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For Immediate Release

Johnson County Attorney's Office Files Rebuttal, Awaits Judgement in Younes Case

August 21, 2025 (JOHNSON COUNTY, IA) – The Johnson County Attorney's Office has filed the State of Iowa's rebuttal in response to the Defendant's closing argument in the trial of Ali Younes, who is charged with Robbery in the 1st Degree – Inflict or Attempt Serious Injury, a Class B Felony; Theft in the 1st Degree – Over \$10,000, a Class C Felony; and Attempt to Commit Murder, a Class B Felony. These charges stem from an incident in April 2022 where Younes allegedly attacked a woman at the Art Building West on the University of Iowa campus after dark, strangled her until she was unconscious, and stole her earrings valued at \$20,000.

The non-jury trial for this case took place in July 2025, with District Judge Kevin McKeever presiding. Now that the State of Iowa has filed their rebuttal, a decision from Judge McKeever will determine whether or not Younes is convicted of any of the charges. If convicted, Younes faces potential sentences of up to 25 years for each count of a Class B Felony, and up to 10 years for the Class C Felony charge. Younes also has a related pending case regarding charges of Escape from Custody – Felon, a Class D Felony; and Flight to Avoid Prosecution, a Class D Felony. Each of those charges carry a potential sentence of up to 5 years.

A criminal charge is merely an accusation, and all defendants are presumed innocent until proven guilty.

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Attached: Closing Argument, State of Iowa
Closing Argument, Defense
Rebuttal, State of Iowa

| IN THE IOWA DISTRICT COURT IN AND FOR JOHNSON COUNTY | |
|--|---|
| STATE OF IOWA, Plaintiff, vs. ALI ALFRED YOUNES Defendant. | FECR133583 STATE’S CLOSING ARGUMENT |

COMES NOW, the State of Iowa by and through Rachel Zimmermann Smith, Johnson County Attorney and Haley Huddleston, Assistant Johnson County Attorney and submits to the Court that the State has proven the elements of Counts 1, 2, and 3 beyond a reasonable doubt and asks this court to find the Defendant guilty on all counts. The State submits the following in support.

WHAT HAPPENED TO ANNE RIZZO ON APRIL 25, 2022

The evidence in this case is as follows. The facts have been established by testimony, evidence, and stipulations between the parties.

Katherine Kavars testified that in April of 2022 she was a student studying human physiology at the University of Iowa, and that on the night of April 25, 2022, she and her friend Madilynn (“Madi”) Amos were studying for an anatomy exam. It was later at night, and the Field House where they had been studying was closed so they decided to study at Art Building West which was right down the hill from Katherine Kavars’ apartment. The testimony indicated that it was dark, and it was unseasonably cold. Kavars testified that she and Madi studied in the building and then decided to leave. The two of them walked out the doors on the west side of the building, they were talking together as they walked out and then something caught their attention. Kavars and Amos both testified that they looked up and saw a man standing over a woman. The woman was not moving and appeared to be unconsciousness. The evidence is not in dispute as to the identity of the woman or the man standing over her. The woman was Anne

Rizzo, and the man was the Defendant. The Defendant saw Kavars and Amos and told them that the woman had been walking and that she passed out. He said he was going to call 911 but then ran up the hill towards the Visual Arts Building. It quickly became obvious to Kavars and Amos that the man was not going to call 911. Kavars and Amos tended to Rizzo. Kavars testified that there was a pool of something wet near Rizzo.

After the Defendant fled, Kavars called 911 while Amos tended to Rizzo who was on the ground. Amos testified that she thought that it might be a seizure. Amos checked to see if Rizzo was breathing and confirmed that she was, she was not conscious or awake at first but eventually started trying to talk. Rizzo was disoriented and her voice was raspy and difficult to understand. Amos testified that she held Rizzo while Kavars went out to the road to show the emergency responders where they were. When paramedics arrived Amos testified that she heard Rizzo tell them that the Defendant strangled her.

Sandra Heick testified that in April of 2022 she was a paramedic for Johnson County Ambulance. She responded to the 911 medical call. She testified that when she and other first responders arrived, she observed two females and a female on the ground, who was being held by one of the other females. The person on the ground was Anne Rizzo. Rizzo was just “kind of limp”, not responding but then started coming to. At first Rizzo’s words did not make sense. Heick testified that the confusion Rizzo displayed was consistent with a lack of oxygen to the brain. Heick observed that Rizzo had urinated in her pants, which is also a sign of loss of consciousness. Heick testified that once Rizzo reported that she had been strangled, the call turned from a medical call to a police call and officers began to arrive. Heick testified that Rizzo had pain in her left eye, abrasion and swelling to her right temporal area, and redness around her neck. Heick testified that they transported Rizzo to the UIHC for evaluation.

Officer Abby Billingsley also responded to the area of the Art Building West. She arrived on scene while Rizzo was being attended to by first responders. She testified that Rizzo reported to her that she was choked with two hands. Billingsley reported the information to her supervisors at UIPD, a Hawk Alert went out, and a criminal investigation began. Billingsley took pictures of Rizzo's injuries (STATE'S EXHIBITS 9-12) that showed bruising and a fresh abrasion on Rizzo's face and redness on her neck.

ANNE RIZZO THOUGHT SHE WAS GOING TO DIE

Anne Rizzo testified that she lives on Richards Street, where she has lived for 33 years, not far from the Art Building West. She has walked back and forth to work at her family's store, Hands Jewelers every day. She testified that the distance between her home and work is a little over a mile. She testified that she is 5 ft. 3 inches tall and weighs about 110 lbs.

On April 25, 2022, she was working in the business office until late in the evening. She testified that it was cold that night. She testified to the route that she took home. She was carrying a purse, which was open at the top, with over \$1,000 in cash, credit cards and personal items. She was wearing diamond earrings, a gift from her husband valued at over \$10,000.

She testified that she was trying to shorten her walk because it was cold, so she walked along the boardwalk side of the art building. She sensed that someone was behind her and started walking faster and turned around to look. She saw a man with a white face, broad forehead, and a red, white, and dark colored striped jacket. She testified that the man was bigger than her and was accelerating towards her, she tried to run as fast as she could, but he caught up with her "way too fast" (page. 103 : 10-11). She said he tackled her like a football player would tackle you from behind, putting his arms around her. She was on the ground, and he was lying on top of her. He did not say anything to her. She remembers being on her back and he was on top of

her straddling her with his hands around her neck. She testified that her arms were over her chest, and she tried to push up to get him off her and save herself, but when she pushed up, he pushed harder tightening his grip.

She then tried to relax herself so he would loosen his grip and not tighten it and then she tried to speak and mouthed the words "Please don't hurt me I will give you anything you want". (page 107: 15-16). She tried to say it again, but she could not get it out because she could not withstand the strangulation.

The next thing she remembers is waking up in somebody's lap that she did not know. She testified that the man who strangled her was a stranger to her. She testified that she tried to fight him off, and that the last time she closed her eyes she thought she would never wake up. She testified that she thought she was going to die.

She testified that when she woke up, she was in pain, her neck hurt from the pressure, and she had a bad, hoarse sore throat. She testified that after she arrived at the hospital, she realized her earrings had been removed from her ears. She testified that in the weeks that followed she had pain in her neck and eye pain. She testified that her left eye became very swollen and black and blue and that her hoarseness lasted for over a week.

THE DEFENDANT'S ACTIONS AND WORDS

Maria Ortiz testified that she and the Defendant met on Facebook dating in the fall of 2021 and that they were dating in April of 2022. At that time, she was living on Johnson Street in Iowa City and the Defendant was living on the University of Iowa campus in Burge Hall. She testified that the Defendant frequented that area of the Art Building West and that she had been there with him before. On April 25, 2022, she and the Defendant had texted each other throughout the day about hanging out. There was a period of 3-4 hours where she did not hear

from him and then he messaged her around 10pm. She called him and agreed to pick him up at Burge and take him back to her apartment to hang out. She testified he was wearing sweatpants and a puffer jacket that was red and white.

They were hanging out at her house when she got a Hawk Alert describing an event at Art Building West with the description of a subject that matched the Defendant's jacket. She testified that he got defensive. She testified that they went to bed and they were woken up by police knocking on the door, and that police searched her apartment.

After the Defendant was arrested, Ortiz visited him at his home in western Iowa around July of 2022. They were discussing what had happened on April 25th and he admitted that he strangled someone. The Defendant also at one point asked her to reach out to the victim to pay her off. She refused.

Carson Kirby and Alan Zukowski testified that they both met the Defendant in their freshman year at Iowa. They both testified that the Defendant wore a puffer coat and that on April 25, 2022 they saw the Hawk Alert photos and recognized that the Defendant was the suspect. They called the number given by the Hawk Alert and reported that they knew who the suspect was.

University of Iowa Police Sergeant Josh Lovik testified that on April 25, 2022 he was assigned to assist with an investigation into an attack that had occurred near Art Building West the night before. He testified that he went to Burge Hall to locate the Defendant and then to Maria Ortiz's home with other officers. He testified that he observed the coat that had been seen on the individual in the surveillance video and described by witnesses, hanging from a chair in Ortiz's residence.

Sgt. Lovik testified about the statements that the Defendant made to him in an interview on April 26, 2022 (STATE'S EXHIBIT 19). The Defendant told Lovik that he was familiar with the Art Building West and often went there to play with the ducks. The Defendant told Lovik that he saw someone chasing a woman and that the person was wearing a red and white coat. This description matched the Hawk Alert description that was sent out prior to the interview.

The Defendant changed his story as the interview progressed. The Defendant said he noticed the woman on the ground and that she was purple and had spit on the outside of her mouth. The Defendant said the woman was unresponsive not making any noise. The Defendant told Lovik that he believed the woman to be dead. The Defendant told Lovik he believed that the woman had been choked.

Lovik testified that there had been no information regarding the specifics of the attack given to the public through Hawk Alert. The Defendant would have had no way of knowing that the victim had been choked. The Defendant also told Lovik that he came upon the victim and removed her earrings. He told Lovik where he would find the earrings. Lovik will testify that he provided the information to Tyrrell who was searching Ortiz's residence.

Police Lieutenant Travis Tyrrell also responded on April 25, 2022 to Burge Hall and then to Ortiz's apartment. Tyrrell testified that he assisted in the investigation. He testified that he searched Ortiz's apartment after locating the Defendant there. He described that the Defendant at that time had a muscular build. Tyrrell collected the Defendant's cell phone into evidence from Ortiz's apartment. He also located Anne Rizzo's diamond earrings hidden in a floss container at Ortiz's apartment after being informed of their location by Lovik.

University of Iowa Police Detective Ian Mallory testified that he was a patrol officer in April of 2022. He testified that he reviewed and collected surveillance footage from various

cameras throughout the University of Iowa campus. He was able to trace the Defendant's path, starting with leaving Burge Hall that night. The footage shows the Defendant following behind a female subject onto the IMU footbridge heading east, then reversing course to go in the same direction as Anne Rizzo, jogging after her. The footage shows the Defendant after he attacked Rizzo trying to find his way back to Burge to be picked up by Maria Ortiz. (STATE'S EXHIBIT 17).

University of Iowa Police Detective Tiffany Lord testified that she reviewed the data from the cell phone extraction of the Defendant's phone. She was able to track the path the Defendant took on April 25, 2022 (STATE'S EXHIBIT 18). The map of the Defendant's cell phone data is consistent with the path shown on the surveillance footage.

Kara Poeschel testified that she was driving down north down N Riverside after leaving work at UIHC shortly after 10pm on April 25, 2022. She observed the Defendant run out in front of her car and walk after a woman heading north toward the Art Building West. She received the Hawk Alert and immediately called to report what she had seen to law enforcement.

Detective Mallory testified in May of 2023 he received word that the Defendant had cut his pre-trial release GPS monitor and had fled to Jordan. Mallory testified to his efforts to bring the Defendant back to the United States. He testified that when he and Detective Brett Cooper spoke with the Defendant in 2024 the Defendant admitted to him that he strangled Anne Rizzo and that he thought she had a lot of money. Detective Cooper testified that the Defendant admitted that prior to fleeing to Jordan he had gone through police reports with his attorneys. The Defendant wrote an apology to Anne Rizzo saying that he was not in the right state of mind when he strangled her.

Abens Altidor testified that he met the Defendant at University of Iowa orientation in August of 2021. He stated that he and the Defendant were friends on social media through most of the year, and that in March of 2022 they started hanging out in person. He testified that in March the Defendant made some statements that concerned him. The Defendant told him on Snapchat that he wanted to run away to Mexico. Altidor told the Defendant to come over so they could talk about it. When the Defendant came over, he told Altidor that he wanted to kill someone and then run away to Mexico.

Katy Rasmussen testified that she is a forensic sexual assault nurse examiner (SANE) and has specialized training and experience in the lethality of strangulation. She testified that it takes seconds to become unconscious and 6.2 seconds for breathing to stop. She testified to the delayed effects of strangulation.

THE COURT SHOULD FIND THE DEFENDANT GUILTY ON ALL COUNTS

The evidence is clear, there is no dispute that the Defendant is the person who attacked Anne Rizzo, beat her and strangled her until she was unconscious. The Defendant is the person who stole Anne Rizzo's earrings.

Anne Rizzo testified that she was in and out of consciousness and that she begged the Defendant to stop and he didn't. He strangled her until she stopped breathing and wasn't moving and stood over her to make sure she was dead, and he thought she was. If Katherine Kavars and Madilynn Amos had not decided to leave the Art building West to go home when they did, if they were not the brave and responsible women that they are, Anne Rizzo would be dead.

Robbery in the 1st Degree, Theft in the 1st Degree, and Attempted Murder all require the State to prove that the Defendant had specific intent. Specific Intent "'Specific intent' means not only being aware of doing an act and doing it voluntarily, but in addition, doing it with a specific

purpose in mind.” Iowa Model Jury Instructions, 200.2 (“Specific Intent – Definition and Proof”). The model instruction also notes that because specific intent is “seldom capable of direct proof,” the fact finder “should consider the facts and circumstances surrounding the act to determine the Defendant’s specific intent. You may, but are not required to, conclude a person intends the natural results of his acts.”

The facts and circumstances here clearly show that the Defendant acted with the specific purpose to cause Anne Rizzo’s death and to commit a theft.

COUNT I ROBBERY IN THE FIRST Degree

(Model jury instruction 1100.1)

The Defendant grabbed Anne Rizzo from behind, strangled her until she was unconscious and removed the earrings after he thought she was dead. Anne Rizzo testified that there was no injury to her ears and that she didn’t realize that they were gone right away. The Defendant had the earrings in his possession on April 25, 2022.

The State has proved element number 2, the Defendant’s assault caused multiple bodily injuries, including bruising, redness, swelling and pain, and also put her in fear of immediate serious injury. She testified that she tried to run and once on the ground attempted to fight him off.

Finally, The State has proved element number 3 as the facts and circumstances prove the Defendant’s purpose was to inflict (at a minimum) a serious injury to Anne Rizzo. He grabbed her from behind and threw her on the ground, the bruising and swelling show that he also hit her in the face, at some point during the assault and it is undisputed that he strangled her.

**COUNT II-THEFT IN THE FIRST DEGREE
(Model Jury Instruction 1400.1. 1400.27)**

It is undisputed in this case that on April 25, 2022 the Defendant took possession or control of Anne Rizzo's property with the intent to deprive Anne Rizzo of the property. The earrings the Defendant took were valued at \$25,000, which exceeds \$10,000.

**COUNT III –ATTEMPT TO COMMIT MURDER
(Model Jury Instruction 700.19).**

The State has proved beyond a reasonable doubt by showing that through the Defendant's actions, he expected to set in motion a force or chain of events which could cause or result in the death of Anne Rizzo, and that when he acted he specifically intended to cause the death of Rizzo. The evidence clearly shows that the Defendant intended to cause the death of Anne Rizzo.

Anne was walking home by herself; the Defendant followed her and attacked her when she was alone in what he thought was an isolated area. She tried to run away, and he attacked her from behind tackling her to the ground. He straddled her and strangled her with both hands around her neck. She testified that she was in and out of consciousness, and that when she tried to push him off, and even asked him to stop, he continued to strangle her until she finally lost consciousness. She testified that she thought she was going to die. The description the Defendant gave to Officer Lovik of spit on Anne's mouth and the purple color of her face, indicate that he knew exactly what he was doing. He could have stopped at any time, and he did not.

As soon as he was sure she was dead, he took her earrings and stood over her to make sure he had seen his plans through. The Defendant told Abens Altidor of his plans to kill someone and run away a month before he carried them out. Fortunately for Anne Rizzo and her family, Katherine Kavars and Madilynn Amos, and the University of Iowa Police Officers who located the Defendant in Jordan after he fled, interrupted his plans.

The State asks the Court to enter verdicts of guilty on all counts.

RESPECTFULLY SUBMITTED

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IN THE IOWA DISTRICT COURT IN AND FOR JOHNSON COUNTY

| | | |
|------------------------|---|-------------------------|
| THE STATE OF IOWA, |) | |
| |) | |
| Plaintiff, |) | NO. FECR133583 |
| |) | |
| vs. |) | WRITTEN ARGUMENT |
| |) | |
| ALI ALFRED ALI YOUNES, |) | |
| |) | |
| Defendant. |) | |

COMES NOW the Defendant, Ali Younes, by and through his attorney, Jeffrey L. Powell of Keegan, Tindal, & Jaeger, and provides the following Written Argument

On July 8, 2025, the matter was tried to District Court Judge Kevin McKeever.

Closing Argument

On April 25, 2022, Ali Younes physically attacked Anne Rizzo and stole her earrings. The State of Iowa proved both these facts in July in a two-day trial to the Court. What the State did not prove is that Ali Younes attempted to kill Anne Rizzo. The post-trial interviews with the Defendant do not prove or suggest that he had the intention to kill. The physical injuries do not in and of themselves prove an intent to kill. Additionally, the State's expert Katy Rasmussen testified that the act of strangulation itself is far more dangerous than most people realize. The mere act of strangulation itself is not proof beyond a reasonable doubt that the Defendant intended to kill Anne Rizzo.

1. The injuries proven at trial were not proof of intent to kill, or even proof of intent to cause serious injuries.

Several witnesses testified that Ms. Rizzo, while initially unconscious, regained consciousness within minutes.

Q. Okay. All right. And you would have really no

estimation as to how long she -- it took for her to go from unresponsive to being able to talk to the paramedics?

A. Not one that I can tell you confidently, but I would assume like five minutes-ish.

Q. Roughly five minutes?

A. Yeah. (Witness Kavars, P. 35)

Q. All right. Okay. And when you arrived, you said that the patient was still -- I think you said starting to come around at that point?

A. Yeah, just barely initially when we made contact.

Q. And the patient, at least initially, still wasn't really making sense even though she was trying to talk?

A. Yes. (Witness Heick, P. 63)

Q. Do you know how long it took for the patient to go from "not really making sense" to being able to sort of elaborate that conversation?

A. I would guess less than two minutes.

Q. Okay. All right. (Witness Heick, P. 64)

Q. All right. And when you arrived, the patient had already been put onto a cot by the ambulance crew?

A. Yes.

Q. Yes. And then once she was put into the ambulance she was capable of having a conversation about what had happened to her?

A. Yes.

Q. All right. Do you know what time you arrived on the scene at the Art Building West?

A. According to my report, it shows 10:18. (Witness Billingsly, P. 88)

Q. 10:18 PM? Okay. And then once -- we just said, by the time you got there, Anne, the patient, was already conscious and talking to people?

A. Correct. (Witness Billingsly, P. 88)

Ms. Rizzo was released from the hospital within three to four hours of arrival. (p. 119) Although there was a significant bruise on her eye in the days following the attack, the circumstances around it are unclear. Ms. Rizzo does not recall being punched. (p.111) Ms. Rizzo's glasses were not damaged and appear to have remained on her face throughout. Her glasses were properly on her face when she was located. (p. 115)

Katy Rasmussen testified that several serious injuries could occur from even a brief strangulation. She listed numerous injuries that can result from surprisingly little pressure:

Q. Can you talk about the amount of pressure applied? How does one measure that and how much pressure would it take?

A. So it takes a surprisingly little amount of pressure when we're talking about the jugular veins, as we said that's kind of the more external, it takes about 4.4 pounds of pressure to occlude those. For the carotid arteries, it's 11 pounds of pressure, you know, the neck is not very well protected. If you ever feel your pulse on your neck, that is the carotid artery you're feeling, you can feel that pulsation. And for the trachea, that airway, occlude it with 33 pounds of pressure, or fracture it between 35 and 46 pounds of pressure. (Witness Rasmussen, P. 251)

Witness Rasmussen continued to talk, for the next three pages of the transcript (p. 252-254), of the numerous, serious injuries that can result from strangulation, using minimal and potentially unintentional pressure. While these injuries are no doubt serious, there is no evidence that the defendant caused any of them to Ms. Rizzo.

The fact that these injuries did not occur suggests that the force used by the Defendant was not excessive. Had he been trying to seriously injure or kill Ms. Rizzo, Ms. Rasmussen's testimony suggests that the injuries would likely have been far worse. The injuries here, rather, suggest that the Defendant tried to incapacitate Ms. Rizzo in order to steal her earrings.

Witness Rasmussen also testified that victims of strangulation often do not have an accurate memory of the event:

Q. One of the symptoms of having been strangled, particularly if it's to the point of unconsciousness, is that the person has difficulty remembering exactly what happened?

A. It can be.

Q. And that can even exist, you know, after the

person has woken up and come around, they still might not have an accurate memory of what happened when they were being strangled and before that?

A. Correct. (Witness Rasmussen, P. 254)

Thus, the Court should consider this when evaluating Ms. Rizzo's direct recollection of the attack.

Finally, there are the earrings. Ms. Rizzo told the police that her attacker "really nicely removed her earrings":

Q. Did you describe it previously as whoever this was really nicely took off your earrings?

A. Nicely is the wrong -- I should not have chosen that word. He was very -- he didn't damage my ear, let's put it that way.

Q. Okay.

A. He could have.

Q. And just so I'm clear, are you stating you didn't actually say he really nicely took them off?

A. Oh, I said that.

Q. Okay. You --

A. Because I was shocked and amazed. (Witness Rizzo, p. 120)

It seems unlikely that an attacker who intended to kill or seriously injure the victim would have taken the time to so carefully remove the earrings. Once again, it is better proof of someone who wanted to commit a robbery, and cause as little physical injury as possible.

The injuries to Ms. Rizzo, in and of themselves do not prove intent to kill. Rather, they mitigate against it. Although strangulation, by definition, is violent, the evidence here suggests that some strangulations are more violent than others.

2. Witness Katy Rasmussen established that strangulation is not widely understood. Unintentional injuries are not only possible, but common.

She testified that she speaks at seminars regarding the dangers of young people engaging in strangulation, without understanding the dangers of it:

Q. All right. I just want to be clear. I think -- and you may have said it more than once, you said that if a person is strangled it can take seconds, I think you said as little as ten seconds before a person is rendered unconscious?

A. Correct.

Q. It takes surprisingly little pressure to, I suppose, strangle somebody to the point where they would pass out?

A. Yes. (Witness Rasmussen, P. 254)

In other words, the average person does not know that a person can lose consciousness within 10 seconds. There are apparently many people who do not realize the dangers of strangulation, so many in fact that Ms. Rasmussen sees a need to speak at events like this to spread awareness.

Q. Right. Isn't there concern amongst the medical persons, such as yourself, that young people might be strangling their partners and perhaps not realizing how dangerous that practice is?

A. Correct. Yes.

Q. And what that means is that there are people who are, for whatever reason, they're using strangulation and they don't necessarily realize the things that we just talked about, that a person can be rendered unconscious in seconds, the big list of potential injuries that can occur from strangulation?

A. Yes. (Witness Rasmussen, P. 255)

It is therefore reasonable that the Defendant, himself less than 20 years old at the time, would not have realized the danger he was putting Ms. Rizzo in. And realistically that he did not intent to kill her. It is reasonable that he may have been legitimately surprised at how quickly she passed out. That does not prove that the Defendant acted with intent to kill.

3. The Defendant's statements do not prove, or even suggest, an intent to kill.

The Defendant gave two interviews with the police. One was the day after the assault. In this first interview he lied about watching another person attack Ms. Rizzo

and coming up to her after she was unconscious. The Defendant was attempting, not very effectively, to claim that he had taken the earrings but not attacked Ms. Rizzo. In this interview he claimed that he thought Ms. Rizzo might have been dead. [1:01:10, Ex. 19] Minutes later he stated that he was pretty sure she was alive on the ground. [2:20:50, Ex. 19] Police interviewer Travis Tyrell testified that most of what the Defendant said during the interview, Tyrell believed to be false.

Q. And regardless, I think it's clear you don't believe that Mr. Younes was telling the truth about quite a few things that he said in this interview; correct?

A. I would say that's accurate, yeah.

Q. In other words, you don't believe he was telling the truth about watching another male following the victim across the bridge or any of that information; correct?

A. About that specifically, correct.

Q. In other words, do you think that at least several of the statements that Mr. Younes made during this interview were lies or not the truth?

A. Correct. (Witness Tyrell, P. 206-207)

The passages illustrated here from the interviews are not transcripts. They are merely what the undersigned believes was said during the recordings. The Court can and should watch the interviews in their entirety and draw its own conclusions.

However, any and all statements made by the Defendant in April, 2022, must be understood as part of an attempt to downplay his role in the attack. The State wants the Court to believe only those statements that support the verdict they are asking for.

The second interview took place in September 2024, after the Defendant returned to the United States. In this interview the Defendant admitted to attacking Ms. Rizzo. He admitted to strangling her and stealing her earrings. But he did not admit to trying to kill Ms. Rizzo. What he said was that he attacked Ms. Rizzo for money:

So, you said you attacked her. What was going through your mind at that point?

Nothing. I was really high. I couldn't even think. I just got pissed and I thought she had a lot of money.

Okay. And so that was the only reason why you attacked her. You thought she had money?

Yeah, of course. (Ex 23 13:50)

He denied that he thought Ms. Rizzo was dead:

And so, I remember when you talked to the other detective that day, you said that you thought that she was dead.

Yeah.

Did you think you killed her? So you thought you killed her?

No, no, no, I didn't think she was 100 % dead. I just knew she was like not awake for sure. And I was trying to resuscitate her, like give her CPR. But I wasn't trying to breathe in her mouth. I wanted to just like see if she could breathe again. Because I was like, "What have I just done?"

And so, she wasn't breathing at all at that point?

I wasn't sure, but when she, I thought she could've even faked it because when she stopped like moving, she kind of moved her arms slowly and I thought it was a little unnatural. So, I thought she could have, could have been like on, like a purpose to make me stop.

As I realized I was doing it, I stopped. (Ex 23- 15:07)

He told the police that he stopped right away when Ms. Rizzo lost consciousness:

Does she lose consciousness right when you hit her and she went down, or she lose consciousness after you-

After I choked her.

But you know it wasn't long, I stopped right away. She went out when, I went to attack her, I wasn't even going to, but she turned around and I just grabbed her. (Ex 23- 17:34? Or 17:30?)

His statements indicate that he was surprised at how quickly Ms. Rizzo lost consciousness, and that he initially did not know what to do. Once again, this is not evidence of a person with intent to kill. Even if the Defendant did wonder if he had accidentally killed Ms. Rizzo, the State's burden would not be met.

The Court can of course accept or reject any of the statements made by the Defendant in either of his interviews. But there is nothing in either that suggests he admitted to attempted murder, and there is no reason that the Court should credit some statements regarding his actions but not other statements regarding his state of mind. The

statements he made are consistent with the injuries Ms. Rizzo sustained and are inconsistent with an intent to murder Ms. Rizzo.

4. The statement by witness Altidor should not be admitted.

The statement of Witness Altidor was irrelevant and prejudicial as argued on the record. However, should the Court decide that it is admissible, the Court should give it minimal weight.

The statement was made over one month earlier. It was utterly disconnected to what happened on April 25, 2022. The Defendant did not know Anne Rizzo at the time the statement was made. The Defendant did not attempt to go to Mexico. The statement is simply not evidence that the Defendant intended to kill Anne Rizzo several weeks later.

5. The elements have not been met in Counts 1 and 3.

In order to prove Attempt to Commit Murder, the State must prove both of the following beyond a reasonable doubt:

2. By his acts, the defendant expected to set in motion a force or chain of events which would cause or result in the death of Anne Rizzo
3. When the defendant acted, he specifically intended to cause the death of Anne Rizzo.

The State has failed to prove one or both of these elements. Therefore, the defendant is not guilty of Attempt to Commit Murder. The Court should consider the charge of Assault with Intent to Inflict Serious Injury, the next lesser included offense. State v. Luckett, 387 N.W.2d 298, 299 (Iowa 1986) Assault Causing Bodily Injury would also be a lesser offense.

In order to prove Robbery in the First Degree, the State must prove the following beyond a reasonable doubt:

1. On the date in question, the defendant had the specific intent to commit a theft.
2. To carry out his intention or to assist him in escaping from the scene, with or without the stolen property, the defendant:
 - a. Committed an assault on Anne Rizzo ... and in committing the assault the defendant intended to inflict a serious injury upon another, caused bodily injury or mental illness to Anne Rizzo, used or displayed a dangerous weapon in connection with the assault, or caused serious injury to Anne Rizzo, or
 - b. Threatened Anne Rizzo with, or purposely put Anne Rizzo in fear of immediate serious injury or
 - c. Threatened to immediately commit a forcible felony.

and

3. The defendant:

- a. Purposely inflicted or attempted to inflict a serious injury on Anne Rizzo or**
- b. Was armed with a dangerous weapon.**

The State has failed to prove one of these elements, specifically the highlighted **Element 3** above. Therefore, the defendant is not guilty of Robbery in the First Degree.

The Court should therefore consider the charge of Robbery in the Second Degree:

1. On the date in question, the defendant had the specific intent to commit a theft.
2. To carry out his intention or to assist him in escaping from the scene, with or without the stolen property, the defendant:
 - a. Committed an assault on Anne Rizzo ... and in committing the assault the defendant intended to inflict a serious injury upon another, caused bodily injury or mental illness to Anne Rizzo, used or displayed a dangerous weapon in connection with the assault, or caused serious injury to Anne Rizzo, or
 - b. Threatened Anne Rizzo with, or purposely put Anne Rizzo in fear of immediate serious injury or
 - c. Threatened to immediately commit a forcible felony.

Conclusion

The testimony at trial established that the Defendant committed Theft in the First Degree. The Court should find the Defendant guilty under Count 2.

Under Count 1, the Court should find the Defendant guilty of Robbery in the Second Degree.

Under Count 3, the Court should find the Defendant guilty of Assault with Intent to Cause Serious Injury, or Assault Causing Bodily Injury.

Respectfully submitted,

/s/ **Jeffrey L. Powell**

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IN THE IOWA DISTRICT COURT IN AND FOR JOHNSON COUNTY

| | |
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| STATE OF IOWA, Plaintiff, vs. ALI ALFRED YOUNES Defendant. | FECR133583 STATE'S REBUTTAL ARGUMENT |
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COMES NOW, the State of Iowa by and through Rachel Zimmermann Smith, Johnson County Attorney, and Haley Huddleston, Assistant Johnson County Attorney and urges this court to find the Defendant guilty of Robbery in the 1st Degree, and Attempted Murder and states the following in support:

On April 25, 2022, the Defendant intentionally set in motion a force or chain of events which could have caused or resulted in the death of Anne Rizzo. The chain of events was a brutal assault and strangulation of a 110 lb., 5 ft tall, 63-year-old woman, as she was walking home from work as she had done hundreds of times before.

The Defendant wants this court to reward him for failing in in his attempt to kill Anne Rizzo. His argument minimizes his intent and his actions as an Assault with Intent to Cause Serious Injury. Indeed, the Defendant's own argument concedes that he at a minimum intended to cause serious injury. He also concedes the Theft. Therefore, the Defendant is guilty of Robbery in the 1st Degree.

The evidence of the Defendant's actions and statements both before, during, and after his assault show that his intent was not merely to commit a theft. His actions indicate that the Robbery was an afterthought.

The Defendant followed Anne Rizzo until she was in an isolated area. He attacked her from behind, brought her to the ground and beat her, causing a black eye and abrasions on her face. If he had only wanted to steal from her, he would have stopped there. He would have run

off with her purse which was on the ground, but he didn't. Instead, he sat on top of her, and strangled her while she pleaded for her life, and he kept doing it until she was unconscious to the point she lost control of her bladder. He thought she was dead, and that was the goal. He stole her earrings, and then he stood over her body to make sure she was dead.

The Defendant's statements to officers when he returned to the United States in 2024 lack any credibility. Those statements were made after the Defendant had an opportunity to review all of the evidence and strategize with his Defense attorneys who obviously had the same defense strategy as his current counsel. The Defendant was merely parroting those strategies when officers interviewed him.

When the Defendant was first interviewed in 2022, he falsely reported to officers that someone else attacked Anne Rizzo, and that he merely took her earrings. In contrast his statements to his friend Abens Altidor in March of 2022 ring true. They are consistent with what he did just a month later. He told Altidor that he wanted to kill someone and run away and on April 25, 2022, that's exactly what he attempted to do.

The evidence proves beyond a reasonable doubt that the Defendant's intent in assaulting and strangling Anne Rizzo was to kill her. The State asks the court to find the Defendant guilty of Attempted Murder and Robbery in the 1st Degree.

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