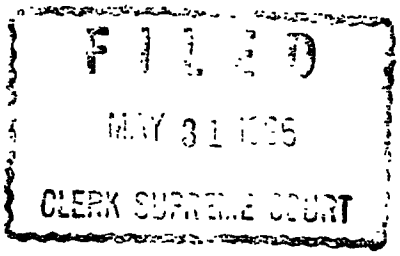
IN THE COURT OF APPEALS OF IOWA

No. 6-256 / 95-1135



STATE OF IOWA,

Plaintiff-Appellee,

vs.

RAYMOND GLENN CHRISTNER,

Defendant-Appellant.

Appeal from the Iowa District Court for Scott County, Edward B. De Silva, Judge.

Raymond Glenn Christner appeals the judgment and sentence entered upon his conviction of possession of a firearm by a felon. **AFFIRMED.**

Linda Del Gallo, State Appellate Defender, and John F. Fatino, Assistant State Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Ann E. Brenden, Assistant Attorney General, William E. Davis, County Attorney, and Joseph A. Grubisich, Assistant County Attorney, for appellee.

Considered by Sackett, P.J., and Cady and Streit, JJ. Vogel, J., takes no part.

PER CURIAM.

This is an appeal by a defendant claiming there was insufficient evidence to support his conviction for possession of a firearm by a felon. We affirm on appeal by memorandum opinion pursuant to Iowa Supreme Court Rule 9.

On December 10, 1994, police officer Robert Swank saw defendant Raymond Christner driving in Davenport. Swank knew Christner did not have a driver's license and stopped the vehicle. When he approached the car, Swank saw Christner place something under the front passenger seat. After a pat down search, Swank placed Christner and a passenger, Lorry Beaver, in the back of his patrol car. Swank found a loaded handgun under the front passenger seat of the car.

When questioned, Christner denied any knowledge of the gun. Beaver stated the gun was hers. When Beaver was searched at the police station, a holster for the gun was found in her jacket pocket.

A jury found Christner guilty of possession of a firearm by a felon, in violation of Iowa Code sections 724.26 and 902.9(4) (1993). The district court denied Christner's motions for judgment of acquittal and for a new trial. He now appeals.

Christner claims there was insufficient evidence in the record to support his conviction. He states there is no evidence to show he knowingly exercised dominion and control over the gun, or even that he knew the gun was in the car. He believes the evidence raised only speculation or suspicion about whether he was in possession of a firearm.

When a criminal defendant challenges the sufficiency of evidence to support a conviction, we review all 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).

The elements of possession of a firearm by a felon are: (1) previous conviction of a felony; and (2) knowing exercise of dominion and control over a firearm. *State v. Howes*, 525 N.W.2d 874, 875 (Iowa App. 1994). Christner admitted he had been previously convicted of a felony.

We find there was substantial evidence in the record to show Christner knowingly exercised dominion and control over the firearm. Swank saw Christner placing something under the front passenger seat of the car. When Swank looked under the seat, he found the gun. We conclude this is sufficient to support the jury's verdict finding Christner guilty of possession of a firearm by a felon.

We affirm defendant's conviction. Costs of this appeal are assessed to defendant.

AFFIRMED.