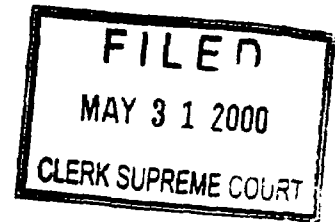


IN THE COURT OF APPEALS OF IOWA

No. 0-167 / 99-825
Filed May 31, 2000



STATE OF IOWA,
Plaintiff-Appellee,

vs.

ROGER MARTIN BECKER,
Defendant-Appellant.

Appeal from the Iowa District Court for Black Hawk County, Jon C. Fister,
Judge.

Roger Martin Becker appeals the district court's judgment and sentence entered after a jury trial, contending the court erred because there was not sufficient evidence to find him guilty of terrorism. **AFFIRMED.**

Curt Krull of Roehrick, Hulting, Krull & Blumberg, P.C., Des Moines, for
appellant.

Thomas J. Miller, Attorney General, Julie H. Brown, Assistant Attorney
General, Thomas J. Ferguson, County Attorney, and D. Raymond Walton,
Assistant County Attorney, for appellee.

Considered by Sackett, C.J., and Huitink and Vaitheswaran, JJ.

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HUTINK, J.

1. Background Facts and Proceedings.

Roger Becker was charged with terrorism,¹ going armed with intent,² assault while using or displaying a dangerous weapon,³ and assault without intent to commit serious injury but causing bodily injury⁴ following an altercation at a Waterloo apartment complex. The terrorism charge was premised on allegations that Becker fired a shotgun through an apartment window resulting in injury to one of its occupants.

A jury returned guilty verdicts on the terrorism, assault while using or displaying a dangerous weapon, and assault without intent to commit serious injury but causing bodily injury charges. Becker was sentenced to an indeterminate ten-year term on the terrorism count, including a mandatory five-year minimum term. He was also sentenced to serve one year on each of the assault counts to run consecutively to each other and consecutively to the terrorism sentence.

On appeal Becker challenges the sufficiency of the evidence supporting his terrorism conviction.

¹ Iowa Code § 708.6.

² Iowa Code § 708.8.

³ Iowa Code § 708.2(3).

⁴ Iowa Code § 708.2(2).

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II. Standard of Review.

Our standard of review for claims of insufficient evidence is well established. We review such claims for errors at law. Iowa R. App. P. 4.; *State v. McFarland*, 598 N.W.2d 318, 320 (Iowa App. 1999).

III. The Merits.

A person commits terrorism when

the person, with the intent to injure or provoke fear or anger in another, shoots . . . a dangerous weapon . . . within an assembly of people, and thereby places the . . . people in reasonable apprehension of serious injury

Iowa Code § 708.6; *see also State v. Bush*, 518 N.W.2d 778, 780 (Iowa 1994).

At trial Brandon Herrmann testified he saw Becker mace Jason Jacobsen and hit him with a pipe and moments later he heard Becker's voice outside the apartment window. Herrmann testified, "Then I heard a shotgun blast and it about blew my face right off. I mean I was only 10 feet from the window."

Jason Roeding testified he also saw Becker spray Jacobsen with mace and hit him with a pipe. Roeding also testified:

I was standing in the doorway of the kitchen and I heard a bang and I went to the ground. And everybody started yellin', he's shootin', he's shootin'. And I got up and ran to the big picture window and looked out and saw Roger run by through the front yard.

There is **also** evidence that Roeding suffered gunshot wounds to his arm and back.

Based on this testimony, we find a rational juror could conclude Becker fired the shotgun into the apartment or within an assembly of people. A rational

juror could also conclude beyond a reasonable doubt that those persons in the apartment were placed in reasonable apprehension of serious injury.

There is sufficient evidence supporting Becker's terrorism conviction, and we therefore affirm.

AFFIRMED.