IN THE COURT OF APPEALS OF IOWA

No. 1-110 / 00-685
Filed March 14, 2001

LISA A. HATFIELD,
Plaintiff-Appellee,

vs.

STEVEN W. GILL,
Defendant-Appellant.

FILED
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CLERK SUPREME COURT

Appeal from the Iowa District Court for Wayne County, James W. Brown (protective order) and Jerrold W. Jordan (temporary order), Judges.

Steven Gill appeals from the district court ruling entering a protective order following adjudication of domestic abuse assault against Lisa Hatfield. **AFFIRMED.**

Andrew B. Howie and Roger J. Hudson, Sr., of Hudson, Mallaney & Shindler, P.C., Des Moines, for appellant.

Roberta A. Chambers, Corydon, for appellee.

Heard by Huitink, P.J., and Vogel and Mahan, JJ.

HUITINK, P.J.

I. Background Facts and Proceedings.

Steven Gill and Lisa Hatfield were divorced on July 23, 1999. On February 28, 2000, Lisa filed a petition for domestic relief under Iowa Code chapter 236 (1999). Lisa alleged Steven physically and verbally abused her throughout their entire relationship and, specifically, on two separate incidents on February 27, 2000. At a hearing on the petition, Lisa testified that Steven hit, shoved, and threatened her. Two police officers testified concerning their observations of red marks and bruises on Lisa's arms. A neighbor testified that she observed a violent confrontation between Lisa and Steven that day. Steven denied Lisa's allegations and testified Lisa attacked him and that he accidentally struck her arm in an effort to avoid the altercation.

In addition, Lisa offered an audio tape recording she made during the second altercation on February 27, 2000. The tape was admitted over Steven's objection. After listening to the tape, the court expressly noted that it was of no probative value because it was inaudible.

The district court determined Steven committed domestic assault against Lisa and that he presented a credible threat to her physical safety. The court entered an appropriate protective order based on these findings. On appeal Steven challenges the admission of the tape recording and the sufficiency of the evidence supporting the court's finding he committed domestic abuse assault.

II. Standard of Review.

This case was tried in the district court as a law action. The court ruled on objections as they were made. Our review is therefore at law. *Bacon ex rel. Bacon v. Bacon*, 567 N.W.2d 414, 417 (Iowa 1997).

III. Audio Tape Recording.

It is incumbent upon the objecting party to lodge specific objections so the trial court is not left to speculate whether the evidence is in fact subject to some infirmity that the objection does not identify. *State v. Mulvany*, 603 N.W.2d 630, 632 (Iowa Ct. App. 1999). Every ground of exception that is not particularly specified is considered abandoned. *Id.* Steven's objection was to the authenticity of the tape, not to the admissibility of illegally obtained tape recordings. *See* Iowa Code § 808B.7 (illegally obtained tape recordings are inadmissible in court proceedings). We accordingly decline to address this issue. *See State v. Goodson*, 503 N.W.2d 395, 399 (Iowa 1993) ("The defendant may not announce an objection at trial and on appeal rely on a different objection to challenge an adverse ruling.").

IV. Sufficiency of the Evidence.

In a law action the district court's findings of fact are binding upon us if those facts are supported by substantial evidence. Iowa R. App. P. 14(f)(1). Evidence is substantial if reasonable minds could accept it as adequate to reach the same findings. *Tim O'Neill Chevrolet, Inc. v. Forristall*, 551 N.W.2d 611, 614 (Iowa 1996).

We construe the trial court's findings broadly and liberally. *Tindell v. Apple Lines, Inc.*, 478 N.W.2d 428, 430 (Iowa Ct. App. 1991). In case of doubt or

ambiguity we construe the findings to uphold, rather than defeat, the trial court's judgment. *Id.* We are prohibited from weighing the evidence or the credibility of the witnesses. *Id.*

Steven argues that there was insufficient evidence to establish domestic abuse assault because Lisa failed to prove that he intended to commit an assault. *See Bacon*, 567 N.W.2d at 417 (to commit an assault the offender must intend to do the act that constituted the assault). We disagree.

The district court found Lisa's version of the incident more credible than Steven's. Lisa testified that Steven grabbed her by the shoulders and pulled her out of a chair, hit her in the arm and chest, and grabbed her arm as he jerked her forward. A neighbor testified that he had observed Steven grabbing Lisa's arm and shaking his finger in her face. Moreover, the police officers that were called to the scene testified that they observed red marks and bruises on her arms. We find this evidence sufficiently supports the district court's finding of domestic abuse assault and affirm.

AFFIRMED.