105 at 160:11-22).

Wickett testified he was speaking with Daniels when Sam came up and knocked him out. (D0105 at 227:4-15). By all accounts, Wickett and Sam exchanged blows and Wickett was knocked down and unconscious. (D0105 at 161:4-10).

Sam testified Wickett got up, returned to talking with Daniels, then approached him again. (D0105 at 182:18-22). Daniels testified, as that point, he asked Wickett to leave. (D0105 at 163:1-16).

Another altercation occurred between Sam and Wickett. Sam testified Wickett swung at him, missed, leading Sam to punch Wickett. (D0105 at 183:6-19). Daniels testified he was unsure if Wickett punched Sam, but Sam struck Wickett at least a couple of times. (D0105 at 170:10-16). Camp saw Wickett and Sam together, then saw Sam punch Wickett. (D0105 at 146:23-24).

Wickett was next approached by his son Dillion Wickett ("Dillion"). Dillion drove up to the house, saw Wickett, and initiated a fight. (D0105 at 193:12-20). The

two wrestled to the ground. (D0105 at 169:17-24). Wickett testified he recalls a general struggle between himself and Dillion. (D0105 at 229:9-10). Wickett's daughter Josie broke up the fight. (D0105 at 206:2-9). Dillion then hit Wickett twice. (D0105 at 195:20-23).

A friend of Dillion's, Zach Beem ("Beem"), got involved. Dillion testified Beem tried to break up the fight. (D0105 at 152:9-16; 201:6-13). Camp and Wickett testified Beem threw Wickett to the ground. (D0105 at 152:9-16; 230:14-17).

Law enforcement arrived on scene. (D0105 at 166:6-12). When Deputy Hundertmark arrived, everyone was physically separated from Wickett. (D0105 at 111:6-9). Deputy Hundertmark told Wickett to walk and wait at his police vehicle while he obtained statements from others on scene. (D0105 at 111:13-23).

Sergeant Wilbur took photos to document Sam's injuries. (D0105 at 184:4-16). Wickett was then moved to an ambulance. Sergeant Wilbur stayed in the ambulance with Wickett, where Wickett claimed he had been assaulted and that he was the victim. Wickett's face was covered in blood. (D0105 at 129:2-4).

Jury trial commenced on February 27, 2025, the jury found Wickett guilty of Count I: Harassment Second Degree, Count II: Harassment First Degree, Count III: Assault, and Count IV: Assault Causing Bodily Injury. (D0082, *Criminal Verdict*, 2/28/25).

At sentencing, Wickett requested a probationary sentence with strict conditions of supervision. (D00103, *Sentencing Trans.* at 10:25 – p. 11:5*,* 6/25/25). On April 15, 2025, Wickett was sentenced to one year of incarceration for Count I, two years of incarceration for Count II, thirty days of incarceration for Count III, and one year of incarceration for Count IV run concurrently for a total of two years incarceration. (D0088 at 2).

Wickett appealed. (D0096, *Notice of Appeal*, 4/15/25).

ARGUMENT

I. THE VERDICT IS NOT SUPPORTED BY SUFFICIENCY OF THE EVIDENCE

a. Preservation of Error

"A defendant's trial and the imposition of sentence following a guilty verdict are sufficient to preserve error with respect to any challenge to the sufficiency of the evidence raised on direct appeal." *State v. Crawford*, 972 N.W.2d 189, 202 (Iowa 2022). Following trial, the jury returned a guilty verdict on February 28, 2025. (D0082 at 1-4). Wickett preserved error by moving for acquittal at trial, and challenging the imposition of sentence on April 15, 2025, following the guilty verdict. (D0105 at 215, 1:3; D0088 at 1).

b. Standard of Review

"We review the sufficiency of the evidence for correction of errors at law." *State v. Buman*, 955 N.W.2d 215, 219 (Iowa 2021) (quoting *State v. Kelso-Christy*, 911 N.W.2d 663, 666 (Iowa 2018)). In conducting that review, we are highly deferential to the jury's verdict. The jury's verdict binds this court if the verdict is supported by substantial evidence. *State v. Tipton*, 897 N.W.2d 653, 692 (Iowa 2017). Substantial evidence is evidence sufficient to convince a rational trier of fact the defendant is guilty beyond a reasonable doubt. *Id.* In determining whether the jury's verdict is supported by substantial evidence, we view the evidence in the light most favorable to the State, including all "legitimate inferences and presumptions that may fairly and reasonably be deduced from the record evidence." *Id.* (quoting *State v. Williams*, 695 N.W.2d 23, 27 (Iowa 2005)).

c. Analysis

The record reflects multiple encounters involving Wickett, Sam, Dillion, Camp, and Beem, with conflicting accounts as to who initiated physical contact and whether Wickett acted as an aggressor or in self-defense.

The verdicts cannot stand unless, viewing the evidence in the light most favorable to the State, a rational juror could find each essential element proven beyond a reasonable doubt. Here, testimony is inconsistent, unsupported by physical evidence, and contradicted injuries reported. No rational factfinder can conclude that

the State carried its burden with regard to identity of the initial aggressor, specific intent for harassment, or causation of bodily injury.

Wickett testified his intent was simply to talk to Daniels. (D0105 at 225:1-3). Wickett testified he was assaulted and acted to defend himself. (D01015 at 244:20-25). Camp testified he saw Sam hit Wickett a couple times but never saw Wickett swing. (D0105 at 138:23-24 and 141:4). Camp testified Sam hit Wickett twice in the face and Wickett was on the ground for about five minutes after being hit. (D0105 at 144:4-7 and 145:21-24). Camp describes negative statements from Wickett and no physical violence. (D0105 at 146:23-24.) Camp further testified that prior to the altercation between Dillion and Wickett, Dillion inserted himself into the situation. (D0105 at 151:7-10). Camp testified Beem grabbed Wickett and slammed him to the ground. (D0105 152:10-12). Wickett did not swing at Beem. (D0105 153: 22-24). At this point, Daniels asked Wickett to leave. (D0105 at 153:14-16).

Daniels, contrary to Beem, testified he saw Wickett throw a punch at Sam. (D0105 at 160:25 – p. 161:2). Daniels testified Sam got the better of Wickett. (D0105 at 161:7). Daniels further testified that when Dillion got out of his car, Dillion and Wickett immediately start fighting. (D0105 at 164:3-6). At one-point Wickett had Dillion in a chokehold (D0105 at 164:17-22), and at another, Dillion was punching Wickett. (D0105 at 165:8-11). Daniels testified Wickett attempted to swing at Sam, missed, and Sam punched Wickett at least twice putting Wickett on the ground

unconscious. (D0105 at 169:2-8 and 169:9-16). Wickett got up and restarted the verbal argument with Sam. (D0105 at 170:7-9). Sam struck Wickett several times again and Wickett went down again. (D0105 at 170:14-18).

Sam testified he felt threatened and fearful of Wickett. (D0105 at 179:21-24). Yet in the same breath, followed Wickett as Wickett drove away from Sam. (D0105 at 180:3-7). Sam testified Wickett threw a punch that did not make contact with him. (D0105 at 182:8-11). Sam clarified in testifying that during both interactions, Wickett did not land a punch. (D0105 at 187:20-23). Moreover, Sam testified Wickett appeared injured and weakened after the fight. (D0105 at 188:17-20).

Dillion testified he and Wickett went at each other at the same time. (D0105 at 194:12-14). Dillion testified he had a scuffed knee from the altercation. (D0105 at 196:24-25).

Wickett testified he got stitches above and below his eyes, had bruising and cuts to his face, and his knees were severely scraped. (D0105 at 233:23-25; 234:8-10; 234:13-16). Wickett testified he had five broken ribs and a "bitten ear." (D0105 at 235:13-14). Wickett testified he had no recollection of Daniels asking him to leave the property. (D0105 at 247:3-5).

The State failed to meet its burden of proving Wickett was the initial aggressor. Witness testimony supports that, prior to anyone asking Wickett to leave, several individuals initiated physical confrontations with Wickett. Wickett's actions

were in response to being confronted and assaulted by multiple people, rendering any of Wickett's actions self-defense. The verdict is not supported by substantial evidence.

II. THE DISTRICT COURT ABUSED DISCRETION BY IMPOSING A PRISON SENTENCE

a. Preservation of Error

At sentencing, Wickett requested a four-year suspended sentence, with a two-year probation term and strict supervision requirements. (D00103 at 10:25 – p. 11:5). The court sentenced Wickett to one year on Count I, two years on Count II, thirty days on Count III, and one year on Count IV, run concurrently for a total term of incarceration not to exceed two years. (D0088 at 2). Wickett preserved error by arguing sentence.

b. Standard of Review

The sentencing colloquy and the written judgment entry form the basis of the record for appellate determination of abuse of discretion. *Delaney*, 2010 WL 3894503, at *2 (citing *State v. Lumadue,* 622 N.W.2d 302, 304 (Iowa 2001)).

"The district court abuses its discretion when it exercises its discretion on grounds or for reasons clearly untenable or to an extent clearly unreasonable. A ground or reason is untenable when it is not supported by substantial evidence or

when it is based on an erroneous application of the law." *State v. Brown*, 856 N.W.2d 685, 688 (Iowa 2014), *as amended* (Feb. 23, 2015) (citation and quotations omitted).

"A court [also] abuses its discretion when it fails to exercise any discretion." *Lawson v. Kurtzhals*, 792 N.W.2d 251, 257 (Iowa 2010) (citing *State v. Hager,* 630 N.W.2d 828, 836 (Iowa 2001)). Finally, "[a] refusal or failure to exercise discretion will not be affirmed by demonstrating that the result reached could have been the same upon the exercise of the withheld discretion" because a district court must discharge its duty to exercise discretion. *Sullivan v. Chicago & Nw. Transp. Co.*, 326 N.W.2d 320, 328 (Iowa 1982) (citing *State v. Hildebrand,* 280 N.W.2d 393, 396 (Iowa 1979)); *State v. Boston,* 233 Iowa 1249, 1257, 11 N.W.2d 407, 411 (1943); and Fagg, *A Judge's View of Trial Practice,* 28 Drake L.Rev. 1, 4–6 (1978–79)).

c. Analysis

Iowa Code section 901.5 provides requirements on district courts when imposing sentence:

> After receiving and examining all pertinent information, including the presentence investigation report and victim impact statements, if any, the court shall consider the following sentencing options. The court shall determine which of them is authorized by law for the offense, and of the authorized sentences, which of them or which combination of them, in the discretion of the court, will provide maximum opportunity for the rehabilitation of the defendant, and for the protection of the community from further offenses by the defendant and others. At the time fixed by the court for pronouncement of judgment and sentence, the court shall act accordingly . . . .

Iowa Code § 901.5.

"An abuse of sentencing discretion is found only if the sentencing court's discretion has been exercised on grounds or for reasons clearly untenable or to an extent clearly unreasonable". *Delaney*, 2010 WL 3894503, at *2 (citing *State v. Laffey,* 600 N.W.2d 57, 62 (Iowa 1999)). "A ground or reason is untenable when it is not supported by substantial evidence or when it is based on an erroneous application of the law." *Brown*, 856 N.W.2d at 688 (Iowa 2014), *as amended* (Feb. 23, 2015) (internal citation and quotations omitted).

At sentencing, Wickett requested a probationary sentence with strict supervision standards. (D00103 at 10:25 – p. 11:5). Wickett did not excuse his behavior. (D0103 at 12:2-6). Wickett apologized for his actions and accepted responsibility. (D0103 at 12:2-6). During the case, Wickett made no attempts to violate the no contact orders. (D0103 at 8:6-8). Wickett acknowledged the no contact order would continue. (D0103 at 8: 9-10).

Importantly, Wickett requested measures to balance the need for rehabilitation, punishment, and protection of the community. (D0103 at 9:15 – p. 11:18). Wickett urged the 24-week Achieving Change through Value Based Behavior (ACTV) course, which is available and recommended through the DOC could aid in meeting his rehabilitative needs. (D0103 at 9:15-20). Wickett acknowledged the need to engage in both a mental health and substance abuse

evaluation and engage in recommended treatment to address the issues that led to the altercation. (D0103 at 10:2-6).

Wickett also conveyed his desire and willingness to get back to his community and engage in community service programming. (D0103 at 11: 6-10). Wickett recommended alcohol monitoring to demonstrate strict compliance with his probation. (D0103 at 11:10-13). The sentence provides no rehabilitative measures and delays recommended treatment.

The court abused discretion by not considering the least restrictive request for mental health and substance abuse treatment, community service, alcohol monitoring, and a no contact order. Instead, the court imposed a prison sentence.

CONCLUSION

The district court erred in denying a motion for acquittal, and abused discretion by imposing a two-year term of incarceration. Wickett requests the District Court's verdict and sentencing order be reversed, and this matter remanded.

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November 14, 2025

CERTIFICATE OF FILING

I, Nathan Olson, certify I filed the Appellant's Brief with the Clerk of the Supreme Court by electronically filing on November 14, 2025.

/s/ Nathan A. Olson
Nathan A. Olson (AT0011403)

CERTIFICATE OF SERVICE

I, Nathan Olson, certify the Appellant's Brief was served on November 14, 2025:

- By EDMS on the Assistant Attorney General, Criminal Appeals Division
- By U.S. mail to Rhett Wickett.

/s/ Nathan A. Olson
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