IN THE COURT OF APPEALS OF IOWA

No. 5-487 / 94-1809

STATE OF IOWA,

Plaintiff-Appellee,

vs.

JANET LEE PAULSEN,

Defendant-Appellant.

FILED
OCT 31 1995
CLERK SUPREME COURT

Appeal from the Iowa District Court for Woodbury County, Richard J. Vipond, Judge.

Janet Paulsen appeals from her conviction, following a bench trial, for second-degree robbery in violation of Iowa Code sections 711.1 and 711.3 (1993). **AFFIRMED.**

Linda Del Gallo, State Appellate Defender, and Annette L. Hitchcock, Assistant State Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Thomas G. Fisher, Jr., Assistant Attorney General, Thomas S. Mullin, County Attorney, and Karrie S. Kelly, Assistant County Attorney, for appellee.

Considered by Donielson, C.J., and Sackett and Cady, JJ.

SACKETT, J.

Defendant-appellant Janet Paulsen appeals her conviction of robbery in the second degree in violation of Iowa Code sections 711.1 and 711.3 (1993). Defendant contends there was not substantial evidence to prove beyond a reasonable doubt she was guilty and the trial court should have directed a verdict of acquittal. We affirm.

On May 7, 1994, Janice Knight, a security officer for a Cub Foods store saw defendant take a bottle of vodka from a shelf, place it in her purse, and zip the purse closed. After placing a bottle of pop in her shopping cart, defendant proceeded to the checkout counter, saw Knight, turned around and went to a grocery aisle and took the bottle out of her purse to put it on a shelf. Knight took the bottle from defendant, took hold of defendant's arm, and asked defendant to come with her. Defendant allegedly hit Knight in the face and ran out of the store. Knight pursued defendant.

Defendant was charged by trial information with robbery in the second degree. After a bench trial, the trial court entered findings of fact, conclusions of law, and a verdict of guilty. This appeal follows.

A verdict will be upheld where there is substantial evidence to support the charge. *State v. LeGear*, 346 N.W.2d 21, 23 (Iowa 1984). Substantial evidence means such evidence as could convince a rational trier of fact the defendant is guilty of the crime charged beyond a reasonable doubt. *Id.* The evidence is viewed in the light most favorable to the State, including legitimate inferences and presumptions

which may fairly and reasonably be deduced from the record. *State v. Bass*, 349 N.W.2d 498, 500 (Iowa 1984). We consider all the evidence at trial, not just the evidence which supports the verdict. *State v. Robinson*, 288 N.W.2d 337, 340 (Iowa 1980). The weight of the evidence and the credibility of witnesses are for the fact finder to determine. *Id.* at 341.

Iowa Code section 711.1 provides:

> A person commits a robbery when, having the intent to commit a theft, the person does any of the following acts to assist or further the commission of the intended theft or the person's escape from the scene thereof with or without the stolen property:
>
> 1. Commits an assault upon another.

Iowa Code § 711.1 (1993).

Defendant contends she intended to purchase the vodka and changed her mind. Defendant testified she placed the bottle of vodka in the child seat area of the shopping cart where her purse was sitting. Defendant also said she was in the checkout line at the store when she realized she did not have the cash to pay for the liquor and was in the process of returning the liquor to the shelf when Knight grabbed the bottle from defendant's hand.

At trial, Knight and two other store employees testified they saw defendant pull the bottle out of her purse.

Defendant contends she fled the store because she was scared and did not know Knight was a security guard. She also contends she did not hit Knight.

At trial, Knight testified defendant swung at and hit her. The two store employees testified they saw defendant push Knight and, after the incident took place, Knight had a cut above her eyebrow.

Where evidence is in conflict, the fact finder is empowered to resolve those conflicts in accordance with its own views as to the credibility of the witness. *State v. Miles*, 490 N.W.2d 798, 799 (Iowa 1992).

Viewing the evidence in the light most favorable to the State, we find there is sufficient evidence from the facts in the record and surrounding circumstances to support the trial court's decision. We affirm the trial court.

AFFIRMED.