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CLERK SUPREME COURT

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IN THE COURT OF APPEALS OF IOWA

No. 0-314 / 89-1118

STATE OF IOWA,

Appellee,

vs.

PATRICK JOHN CRONE,

Appellant.

Appeal from the Iowa District Court for Johnson County, L. Vern Robinson, Judge.

Defendant appeals his conviction, following a guilty plea, for assault causing injury. **AFFIRMED.**

Raymond E. Rogers, State Appellate Defender, and Shari Barron, Assistant Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Mark Joel Zbieroski, Assistant Attorney General, J. Patrick White, County Attorney, and Anne Lahey, Assistant County Attorney, for appellee.

Considered by Oxberger, C.J., and Donielson and Schlegel, JJ.

PER CURIAM

Patrick Crone pleaded guilty to a charge of assaulting Andrea Forman causing injury, along with a charge of second-degree criminal mischief arising from the same incident. He was sentenced to serve forty-five days in jail on the assault charge and directed, among other things, to pay Forman restitution of $6,012.53 for her medical expenses arising from the assault. Forman suffered a nose injury from the assault which required two corrective surgeries.

Crone only challenges the $6,012.53 victim restitution requirement on appeal. He contends the trial court erred in making this requirement because the evidence does not establish that his assault on Forman caused the nose damage which Forman had surgically repaired. He argues the evidence shows that Forman had had prior nose injuries, and that even before his assault she planned to undergo nose surgery to facilitate her modeling career.

We review this matter for correction of errors at law. Iowa R. App. P. 4. On appeal, we must uphold the trial court's ruling if substantial evidence supports the findings of fact upon which it is based. Iowa R. App. P. 14(f)(1). Substantial evidence means:

> evidence which could convince a rational finder of fact of the evidence in issue. The trial court, as the finder of fact, must weigh the evidence and determine the credibility of the witnesses. We apply the same substantial evidence rule as to the findings of fact whether tried to a jury or to the court.

State v. Frake, 450 N.W.2d 817, 818 (Iowa 1990)(citing State v. McFadden, 320 N.W.2d 608, 614 (Iowa 1982)).

Viewing the evidence in the record we find substantial evidence to support the trial court's ruling with respect to restitution. Crone did plead guilty to assaulting Forman. Pictures taken within a few hours of the assault by Coralville police show Forman's nose to be swollen and the bridge of her nose askew. Forman testified that doctors told her after the assault the septal deviation probably occurred as a result of the blows to her face during the assault.

Even though the facts presented in the record conflict, the only question for us is whether the evidence could convince a rational fact finder of the fact in issue. See State v. Baratta, 242 Iowa 1308, 1312, 49 N.W.2d 866, 869 (1951). Crone pleaded guilty to assaulting Forman. Substantial evidence supports the findings that as a result of the assault Forman was forced to undergo corrective surgery for both aesthetic and medical reasons. Since Crone caused injury to Forman's nose by assaulting her, he can, and we feel should, be required to pay for the surgery his actions necessitated. Consequently, we affirm the trial court's restitution requirement.

AFFIRMED.