



State of Iowa v. Trevin David Nicholson

2024 | Cited 0 times | Court of Appeals of Iowa | February 21, 2024

IN THE COURT OF APPEALS OF IOWA

No. 22-1683 Filed February 21, 2024

STATE OF IOWA, Plaintiff-Appellee,

vs.

TREVIN DAVID NICHOLSON, Defendant-Appellant.

Appeal from the Iowa District Court for Story County, John J. Haney, Judge.

A criminal defendant appeals his convictions for murder in the first degree and child endangerment resulting in death. AFFIRMED.

Martha J. Lucey, State Appellate Defender, and Vidhya K. Reddy, Assistant Appellate Defender, for appellant.

Brenna Bird, Attorney General, and Zachary Miller, Assistant Attorney General, for appellee.

Heard by Bower, C.J., Buller, J., and Gamble, S.J.*

*Senior judge assigned by order pursuant to Iowa Code section 602.9206 (2024). BULLER, Judge.

Trevin Nicholson appeals his convictions for murder in the first degree and child endangerment resulting in death, claiming there was insufficient evidence he



State of Iowa v. Trevin David Nicholson

2024 | Cited 0 times | Court of Appeals of Iowa | February 21, 2024

inflicted fatal injuries on two-year-old E.A. Viewing the evidence in the light most favorable to the State, we affirm.

I. Background Facts and Proceedings

Paramedics and first responders found toddler E.A. near death, bruised

black and blue and struggling to breathe, after the evidence established E.A. died from abusive head trauma inflicted shortly before

paramedics arrived. In the preceding weeks, Nicholson complained about E.A.

interfering with his sex life, and he fought with Obrecht,

about her cheating on him. Obrecht pled guilty, cooperated with prosecutors, and

testified against Nicholson at trial. Nicholson blamed Obrecht for injuring E.A., but

the jury rejected his version of events and convicted him as charged.

Nicholson and Obrecht move to Iowa and Nicholson helps care for two-year-old child. Nicholson complains about .

. Nicholson often cared for E.A. but was not

biological father.

In the weeks leading up to sent text messages

complaining about the child how long day of screaming kids, that to keep a kid happy then trying to

Nicholson

believed Obrecht was cheating on him. Nicholson text messaged his brother: And he complained about having to continue

watching E.A. when he believed Obrecht was sexually involved with another man.

Nicholson accuses Obrecht of cheating on him but continues to care for E.A. Nicholson claims E.A. fell and seriously injured himself.



State of Iowa v. Trevin David Nicholson

2024 | Cited 0 times | Court of Appeals of Iowa | February 21, 2024

About a week and a half before E.A. died, Nicholson and Obrecht argued when Nicholson accused her of cheating. This argument continued from one evening into the next day, before Obrecht went to work her shift at a local barbecue restaurant. Sometime that

When Obrecht around his eye sockets, bruises on his ribs and chest, and a split lip injuries which Obrecht testified were not present when she left that morning. E.A. vomited and had trouble walking that night. Nicholson told Obrecht E.A. fell from his booster seat.

That same evening, Nicholson text messaged his brother: responded He went ass stuff [sic] and puked on me was having trouble breathing

and his vision is all fucked or something. I payed [sic] him down but I had to hold

Nicholson sent described

E.A. In another message, Nicholson A video Nicholson

recorded, later extracted by investigators E.A. struggling to stand or keep his eyes open. The next day, Nicholson messaged his brother A video

recorded by Nicholson that black and blue. On the recording, a male voice said something like that

evening, showed E.A. still bruised and asleep around 5:00 p.m. A third recording

that night showed E.A. having trouble breathing, with a vacant expression. A male

voice on the recording tells

Nicholson and Obrecht discussed whether to take E.A. to a doctor, but

Nicholson told her eventually called a nurse hotline but did not take E.A. to see any healthcare

professional for treatment. Obrecht also did not take E.A. to daycare in the



State of Iowa v. Trevin David Nicholson

2024 | Cited 0 times | Court of Appeals of Iowa | February 21, 2024

following days because she thought daycare staff would call the police when they saw

Over the next week, Obrecht stayed home and took care of E.A. In her words,

He was getting worse because of what had happened to him. . . . He couldn't remember a lot of things. Like, he didn't know how to say words, and before the injury happened, he was very great on keeping in contact with me, and it's like his memory just lost it all. And he didn't remember how to say milk or any of, like, food items, and the only thing that he knew how to say was mama. And he just wanted to sleep all day long, and he didn't want to do any activities, whether if it was, like, playing with his toys. He just wanted to fall asleep.

E.A. was eating, drinking, and sleeping some but not normally. Nicholson and Obrecht argue again about her cheating. The next day, Obrecht leaves. Paramedics find E.A. unresponsive and E.A. dies at the hospital one day later.

Toward the end of the week, in the days before E.A. was hospitalized,

Nicholson again confronted Obrecht about her cheating. Despite the problems in their relationship, Obrecht asked Nicholson to watch E.A. the next day while she went to talk to her manager. Obrecht left on foot around 2:50 p.m.

At 3:11 p.m., Nicholson text One minute

later, Nicholson recorded a video of E.A. moaning and struggling to breathe, which

Within the same one-minute span,

Nicholson also text Three minutes after that, at 3:15 p.m.,

breathing at first. Obrecht ran back to the apartment.

Nicholson called 911 at 3:23 p.m. He told the dispatcher that I guess

s almost like he s



State of Iowa v. Trevin David Nicholson

2024 | Cited 0 times | Court of Appeals of Iowa | February 21, 2024

E.A. could be heard moaning in the background

and asking for his

Paramedics were on scene by the time Obrecht returned. First responders

found E.A. on the floor with Nicholson nearby was deformed, pretty badly bruised, face and upper body, including blood around his mouth and bruising on his neck and rib cage. E.A. was completely nonresponsive, other than ineffective shallow

breaths.

Obrecht and Nicholson told a responding officer E.A. had fallen from his

booster seat the week before. But it was obvious to first responders that

injuries which they rated ten out of ten in severity were not consistent with a fall

that long ago. Paramedics suspected abuse.

E.A. was taken by helicopter to a hospital in Des Moines. E.A. was still

nonresponsive as he would remain for the rest of his life. A pediatric-critical-care

(CT) and magnetic resonance imaging (MRI) scans. The scans confirmed a skull

fracture and showed internal bleeding, swelling, and inflammation on and in

brain. The MRI indicated in brain caused by lack of oxygen.

And an ophthalmologist observed retinal hemorrhaging. Based on the severity of

injuries, there was essentially nothing physicians could do to reverse the damage,

and doctors concluded E.A. would never regain consciousness. The next day,

E.A. died after Obrecht gave consent to end life support.

short fall a week before he died.

At the apartment shortly after Nicholson called 911, he and Obrecht told a



State of Iowa v. Trevin David Nicholson

2024 | Cited 0 times | Court of Appeals of Iowa | February 21, 2024

responding officer E.A. had fallen from his booster seat the week before.

Nicholson gave a similar story to police at the hospital. He said that, after the fall, relatively

normal. Around this time, he also text messaged his mother that E.A. fell the week

. Nicholson told police he called 911 because E.A. was moaning and breathing like his when the dog was dying.

Police questioned Nicholson again after E.A. died. Nicholson again said

E.A. fell from his booster seat, and he showed officers how E.A. allegedly fell in a carpeted area of the apartment. Nicholson also said E.A. had recently broken cell phone. Once he and Obrecht got back to the apartment, Nicholson said he planned to leave the state.

Medical evidence establishes E.A. was killed by inflicted abusive head trauma. The manner of death was homicide.

The Polk County Medical Examiner performed an autopsy. He found forehead, and around the eyes, and he attributed the injuries to at least two separate incidents. In total, the exam found approximately twenty-five separate external blunt-force injuries. The internal exam revealed deep bruising to head, a four-inch skull fracture, and evidence of bleeding below the scalp and on or around the brain. All of these injuries were consistent with blunt-force trauma. And they were survivable, though they likely would have led to mental deficits. The medical examiner opined that the fatal injury was likely craniocerebral trauma brain hemorrhages and other head and neck injuries consistent with



State of Iowa v. Trevin David Nicholson

2024 | Cited 0 times | Court of Appeals of Iowa | February 21, 2024

modern medical term for what was once

-head-trauma conclusion was

also bolstered by retinal and optic-nerve hemorrhages, as well as bilateral

hemorrhaging of the spine. The medical examiner and the pediatric-critical-care physician who treated E.A. both explained that abusive-head-trauma injuries

what a toddler could self-inflict and more like

a] from tremendous

examiner opined that the injuries were not consistent with a

short fall from a table or chair. And the injuries were likely caused by repetitive motion or multiple blows.

Based on the forensic evidence, the medical examiner concluded the

injuries leading to death were inflicted by another person and ruled the manner of death homicide. The pediatric-critical-care specialist similarly opined E.A. was killed by multiple head injuries inflicted by another person.

The medical examiner and pediatric-critical-care specialist also both

testified that, shortly or immediately after the fatal injuries were inflicted, a child would have abnormal breathing and other deficits such as loss of consciousness,

eye motion, and muscle tone. In response to hypothetical questions, the pediatric-critical-care specialist and medical examiner both agreed the appearance of E.A.

in a video Nicholson recorded shortly before calling 911 was consistent with symptoms that would rapidly follow inflicted abusive head trauma.



State of Iowa v. Trevin David Nicholson

2024 | Cited 0 times | Court of Appeals of Iowa | February 21, 2024

The county attorney charges Nicholson and Obrecht. Obrecht pleads guilty and testifies for the State. Nicholson takes the stand and, for the first time at trial

The Story County Attorney charged both Nicholson and Obrecht with felony

offenses. Obrecht entered into a plea agreement with the State, substantially

reducing her sentencing exposure from fifty years to twenty in exchange for truthful

testimony. Nicholson proceeded to trial on murder in the first degree, a c felony in violation of Iowa Code section 707.2(1)(e) (2021), and child endangerment resulting in death, a c felony in violation of

sections 726.6(1)(a) (b) and 726.4(4).

Nicholson testified in his own defense parenting of

E.A. and described her as impatient and bad at handling stress related to childcare.

He claimed , which

she denied in her own sworn testimony. Nicholson claimed he recorded the video

He testified

while talking to police and

misleading them about what happened to E.A. And he agreed with the prosecutor

that the first time he told police or anyone publicly that Obrecht hurt E.A. was at

trial.

The jury found Nicholson guilty as charged, and the district court sentenced

him to life in prison without parole. Nicholson appeals.

II. Standard of Review

-of-

State v. Cahill, 972 N.W.2d 19, 27 (Iowa 2022). verdict. The verdict binds this court if the verdict is



State of Iowa v. Trevin David Nicholson

2024 | Cited 0 times | Court of Appeals of Iowa | February 21, 2024

supported by

Id. (quoting State v. Jones, 967 N.W.2d 336, 339

(Iowa jury evidence, we view the evidence in the light most favorable to the State, including
es and presumptions that may fairly and reasonably be

Jones, 967 N.W.2d at 339 (quoting State v.

Tipton, 987 N.W.2d 653, 692 (Iowa 2017)). III. Discussion

largely boils down to arguing the jury should

have believed his testimony that Obrecht inflicted the fatal injuries and he had no

. nherent in our standard of review of jury verdicts in

criminal cases is the recognition that the jury was free to reject certain evidence,

State v. Button, 622 N.W.2d 480, 483 (Iowa 2001)

(citation omitted). As a result, -

serving and inconsistent testimony and instead believe Obrecht and the forensic evidence offered by
the State.

Moving beyond the credibility challenge, the only element of the offenses

challenged by Nicholson on appeal is identity whether he inflicted the injuries that

killed E.A. But E.A. sole care for more than twenty minutes

before paramedics arrived. And medical evidence established the injuries were

inflicted minutes . The jury

reasonably concluded Nicholson inflicted the injuries. See State v. Meyers, 799

N.W.2d 132, 138 (Iowa 2011) n assessing the sufficiency of the evidence, we



State of Iowa v. Trevin David Nicholson

2024 | Cited 0 times | Court of Appeals of Iowa | February 21, 2024

find circumstantial evidence equally as probative as direct

The medical evidence also proved the injuries were caused by abusive

head trauma consistent with shaking and slamming a child and inconsistent with

the short fall Nicholson claimed. The jury could have found E.A. falling was false and intended to cover up the crime or deceive police. See

State v. Odem, 322 N.W.2d 43, 47 (Iowa 1982) A false story told by a defendant

to explain or deny a material fact against him is by itself an indication of guilt. .

This circumstantial evidence was bolstered by motive evidence: messages about , E.A. breaking his phone, and belief E.A. was interfering with his sex life. See State v. Syperda, No. 18-1471, 2019 WL 6893791, at *6 (Iowa Ct. App. Dec. 18, 2019) While motive is not an

essential element of murder, motive evidence is always relevant. that

evidence was reinforced by Nicholson concealing dissuading Obrecht from seeking medical care developing injuries the week before his death. See State v. Crawley, 633 N.W.2d

802, 804 (Iowa 2001) (recognizing evidence of concealment, like evidence of flight

or false statements, reflects consciousness of guilt). Viewing the evidence in the

light most favorable to the State, convictions were supported by proof

beyond a reasonable doubt.

IV. Disposition

endangerment resulting in death.

AFFIRMED.

