



State v. Harris

2005 | Cited 0 times | Court of Appeals of Iowa | June 15, 2005

Larry Harris appeals from his conviction for assault with a dangerous weapon. **AFFIRMED.**

Considered by Vogel, P.J., and Miller and Hecht, JJ.

Larry Harris appeals from his conviction for assault with a dangerous weapon, in violation of Iowa Code sections 708.1, 708.1(2), and 708.1(3) (2003). He contends the evidence is insufficient to support the conviction. We review this claim for the correction of errors at law. Iowa R. App. P. 6.4. A district court's finding of guilt is binding upon us unless we find there was not substantial evidence in the record to support such a finding. *State v. Torres*, 495 N.W.2d 678, 681 (Iowa 1993). Substantial evidence means such evidence as could convince a rational trier of fact the defendant is guilty beyond a reasonable doubt. *Id.*

Viewing the record in light most favorable to the verdict, a reasonable fact finder could find the following facts from the record in this case. On August 14, 2003, Jack and Linda Falls had a verbal disagreement with Harris over the terms of a lease under which the Falls rented a building from Harris. Harris threatened to lock them out of the building. The following morning upon arriving at the building, the Falls discovered their key did not work. Jack looked through the window and observed Harris sitting at a desk, approximately ten feet away. Jack asked Harris to open the door. Harris appeared to be talking, but Jack could not hear him. Harris, who appeared to be very angry, stood up from behind the desk and had a rifle in his hands. Jack testified Harris held the rifle at "port arms" or "ready" position in which the gun is held across the body, with the right hand near the trigger and the left on the barrel of the gun.

The Falls, who were frightened and scared by the incident, immediately reported the incident to police. Two officers were dispatched to the office building where the incident had occurred. They questioned Harris, who initially denied that a gun was located on the premises. Upon further questioning, Harris became upset and uncooperative. Jack Falls described Harris' demeanor as very angry. The officers placed him under arrest and he resisted. When the officers executed a search warrant they located an unloaded .22 caliber rifle in the building.

Iowa Code section 708.1(3) provides that assault with a deadly weapon occurs when an individual, without justification, "intentionally points any firearm toward another, or displays in a threatening manner any dangerous weapon toward another." We conclude the evidence recounted above constitutes substantial evidence supporting Harris' conviction. Harris and Jack and Linda Falls had recently been involved in an argument. Although Harris did not point the weapon at them, the Falls



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believed and a reasonable juror could find beyond a reasonable doubt that the gun was displayed in a threatening manner at the time of the incident. The evidence amply supports the district court's finding that Harris' intent was to intimidate the Falls.

Accordingly, we affirm the conviction.

AFFIRMED.

