ELECTRONICALLY FILED FEB 13, 2026 CLERK OF SUPREME COURT

IN THE SUPREME COURT OF IOWA
Supreme Court No. 25-0639
Warren County No. AGCR035150

STATE OF IOWA,
Plaintiff–Appellee,

vs.

RHETT WICKETT,
Defendant–Appellant.

APPEAL FROM THE IOWA DISTRICT COURT
FOR WARREN COUNTY
THE HONORABLE KEVIN PARKER, JUDGE

BRIEF FOR APPELLEE

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STATEMENT OF THE ISSUES PRESENTED FOR REVIEW

I. Rhett Wickett went to confront his ex-wife's current husband one summer night in 2024. He lunged at the husband's brother, threatened physical violence, put his own son in a chokehold, and threatened to return later with a gun and kill everyone. Was the evidence sufficient to prove harassment and assault?

II. At sentencing, Wickett asked for probation, but the district court imposed a prison sentence instead. The court based its decision on factors such as public protection, Wickett's rehabilitative needs, the PSI, the gravity of the offenses, and Wickett's criminal history. Did it abuse its discretion?

ROUTING STATEMENT

This sentencing appeal turns on established legal principles. Transfer to the Court of Appeals is appropriate. Iowa R. App. P. 6.1101(3).

NATURE OF THE CASE

A jury convicted Wickett of the following four offenses:

- Count 1: Second-degree harassment in violation of Iowa Code section 708.7(1)–(3);
- Count 2: First-degree harassment in violation of Iowa Code section 708.7(1)–(3);
- Count 3: Assault in violation of Iowa Code sections 708.1(2) and 708.2;
- Count 4: Assault causing bodily injury in violation of Iowa Code sections 708.1(2) and 708.2.

D0082, Verdict Forms at 1–4 (2/28/2025). The district court imposed a total indeterminate sentence of two years' imprisonment. D0088, Judgment and Sentence at 2 (4/15/2025). Wickett now appeals the sufficiency of the evidence and challenges his sentence.

STATEMENT OF THE FACTS

In 1991, Wickett married Melissa Lowe.[1] D0105, Tr. Trial Day 1 at 216:8–16 (6/25/2025).[2] The two had three children together: Dillion, Josie, and Dalton. D0105 at 216:17–22. But after more than twenty years of marriage, Wickett and Melissa divorced in 2014. D0105 at 216:23–217:18. After the divorce, Wickett had little to no contact with Melissa and his children. D0105 at 217:19–218:10. Melissa subsequently married Chad Daniels, a man who had been childhood friends with Wickett. D0105 at 156:6–25, 221:5–16.

One summer night in July 2024, Wickett decided to get answers to questions that had gnawed at him since the divorce. D0105 at 218:11–219:1. He believed Melissa had cheated on him with Daniels, and he wanted to talk to Daniels about it. D0105 at 140:12–17, 160:5–8, 220:9–11. So he went to Daniels' home and knocked on the door, but no one answered. D0105 at

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[1]The trial witnesses sometimes refer to Melissa using the nickname "Missy." *See, e.g.*, D0105 at 133:18, 140:13, 150:21–22, 156:10–13, 160:6, 192:24, 193:7 .

[2]It is not clear which EDMS docket numbers correspond to which transcripts. For simplicity, this brief uses the same docket numbers that Wickett used in his brief. *See, e.g.*, App. Brief at 7, 15. D0103 thus relates to the sentencing transcript, and D0105 and D0106 relate to the first and second trial transcripts, respectively.

219:7–9. Wickett then went to Daniels' parents' home to see if he was there. D0105 at 219:7–220:16.

Daniels' mother spoke to Wickett. D0105 at 219:11–16, 220:12–20. Daniels wasn't at her home, so she called him to find out where he was. D0105 at 158:4–7, 219:11–16, 220:12–20. It turns out that Daniels was hosting a barbecue for friends and family at a pond near his home. D0105 at 157:13–158:3, 192:25–193:11, 204:11–17. Many people were there, including two of Wickett's children—Dillion and Josie—along with Daniels's brother Sam and his friend Benjamin Camp. D0105 at 132:12–133:22, 158:1–16, 177:22–178:14, 192:25–193:11, 204:10–17

When Daniels and Sam heard Wickett was at their mother's home, Sam resolved to go check on her. D0105 at 133:23–134:16, 158:8–16. Camp agreed to go too as backup. D0105 at 133:23–134:16, 158:8–16. When they arrived, Wickett was waiting on the porch. D0105 at 178:19–25. Camp tried to introduce himself and shake Wickett's hand, but Wickett said, "I'm not going to shake your fucking hand." D0105 at 134:20–135:4. Sam meanwhile asked what Wickett wanted, and Wickett said he was looking for Daniels. D0105 at 135:5–14, 178:19–25. Sam asked Wickett to leave, and Wickett refused. D0105 at 135:5–14, 179:2–15.

During trial, Sam, Camp, and Wickett all testified about the interaction. Sam said Wickett came very close to him, threatened to kill him, and threatened to bury him in his mother's flower garden. D0105 at 179:2–24. Camp testified that Wickett walked close to Sam and said: "You don't want to mess with me, Sam. I've known you since you was [sic] shitting yellow. You was [sic] just a little pup. And you mess with me and I'll put you in your mom's flower garden there." D0105 at 135:15–136:10. At trial, Wickett, in turn, denied that he threatened to kill and bury Sam. D0105 at 222:6–17, 239:4–240:2. He instead claimed to have told Sam he was lucky not to be "laying over there bleeding in the garden." D0105 at 222:18–22.

At that point, Wickett left to go back to Daniels' home. D0105 at 136:11–22, 179:25–180:12, 223:7–224:1. Camp and Daniels' mother told Daniels Wickett was heading his way, so Daniels left the barbecue and intercepted Wickett in the driveway. D0105 at 136:11–137:16, 158:17–159:14, 180:11–181:8, 223:24–225:16. Wickett started asking Daniels questions about Melissa making infidelity accusations that Daniels said were not true. D0105 at 137:17–138:14, 140:11–17, 159:19–160:8, 181:9–14.

During trial, Sam, Camp, Daniels, and Wickett testified about what happened next.

Sam testified that he was standing there watching the conversation when Wickett suddenly turned to him and threw a punch. D0105 at 181:9–182:11. It missed, but Sam responded in kind and landed the hit. D0105 at 181:9–16. Wickett went back to talking with Daniels temporarily but then turned back to Sam, trying to circle behind him and land a punch. D0105 at 182:17–183:11. Like before, Wickett missed, Sam punched back and did not miss. D0105 at 183:9–15. Overall, Sam denied doing anything to draw Wickett's attention, and he insisted that he never wanted to fight. D0105 at 181:15–183:23. He further testified that Wickett threatened to "kick [his] ass" and radiated rage. D0105 at 186:2–14, 189:13–190:10.

Camp testified that Wickett "all at once" turned and aggressively moved toward Sam. D0105 at 138:15–22, 142:23–143:16. Camp recalled that Sam backed away at first before hitting Wickett in response, but Camp did not remember seeing Wickett "swing or anything." D0105 at 138:23–141:6, 143:11–144:19, 147:24–148:3. He nevertheless described Sam's punches as defensive, said Wickett reinitiated the fighting, and testified that he heard Wickett threaten Sam multiple times. D0105 at 141:2–13, 154:13–15. Camp saw Wickett's face bleeding and saw "him moaning and rolling around in the gravel." D0105 at 144:20–22, 149:25–150:3. He also heard Wickett threaten to kill Sam. D0105 at 146:5–24.

Daniels testified Wickett was aggravated. D0105 at 159:15–18. At one point, Wickett "was asking . . . a question and mid-answer he turned and went after Sam." D0105 at 160:9–16. Daniels further explained that Wickett "turned and just started walking towards Sam and then lunged and threw a punch, and they got into a fight." D0105 at 160:15–19. Sam did not do anything to draw Wickett's attention before lunging at Sam to punch him. D0105 at 160:20–161:5, 162:20–21. Daniels testified the two men exchanged blows, but Sam prevailed and stopped the fight once Wickett was on the ground. D0106 at 161:6–10, 169:2–170:6. Wickett got to his feet and began circling Sam, trying to get behind him. D0105 at 161:11–17. Wickett said, "I'm going to beat your ass" multiple times while Sam said, "Just go away. . . . I don't want to fight." D0105 at 161:14–20. Wickett then tackled Sam, and the two men fought again. D0105 at 161:22–162:3. Again, Sam prevailed, and Wickett was left on the ground. D0105 at 162:4–11, 170:7–171:12.

Wickett testified that Sam knocked him out suddenly and without provocation. D0105 at 226:2–228:8. The next thing Wickett claims to remember was seeing his son Dillion. D0105 at 227:21–24, 228:9–13. On cross-examination, Wickett said Sam was blocking him, running his mouth, and telling him to leave. D0105 at 238:20–239:3. Wickett admitted he got

in Sam's face in response, and he admitted Daniels asked him to leave. D0105 at 238:24–239:3, 241:11–242:9. He denied swinging at anyone. D0105 at 240:15–16.

Ben and Sam left the driveway hoping Wickett would calm down if Sam left. D0105 at 162:12–21, 183:16–21. When Wickett stood up, Daniels asked him to leave. D0105 at 153:14–25, 162:22–163:1. Wickett refused and threatened to kill Sam. D0105 at 163:1–16.

Around that same time, some of the people at the barbecue came up to the driveway because they had heard yelling and shouting. D0105 at 193:2–194:5, 198:16–199:16, 211:4–22. Dillion and Josie were among them. D0105 at 150:4–24, 198:16–18, 204:10–205:7. As Dillion approached, Daniels said to Wickett, "Here comes your son." D0105 at 163:22–25. Wickett answered: "He's not my fucking son." D0105 at 164:1.

Dillion then told Wickett to leave. D0105 at 150:12, 197:18–23. Wickett answered, "Who's going to make me?" D0105 at 150:13. The two men then started fighting immediately. D0105 at 150:14–152:25, 164:2–15, 172:7–19, 194:6–19, 199:22–200:20, 212:14–18. Wickett put Dillion in a chokehold. D0105 at 150:14–24, 164:16–22, 194:17–19. Josie watched Dillion start to lose consciousness, so she intervened and managed to make

Wickett release her brother. D0105 at 150:14–24, 165:4–7, 194:17–196:7, 205:16–206:9.

Once free, Dillion punched Wickett. D0105 at 150:14–151:25, 165:8–12. Wickett and Dillion started arguing, and they "cussed at each other." D0105 at 152:3–7. Wickett asked Dillion if he wanted to fight, and Dillion said no. D0105 at 152:3–8, 154:16–20. Wickett got close to Dillion again, so Dillion's friend forced Wickett to "the ground and told him to leave Dillion alone." D0105 at 152:9–153:6, 200:21–201:25. Dillion's knees were scraped during the fight. D0105 at 196:22–197:16; D0064, State's Exh. 2, Photograph of Dillion's Injuries at 1 (2/27/2025).

At that same time, Josie stood next to Wickett as he lay on the ground. D0105 at 165:12–18. She started to pull out her phone as if to record the scene. D0105 at 165:13–22, 207:3–8. As she did so, Wickett vowed he would bring a gun and kill everyone next time. D0105 at 165:23–24, 206:16–17. Everyone was telling Wickett to leave, but he stayed and kept trying to start another fight. D0105 at 166:3–167:4, 172:22–173:18, 214:8–11. He continued to antagonize everyone by saying, "Do you want to fight me?" D0105 at 174:10–25. Josie used her cellphone to record the group's attempts to stop Wickett and get him to leave. D0105 at 209:14–

210:11; D0065, State's Exh. 3, Video of Wickett Fighting at 00:00–00:52 (2/27/2025).

Law enforcement arrived soon after. D0105 at 232:8–13. Wickett told them that he was the victim of a physical assault. D0105 at 125:4–9. He also said if things did not go his way "there would be hell to pay." D0105 at 125:8–14. Law enforcement called an ambulance to take Wickett to the hospital, and he testified about his injuries at trial. D0105 at 127:4–12, 232:25–235:22.

The jury convicted Wickett of the following crimes: (1) second-degree harassment against Sam, (2) first-degree harassment against Josie, (3) simple assault against Sam, and (4) assault causing bodily injury against Dillion. D0081, Jury Instructions at 8–11 (2/28/2025); D0082 at 1–4. The district court imposed a total indeterminate sentence of two years. D0088 at 2, 4. Wickett filed a timely notice of appeal and now challenges the sufficiency of the evidence. D0096, Notice of Appeal at 1 (4/15/2025).

ARGUMENT

I. Substantial Evidence Proved Specific Intent for Both Harassment Offenses, Lack of Justification for Both Assaults, and Causation for Assault Causing Bodily Injury.

Preservation of Error

This Court has eliminated error preservation requirements for sufficiency challenges. *See State v. Crawford*, 972 N.W.2d 189, 197–98 (Iowa 2022).

Standard of Review

This Court reviews sufficiency challenges for correction of errors at law. *State v. Ernst*, 954 N.W.2d 50, 54 (Iowa 2021). The verdict is binding if substantial evidence supports it. *State v. Lee*, 6 N.W.3d 703, 706 (Iowa 2024). Trial evidence is substantial if it is "sufficient to convince a rational trier of fact the defendant is guilty beyond a reasonable doubt." *Id.* This Court considers all the evidence. *State v. West Vangen*, 975 N.W.2d 344, 348 (Iowa 2022). But it views that evidence in the light most favorable to the State, drawing all inferences "that may fairly and reasonably be deduced from the record." *Id.* at 348–49 (quoting *Ernst*, 954 N.W.2d at 54).

Merits

Substantial evidence proved Wickett committed the crimes for which the jury convicted him. Wickett now asks this Court for a trial redux. *See State v. Ridder*, No. 22-1755, 2023 WL 8069250, at *2 (Iowa Ct. App. Nov.

21, 2023) ("Appellate review of the jury's verdict is not the trial redux." (quoting *State v. Mathis*, 971 N.W.2d 514, 519 (Iowa 2022))). He wants this Court to discard the jury's work in favor of his version of events. *See* App. Brief at 10–13. To accept that invitation, this Court would have to re-evaluate the evidence and reassess credibility. Iowa's sufficiency caselaw prohibits that approach. *See State v. Williams*, 695 N.W.2d 23, 28 (Iowa 2005). The jury settles inconsistencies, contradictions, and credibility questions—not appellate courts. *See State v. Ostrander*, No. 09-0976, 2010 WL 2757118, at *2 (Iowa Ct. App. July 14, 2010) (deferring to the jury's factfinding on a sufficiency challenge).

This Court should thus reject Wickett's sufficiency challenges. His arguments seem to rest on the false—and rejected—notion that inconsistent testimony, contradictory testimony, or a lack of physical evidence make for insufficient evidence. *See* App. Brief at 10; *State v. Showers*, No. 23-03990, 2024 WL 2317709, at *4 (Iowa Ct. App. May 22, 2024); *State v. Lang*, No. 24-0406, 2025 WL 3022653, at *5–6 (Iowa Ct. App. Oct. 29, 2025).

Wickett's arguments revolve around attacks on certain elements of harassment and assault. *See* App. Brief at 10–13. Specifically, Wickett disputes that the State proved specific intent for the harassment convictions, lack of justification for the assault convictions, and causation

of bodily injury for the assault convictions. His arguments lack merit. The State proved each of those elements.

A. Ample circumstantial evidence proved Wickett specifically intended to intimidate, alarm, or annoy Sam and Josie. His verbal threats, violent conduct, and angry demeanor provided more than enough evidence to convict.

The jury instructions constitute the law of the case for this sufficiency challenge. *State v. Kucharo*, No. 22-1881, 2024 WL 2842307, at *1 (Iowa Ct. App. June 5, 2024). As to Sam, those instructions required the State to prove the following elements:

1. On or about the 26th day of July[] 2024, the Defendant communicated with Sam Daniels, without a legitimate purpose, in a manner likely to cause him annoyance or harm.
2. The Defendant communicated a threat to commit bodily injury.
3. The Defendant did so with the specific intent to intimidate, annoy, or alarm Samuel Daniels.

D0081 at 8.[3] As to Josie, the jury instructions for elements one and three are identical. D0081 at 9. The second element, however, required the State

[3]With respect to Sam, the district court instructed the jury on first-, second-, and third-degree harassment. D0081 at 8–9. The jury convicted Wickett for second-degree harassment. D0082 at 1. It thus concluded Wickett threatened to injure Sam but did not threaten to murder him. *See* D0081 at 8. This brief here therefore explains why there was substantial evidence to prove Wickett threatened to injure Sam as to Count 1. Regarding Count 2, this brief explains why there was sufficient evidence to murder Josie. D0081 at 9; D0082 at 2.

to prove Wickett "communicated a threat to commit the crime of murder and/or willful injury as defined in" two subsequent instructions. D0081 at 9.

Wickett challenges the third element: specific intent. *See* App. Brief at 11. That challenge appears to consist of a one-sentence argument: "Wickett testified his intent was simply to talk to Daniels." App. Brief at 11. The State can summarize its response in one sentence: the jury was free to reject Wickett's version of events. *Ridder*, 2023 WL 8069250, at *2. Ample evidence provided that Wickett possessed the forbidden specific intent.

1. With respect to Sam, the State proved Wickett specifically intended to intimidate, alarm, or annoy. Trial witnesses testified Wickett issued violent threats, engaged in violent conduct, and appeared to be filled with rage.

The jury heard substantial evidence that Wickett threatened Sam with bodily injury. Daniels testified that Wickett said he was going to "beat [Sam's] ass." D0105 at 161:12–17, 174:15–25. And Sam similarly testified that Wickett said he was "going to kick [Sam's] ass." D0186 at 2–5. Indeed, Wickett himself admitted he told Sam "[h]e's lucky he's not laying over there bleeding in the garden." D0105 at 222:16–19. Those violent threats establish a firm foundation for inference that Wickett specifically intended to intimidate, alarm, or annoy Sam. *See State v. Sponsler*, No. 13-0349,

2014 WL 956017, at *3 (Iowa Ct. App. Mar. 12, 2014) (relying on threats to "kick [someone's] ass" to reject sufficiency challenge to specific intent). And of course, Wickett's subsequent violent acts against Sam offer "powerful evidence" of specific intent. *See State v. Lacey*, 968 N.W.2d 792, 804–05 (Iowa 2021); D0105 at 138:15–141:6, 142:23–144:19, 147:24–148:3, 160:9–162:21, 169:2–171:12, 181:9–183:23.

Those violent threats and actions find additional support in trial testimony about Wickett's state of mind. *See Lacey*, 968 N.W.2d at 805 (collecting cases about sufficiency challenges to specific intent for harassment). Sam used the word "rage" to describe Wickett's demeanor while Daniels used the word "aggravated." D0105 at 159:15–18, 189:13–190:10. Camp likewise testified that Wickett moved towards Sam in an aggressive manner. D0105 at 138:15–22, 142:23–143:16. Simply put, the jury was free to conclude that Wickett's anger and aggression further proved that he specifically intended to intimidate, annoy, or alarm Sam. *See State v. Turner*, No. 22-0432, 2023 WL 2152603, at *2 (Iowa Ct. App. Feb. 22, 2023) (relying on defendant's visible anger to reject sufficiency challenge to specific intent).

Even though multiple witnesses testified that Wickett threatened to kill Sam, the jury chose not to credit that testimony. *See, e.g.*, D0105 at

146:5–24, 163:1–16, 179:2–24; *State v. Harper*, No. 21-1456, 2023 WL 382984, at *5 (Iowa Ct. App. Jan. 25, 2023) (concluding a reasonable jury could conclude that defendant had specific intent to harass even though he claimed he lacked the intent to harm the victim). That choice fell within the jury's prerogative as factfinder. *See State v. Hahn*, No. 24-1780, 2026 WL 43459, at *1 (Iowa Ct. App. Jan. 7, 2026) ("Inherent in our review of sufficiency-of-the-evidence challenges is recognition of the fact that the jury is free to reject certain evidence and credit other evidence."). The second-degree harassment conviction nonetheless shows that the jury believed Camp, Sam, and Daniels may have overstated something while still testifying truthfully in the main. *See State v. Huntley*, No. 21-1244, 2022 WL 17481315, at *5 (Iowa Ct. App. Dec. 7, 2022) (deferring to jury credibility determinations).

2. With respect to Josie, the State proved Wickett specifically intended to intimidate, alarm, or annoy. Wickett threatened to return with a gun and shoot everyone and later said there would be "hell to pay" if things did not go his way.

The first-degree harassment conviction shows the jury believed Wickett threatened to return with a gun and shoot everyone. D0105 at 165:23–24, 206:16–17; D0082 at 2. The jury thus credited the testimony from Josie and Daniels on that point, as Iowa law empowers it to do. *See*

State v. Jones, 967 N.W.2d 336, 343 (Iowa 2021). Wickett's threat to shoot everyone with a gun embodies the kind of threat that the Iowa Supreme Court has said satisfies the specific intent requirement for harassment. *State v. Button*, 622 N.W.2d 480, 483–84 (Iowa 2001). Although Wickett phrased the threat broadly—"I'm going to get a gun and kill all of you" or "Next time that I come here I'm bringing a gun and kill you-all"—the jury was free to conclude the threat applied to Josie. D0105 at 165:23–24, 206:16–17. That conclusion is particularly logical because trial evidence suggested Wickett made the threat in response to Josie's attempts to record him. D0105 at 165:12–166:2.

Wickett's subsequent statements reinforce his specific intent concerning the threat at issue. He continually asked if anyone wanted to fight, and Josie recorded him throwing punches to re-initiate physical conflict. D0105 at 174:10–25; D0065 at 00:00–00:52. Wickett's later statement to law enforcement reveals his specific intent: he said "there would be hell to pay" if things did not go his way. D0105 at 125:8–14. A reasonable jury could interpret that statement as a re-statement of the threat to return with a gun and kill Josie and the others.

B. Any reasonable jury would conclude that Wickett lacked justification to use violence against Sam and Dillion. Furthermore, any reasonable jury would conclude that the photographic evidence and trial testimony proved Wickett injured Dillion.

Regarding the assault convictions, the State proved Wickett lacked justification to use force and violence. It also proved that Wickett injured Dillion.

1. Wickett did not have a reasonable belief that he needed to use force to defend himself against Sam or Dillion. He was also not lawfully present on Daniels' property because Daniels had asked him to leave and leaving was a reasonable alternative to fighting.

The jury instructions stated that Wickett lacked justification for using force if either of the following was true:

> 1. The defendant did not have a reasonable belief that it was necessary to use force to prevent an injury or loss.
> 2. The defendant was not lawfully present in the place where he used force, he made no effort to retreat, and retreat was a reasonable alternative to using force.

D0081 at 14. Substantial evidence proved both points.

First, Wickett did not reasonably believe he needed to protect himself from injury or loss by using force or violence. Strictly speaking, the State did not carry any "burden with regard to [the] identity of the initial aggressor." *See* App. Brief at 11. The State simply had to prove that Wickett either (1) lacked a reasonable belief that force was necessary or (2) was not

lawfully present and failed to make a reasonable effort to retreat instead of using force. D0081 at 14. One of the ways the State can prove the first of those two things is to show Wickett initiated the fighting. *See State v. Rubino*, 602 N.W.2d 558, 565 (Iowa 1999) (concluding a justification defense was unfounded because the defendant initiated the confrontation).

Here, the State proved that very thing as to Count 3. *See id.* Sam and Daniels both testified that Wickett suddenly stopped mid-conversation and charged Sam to punch him. D0105 at 160:9–162:21, 181:9–182:11. That act was the first violent one of the night. D0105 at 145:18–24, 146:11–20, 167:1–4, 182:8–9. Camp, for his part, did not recall who punched first, but he described Wickett turning and aggressively moving towards Sam "all at once." D0105 at 138:15–148:3. Camp also described Sam's actions as defensive, and he said Wickett reinitiated the fighting. D0105 at 141:2–13, 154:13–15. Taken together, the testimony of three witnesses proved Wickett lacked justification to assault Sam because he initiated the fight. *See State v. Negrete*, No. 01-0753, 2002 WL 1332252, at *2 (Iowa Ct. App. June 19, 2002) (affirming defendant lacked justification based on testimony of three witnesses despite countervailing testimony).

The State likewise proved Wickett did not have a reasonable belief that it was necessary to use a chokehold to protect himself from Dillion.

Trial evidence suggested Wickett and Dillion started fighting at the same time. D0105 at 150:14–152:25, 164:2–15, 172:7–19, 194:6–19, 199:22–200:20, 212:14–18. Yet Wickett obtained the upper hand, forced his son into a chokehold, and held him captive in it for up to thirty seconds. D0105 at 195:1–14. Meanwhile, Josie saw Dillion start to lose consciousness, and she and Daniels tried to stop Wickett. D0105 at 150:14–24, 165:4–7, 194:17–196:7, 205:16–206:9. Afterwards, Wickett continued to ask if anyone wanted to fight while Dillion's friend subdued him. D0065 at 00:00–00:52. Reasonable jurors could infer that Wickett re-initiated the assault on Dylan and thus was not acting in self-defense.

A reasonable jury could also infer that Wickett did not reasonably believe the prolonged chokehold was a necessary defensive measure, especially when two peaceable bystanders decided they needed to stop it. *Cf. State v. Lyons*, 2025 WL 3470085, at *4 (Iowa Ct. App. Dec. 3, 2025) (with respect to reasonable belief, jurors can interpret events differently than the defendant interpreted them). Taking the evidence in the light most favorable to the State, the chokehold also looked aggressive—not defensive—because of the animus Wickett displayed when he said Dillion was "not his fucking son." D0105 at 163:22–164:1. Overall, this evidence

dispelled the idea that the Wickett reasonable believed the chokehold was necessary to protect himself.

Second, Wickett was not lawfully present in the place where he used force, he made no effort to retreat, and retreat would have been a reasonable alternative. The State established that Daniels owned the property where the fighting occurred, and it also established that Daniels told Wickett to leave after the fight with Sam. D0105 at 113:9–13, 153:9–25, 162:22–163:1, 213:14–17, 241:11–242:9. Wickett admitted that no one invited him and that he remained after Daniels first asked him to leave. D0105 at 241:11–242:9.

So by the time Dillion came along, Wickett was not lawfully present because he had assaulted Sam and was trespassing because Daniels had told him to leave. *See State v. Teslik*, No. 24-1045, 2025 WL 3654021, at *5 (Iowa Ct. App. Dec. 17, 2025) (justification defense precluded because defendant committed disorderly conduct and thus was not lawfully present). But Wickett insisted on fighting instead. *E.g.*, D0105 at 166:3–167:4, 173:22–173:18, 214:8–11. He started the fights and then repeatedly approached, re-engaged, and escalated the confrontations after they subsided. *E.g.*, D0105 at 141:2–13, 154:13–15, 174:10–25. Josie's video supports that testimony. D0065 at 00:00–00:52.

Overall, a reasonable juror would believe that going home was a reasonable alternative to force and fighting. Because such an alternative was available, Wickett cannot maintain that violence is necessary to protect him from harm. Iowa Code § 704.1(3). He had a vehicle there—the same one he arrived in—and could have left in it at any time. D0105 at 159:19–23, 162:22–25, 166:13–25, 174:10–25, 179:2–6, 170:25–180:10. No one was stopping him; in fact, they wanted him to go. D0105 at 174:10–25; D0065 at 00:00–00:52.

Relatedly, this Court should not credit Wickett's counterarguments about the extent of his injuries. *See* App. Brief at 10–13. Under Iowa law, attempted blows and missed punches matter. Justification is not an issue of who won or lost a fight. A defendant's use of force is not justified because he loses a fight and suffers more injuries than anyone else. Wickett offers no authority for that proposition in any event. Regardless, the bottom line is that justification dies when defendants start or re-initiate physical altercations. *See State v. Wilson*, 941 N.W.2d 579, 591 (Iowa 2020). The jury took the evidence here and concluded Wickett did those things.

2. The jury saw photographs of and heard testimony about Dillion's injuries. That evidence proved bodily injury for Count 4.

Because the jury convicted Wickett for simple assault against Sam, it concluded Wickett did not cause him any bodily injuries. D0082 at 3; D0081 at 10. But the jury did convict Wickett for assault causing bodily injury in reference to Dillion. D0082 at 4; D0081 at 11. Because Wickett challenges the sufficiency of the evidence for causation of bodily injury, his challenge pertains to Count 4 alone. *See* App. Brief at 10–13.

Cut-and-dry evidence proved Dillion's injuries. The jury saw a photograph of Dillion's scraped, and bloodied knees. D0064 at 1. Both knees were injured, but the harm to the left one surpassed the harm to the right one. D0064 at 1. The picture reveals Dillion lost a layer of skin, causing blood to drip down a few inches down his leg. D0064 at 1. In addition, Dillion testified that the injuries hurt so much he could barely walk. D0105 at 196:22–197:16. This evidence establishes that Wickett caused Dillion's injuries. *See State v. Tribble*, 790 N.W.2d 121, 126 (Iowa 2010) ("Generally, causation exists in criminal law, often without much fanfare, as a doctrine justifying the imposition of criminal responsibility by requiring a 'sufficient causal relationship between the defendant's conduct

and the proscribed harm.'" (quoting *State v. Marti*, 290 N.W.2d 570, 584 (Iowa 1980))).

II. The District Court Used Its Broad Discretion to Impose a Lawful Sentence. It Considered Aggravating and Mitigating Factors and Fashioned a Sentence to Protect the Community and Rehabilitate Wickett.

Preservation of Error

The State does not dispute error preservation. Criminal defendants "need not first challenge a district court's abuse of discretion at the time of sentencing to have the matter directly reviewed on appeal." *State v. Gordon*, 921 N.W.2d 19, 22 (Iowa 2018).

Standard of Review

This Court reviews sentencing decisions for correction of errors at law. *State v. McCalley*, 972 N.W.2d 672, 676 (Iowa 2022). Reversal is appropriate only when there is "an abuse of discretion or some defect in the sentencing procedure." *See State v. Formaro*, 638 N.W.2d 720, 724 (Iowa 2002) "An abuse of discretion occurs when the court exercises its discretion on grounds or for reasons that are clearly untenable or unreasonable." *McCalley*, 972 N.W.2d at 676 (quoting *State v. Thompson*, 951 N.W.2d 1, 4 (Iowa 2020)).

Criminal sentences "that fall within the statutory limits are 'cloaked with a strong presumption in [their] favor.'" *Id.* (alteration in original)

(quoting *State v. Fetner*, 959 N.W.2d 129, 134 (Iowa 2021)). On appellate review, this Court does not "second guess" such sentences simply because it disagrees with them. *See Formaro*, 638 N.W.2d at 725. Ultimately, it does not matter if the district court's explanation for the sentence is "succinct and terse" or comprehensive and detailed so long as it is robust enough to review for an abuse of discretion. *State v. Boltz*, 542 N.W.2d 9, 11 (Iowa Ct. App. 1995).

Merits

The district court was well within the bounds of its discretion to sentence Wickett as it did. *See State v. Decker*, No. 22-1836, 2023 WL 5093152, at *2 (Iowa Ct. App. Aug. 9, 2023) (rejecting an argument like the one raised here). The sentences were within the proper statutory ranges, *see* Iowa Code § 903.1, so the "strong presumption" in favor of sustaining criminal sentences applies. *Formaro*, 638 N.W.2d at 724.

Wickett offers nothing to rebut that presumption. He is not arguing the district court considered an improper sentencing factor; instead, he faults the district court for imposing a prison sentence when he asked for probation and supervision. *See* App. Brief at 15–16. The essence of Wickett's argument is that the court's sentence did not adequately consider

mitigating circumstances and his rehabilitative needs. *See State v. Witham*, 583 N.W.2d 677, 678–79 (Iowa 1998).

Neither point has merit. *See Boltz*, 542 N.W.2d at 11. Fundamentally, the district court "did what a sentencing court should do." *State v. Luke*, 4 N.W.3d 450, 458 (Iowa 2024). It imposed a prison sentence instead of placing Wickett on probation because he was convicted of four serious offenses, some of which involve violence or the threat of violence. Iowa Code §§ 708.1, .2, .7.

Fundamentally, a defendant's need for treatment or services does not entitle him to a particular sentence. *See State v. Wheeler*, No. 24-1604, 2025 WL 1706336, at *2 (Iowa Ct. App. June 18, 2025) (no abuse of discretion because defendant argued a more lenient sentence might foster his rehabilitation). District courts have the discretion to select sentences that, in their judgment, maximize opportunities for rehabilitation. *State v. LaGrange*, No. 24-0980, 2025 WL 856043, at *3 (Iowa Ct. App. Mar. 19, 2025). And in many instances, carceral sentences are the best fit. *See id.* Relatedly, Wickett is also not entitled to receive the least restrictive sentence available. *See* App. Brief at 16. Iowa law simply requires that sentencing judges consider the full range of sentencing options. Iowa Code § 901.5.

Here, the district court followed that requirement by providing multiple reasons for its decision. *See State v. Hudgins*, No.02-0944, 2003 WL 1526372, at *3 (Iowa Ct. App. Mar. 26, 2003). It specifically grounded its individualized, tailored sentences in factors such as public protection, Wickett's rehabilitative needs, the PSI, the gravity of the offenses, and Wickett's criminal history. D0103 at 12:10–13:19; D0088 at 1. At sentencing, the district court referred to the PSI multiple times. D0103 at 3:18–21, 4:9–5:24, 12:10–13:5. Those references show the court knew about the mitigating circumstances Wickett now emphasizes on appeal. D0085 at 2–14. And in the end, the court's sentence aligned with the PSI recommendation. D0085 at 14. Against that backdrop, the district court did not abuse its broad discretion by imposing a prison sentence. *See Luke*, 4 N.W.3d at 457–58.

Iowa law requires district courts to weigh sentencing factors, not to recite them at a hearing or transcribe them in an order. *State v. Phillips*, 996 N.W.2d 419, 422 (Iowa Ct. App. 2023). A district court can thus consider a factor without declaring it. *Id.* So Wickett cannot fault the court for not narrating each applicable mitigating factor because it has no obligation to do so. *See id.*

CONCLUSION

This Court should affirm.

REQUEST FOR NONORAL SUBMISSION

The State does not believe oral argument will help the Court decide this case. If, however, the Court determines otherwise, the State asks to be heard.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

This brief complies with the typeface requirements and type-volume limitation of Iowa Rs. App. P. 6.903(1)(g) and 6.903(1)(i)(1) or (2) because:

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Dated: February 13, 2026



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