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IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA,	)	
	)	Filed November 10, 1977
Appellee,	)	
	)	
v.	)	
	)	
RAYMOND H. KRUG,	)	319
	)	<u>60214</u>
Appellant.	)	

Appeal from Linn District Court - Harold D. Vietor, Judge.

Defendant appeals conviction for criminal trespass. Affirmed.

Richard C. Turner, Attorney General, and Eugene J. Kopecky, Linn County
Attorney, for appellee.

Raymond H. Krug, pro se.

Submitted to Allbee, C.J., and Donielson, Snell, Oxberger and Carter, JJ.

PER CURIAM

Defendant appeals from judgment and sentence imposed upon conviction for criminal trespass following de novo trial before district court pursuant to section 762.43, The Code. On appeal from such a judgment, a finding of guilt of a nonindictable misdemeanor is binding on this court unless it is without substantial support in the evidence. *State v. Baker*, 203 N.W.2d 795, 796 (Iowa 1973).

The amended information charges that on or about June 30, 1976, the defendant entered or remained upon the property of his former wife without legal justification. The evidence viewed most favorably to the State establishes that at about 10:00 P.M. on June 29, 1976, defendant went to his former wife's home. She did not admit him and speaking through a window asked him to leave. He refused and asserted that he wished to discuss child visitation rights under the decree of marriage dissolution between the parties. Defendant's former wife called the police. Officers came and advised the defendant several times to leave the premises. Defendant then left but in a matter of minutes returned. He was again advised by the police to leave and was informed that if he did not he would be charged with criminal trespass. Defendant again departed from the premises but returned shortly before 7:00 A.M. the following morning. Police were again summoned and they ordered defendant off the premises. His former wife later filed the instant charge. We hold this evidence clearly supports the judgment of conviction.

In so holding we reject defendant's contention that the statute requires the showing of a criminal intent akin to a disturbance of the peace. It is only necessary to show intent to do an act which is in violation of the statute. The legislature may forbid the doing of an act and make its commission a crime without regard to the intent of the doer. *State v. Wharff*, 257 Iowa 871, 875, 134 N.W.2d 922 (1965). Section 729.2, the Code, provides for punishment of all criminal trespass as defined in the criminal trespass chapter of The Code. Section 729.1(2)(b) defines criminal trespass so as to include the act of:

Entering or remaining upon or in property without legal justification after being notified or requested to abstain from entering or to remove or vacate therefrom by the owner, lessee, or person in lawful possession, or the agent or employee of the owner, lessee, or person in lawful possession, or by any peace officer.

The evidence clearly establishes acts by defendant which are forbidden by the statute.

Defendant also asserts that he established legal justification as a matter of law by his testimony that his purpose for going on the premises was to discuss child visitation with his former wife. While this might have been sufficient legal justification for his initial visit, it does not justify his refusal to leave upon request or his return to the premises. We find nothing in the dissolution decree which gives defendant a license to enter upon his former wife's residence contrary to her wishes. Assuming that defendant's former wife's actions with respect to child visitation were unreasonable defendant nevertheless was not entitled to invoke "self-help" contrary to law.

Lastly, we reject defendant's efforts to renew his claim advanced in motion for directed verdict in the trial court that there was a fatal variance between the date upon which the information alleges the criminal conduct took place and the date shown by the evidence. The evidence shows that there were acts on both June 29 and June 30 which could have been found to be in violation of the statute. The judgment is affirmed.

AFFIRMED.