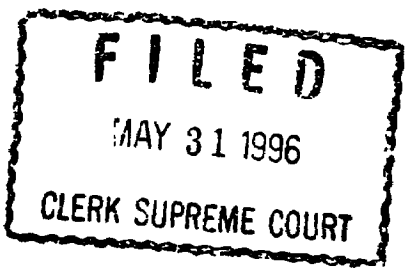
IN THE COURT OF APPEALS OF IOWA

No. 6-332 / 95-1427



STATE OF IOWA,
Appellee,

vs.

STEVEN REX COUSINS,
Appellant.

Appeal from the Iowa District Court for Louisa County, Thomas R. Brown, Judge.

Cousins challenges his conviction, following a jury trial, of assault with intent to commit serious injury. **AFFIRMED.**

Linda Del Gallo, State Appellate Defender, and Kevin Cmelik, Assistant State Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Karen Doland, Assistant Attorney General, and David L. Matthews, County Attorney, for appellee.

Considered by Sackett, P.J., and Huitink and Streit, JJ.

PER CURIAM

This is an appeal by a defendant challenging his conviction for assault with intent to commit serious injury. Defendant claims there was not sufficient evidence to support the jury's verdict. We affirm on appeal by memorandum opinion pursuant to Iowa Supreme Court Rule 9.

On October 21, 1994, defendant Steven Cousins attended a haunted house in Wapello, with his friends Shannon and Heidi Slutts. Cousins admitted he was loud and obnoxious while in the haunted house. As Cousins and his friends were leaving, they engaged in a shouting match with the volunteers at the haunted house. One of the volunteers, Jason Beeding, ran over to Cousins, and the two started fighting. Kermit Peterson, who was also a volunteer, ran over to attempt to stop the fight. He told both Beeding and Cousins to back off. Cousins asked if Peterson wanted a piece of him too, and hit him in the jaw. The blow broke Peterson's jaw and required him to have his jaw wired shut for four weeks.

A jury found Cousins guilty of assault with intent to commit serious injury. Cousins now appeals.

Cousins contends the State presented insufficient evidence to support the jury's verdict. He claims there was not sufficient evidence he intended to harm Peterson. Cousins testified he felt threatened when Peterson ran toward him and he argued he was only acting to protect himself. He states he and his friends were

outnumbered by the volunteers. He also points out that Peterson and the other volunteers were dressed like monsters.

When a criminal defendant challenges the sufficiency of evidence to support a conviction, we review all of the evidence in the record in a light most favorable to the State. *State v. Garr*, 461 N.W.2d 171, 173 (Iowa 1990). We must uphold the conviction if there is substantial evidence in the record to support it. *State v. Frake*, 450 N.W.2d 817, 819 (Iowa 1990). Evidence is substantial when a reasonable mind would accept it as adequate to reach a conclusion. *State v. Robinson*, 288 N.W.2d 337, 339 (Iowa 1980).

We find there was sufficient evidence in the record to support Cousins' conviction. Peterson testified he did not engage in any actions which would be threatening to Cousins. Peterson came up to Cousins and Beeding and told them both to back off. Cousins admitted he intended to hit Peterson in the jaw. He also stated, "I was intending to give him enough of an eye-opener so maybe he'd think about what the hell he's doing." We determine there is sufficient evidence to show an intent to commit serious injury.

We affirm defendant's conviction for assault with intent to commit serious injury. Costs of this appeal are assessed to defendant.

AFFIRMED.