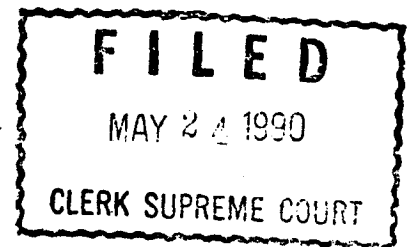


IN THE COURT OF APPEALS OF IOWA

No. 0-155 / 89-927



STATE OF IOWA,

Appellee,

vs.

ALVIN B. MILLER,

Appellant.

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Appeal from the Iowa District Court for Scott County,
David J. Sohr, Judge.

Defendant appeals from his conviction, following a jury trial, for first-degree arson. He challenges the sufficiency of the evidence and contends the trial court erred in overruling his motion for judgment of acquittal. **AFFIRMED.**

Raymond E. Rogers, State Appellate Defender, and Linda Del Gallo, Assistant State Appellate Defender, for appellant.

Thomas J. Miller, Attorney General; Thomas S. Tauber, Assistant Attorney General; William E. Davis, County Attorney; and James D. Hoffman, Assistant County Attorney, for appellee.

Considered by Donielson, P.J., and Schlegel and Habhab, JJ.

DONIELSON, P.J.

Alvin Miller, while an inmate of the Scott County jail, allegedly set a fire in his cell in an attempt to commit suicide. He was charged with arson in the first degree, and a jury subsequently found him guilty. He has now appealed.

Miller contends the evidence was not sufficient to establish the elements of first-degree arson.¹ He asserts the evidence did not establish that he intended to destroy or damage the Scott County Jail; he argues the only intent he possessed at the time of the fire was an intent to harm himself. Because of the fairly fire-resistant nature of the cell in which he resided, Miller also claims the evidence did not establish he had knowledge that property would probably be destroyed or damaged.

When reviewing the sufficiency of the evidence, we view the evidence in the light most favorable to the State, including all legitimate inferences and presumptions which may fairly and reasonably be deduced from the evidence in the record. State v. Freiburger, 443 N.W.2d 85, 87 (Iowa

1. Arson in the first degree.

Arson is arson in the first degree when the property which the defendant intends to destroy or damage, or which the defendant knowingly endangers, is property in which the presence of one or more persons can be reasonably anticipated, or the arson results in the death of a fire fighter, whether paid or volunteer.

Arson in the first degree is a class "B" felony.

Iowa Code § 712.2 (1987).

App. 1989). A jury verdict is binding upon this court and will be upheld unless the record lacks substantial evidence to support the charge. Id. Substantial evidence means evidence which would convince a rational trier of fact that the defendant is guilty of the crime charged beyond a reasonable doubt. Id.

The record in this case reveals a fire was set in Miller's cell. A prisoner in an adjoining cell, Steven McCormick, was awakened by thick smoke. He saw flames coming from a pile of materials on the floor of Miller's cell. The burning materials consisted of books, clothes, papers, magazines, and bedding. Both McCormick and a correctional officer testified as to Miller's despondent behavior earlier in the evening prior to the fire's eruption. When removed from his burning cell, Miller repeatedly insisted that he wanted to die.

Miller contends the record clearly establishes that the only intent he possessed at the time of the fire was an intent to harm himself. He claims the evidence is insufficient to prove he had the intent or knowledge required by the statute to prove first-degree arson. We disagree.

In an earlier arson case, our supreme court recognized intent is seldom capable of direct proof, but can be inferred from the facts and circumstances surrounding the act. State v. True, 190 N.W.2d 405, 406 (Iowa 1971). All persons are presumed to intend the natural consequences of

their acts. Id. at 407. Even if Miller intended to commit suicide, he could also have intended to perform intermediate acts (i.e., the ignition of combustible materials) in order to bring about his ultimate objective. Sufficient evidence existed from which a rational fact finder could conclude Miller had the requisite intent or knowledge to commit first-degree arson.

We reject Miller's contention that "an intent by defendant to ignite some personal property within his cell for the purpose of harming himself" somehow takes this case outside the realm of first-degree arson. The fire occurred within a jail necessitating the evacuation of a number of people. Clearly the "presence of one or more persons" could be reasonably anticipated in this case, Iowa Code § 712.2, warranting a charge and conviction for first-degree arson. No error occurred in overruling Miller's motion for judgment of acquittal and his conviction is affirmed.

AFFIRMED.