



IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA,	)	
	)	Filed March 24, 1981
Plaintiff-Appellee,	)	
vs.	)	0-387
	)	64004
LESLIE R. FIELDS,	)	
	)	
Defendant-Appellant.	)	

Appeal from Tama District Court - Harold J. Swalles, Judge.

The defendant appeals from his conviction for willful injury in violation of section 708.4, The Code. - AFFIRMED.

James D. Birkenholz, of Martyn and Christenson, West Des Moines, and Edward Ronwin, Des Moines, for defendant-appellant.

Thomas J. Miller, Attorney General of Iowa, and Lona Hansen, Assistant Attorney General of Iowa, for plaintiff-appellee.

Heard by Oxberger, C.J., and Donielson, Snell and Carter, JJ.

Johnson, J., took no part.

PER CURIAM

Defendant, Leslie Fields, appeals from his conviction for willful injury in violation of section 708.4, Supplement to The Code 1977. We affirm.

Fields was accused of causing the type of serious injury which "creates a substantial risk of death." More specifically, he was accused of stabbing Nadine Keahna and inflicting a puncture wound to the abdomen which penetrated certain tissue surrounding and supporting the bowel. The wound resulted in internal bleeding. The trial court found Fields guilty of the charge. Fields appeals the conviction. Our review is on error assigned. Iowa R. App. P. 4.

Fields raises the following as error: 1) the evidence was insufficient to permit a finding that the wound was inflicted by the defendant; 2) the evidence was insufficient to support a finding that defendant possessed the requisite intent to cause serious injury; and 3) the evidence does not support a finding that the injury created a substantial risk of death.

I. Infliction of Wound.

Initially, Fields argues the evidence was insufficient to support the trial court's finding that Fields struck Keahna with a pointed object. In reviewing this allegation, this court looks at all of the evidence in the light most favorable to the State to determine whether a rational fact-finder could make the same finding as the trial court. State v. Robinson, 288 N.W.2d 337, 339-40 (Iowa 1980). Direct and circumstantial evidence are of equal probative value. State v. Howard, 284 N.W.2d 201, 203 (Iowa 1979). It is for the fact-finder to reconcile conflicting testimony and to believe or disbelieve the testimony of the various witnesses. State v. Horton, 231 N.W.2d 36, 39 (Iowa 1973).

Keahna offered the following scenario at trial: During the argument prior to the stabbing, Fields struck her on the forehead. She arose from her chair and started for the bathroom. Fields pushed her back to the chair. Fields obtained a knife from the sink and placed it on the floor beside him as he sat beside the table. Keahna asked what he was going to do with the knife. Fields did not answer and placed the knife on the table. Keahna again arose to go to the bathroom. Fields got up at the same time. Keahna felt a sharp pain in her left side and thought Fields had hit her there. She touched the area, felt wetness and observed the blood. They both went into the

bathroom to examine the injury, and Fields helped her into the bedroom to lie down. Keahna twice responded to questions that she had not stabbed herself.

Fields denied he inflicted the wound but could not shed light on when or how the stabbing occurred. He testified he was unaware of any injury until he later awoke and found Keahna complaining of the wound.

We find the evidence is sufficient to support the trial court's finding that Fields inflicted the injury.

II. Intent.

Fields asserts the evidence is insufficient to support the finding of his intent to cause serious injury. Having affirmed the trial court's finding that Fields committed an unjustified act, we must next determine if defendant intended to act to cause serious injury. Intent is often ascertainable only by circumstantial evidence. Our review of the sufficiency of such evidence is subject to the same guidelines expressed in division I, supra.

In this case, the injury occurred during a domestic argument. A few minutes prior to the injury, Fields struck Keahna on her forehead with his hand. Fields stabbed Keahna with a boning knife having a blade 5 1/4 inches long. The wound was located in the left upper part of Keahna's abdomen, just below the ribs. Several vital organs lie in this proximity and well within reach of a blade of this length. A fact-finder could well determine a person stabbing another with this type of blade in that location intended to cause serious injury.

III. Intoxication.

Fields argues he was too intoxicated to form the intent to cause serious injury. The trial court found Fields' intoxication did not produce a mental disability such as would render him incapable of forming the intent required. There is conflicting evidence concerning Fields' actual alcoholic consumption during the evening. In view of Fields' actions during the period involved, the fact-finder had sufficient evidence to find Fields was capable of possessing and did possess the required intent.

IV. Resultant Serious Injury.

Fields asserts the evidence is insufficient to support the finding he caused a serious injury that created a substantial risk of death. Section 708.4, Supplement to The Code 1977, defines the offense of Willful Injury as follows:

Any person who does an act which is not justified and which is intended to cause and does cause serious injury to another commits a class C felony.

Section 702.18, Supplement to The Code 1977, defines serious injury as follows:

"Serious Injury" means disabling mental illness, or bodily injury which creates a substantial risk of death or which causes serious permanent disfigurement, or protracted loss or impairment of the function of an bodily member or organ.

We do not reach the question whether the statute requires a finding that the victim was in substantial risk of death due to the injury. In this case the doctors who treated Keahna testified that although her injury was first believed to be superficial, she went into shock and might have died without emergency surgery to stop internal bleeding. The trial court found under the circumstances involved there was a substantial risk of death caused by the wound. We find the evidence sufficiently raised a jury question and supports the fact-finder's, trial judge in this case, determination of the issue.

Finding the evidence sufficient in all aspects raised to justify the trial court's findings, we affirm the conviction.

AFFIRMED.