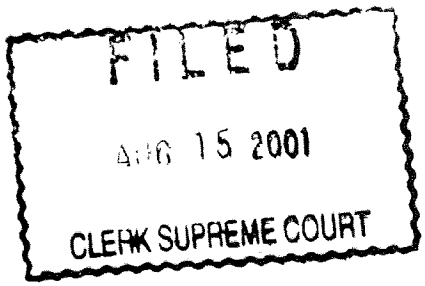
IN THE COURT OF APPEALS OF IOWA

No. 1-457 / 00-1483
Filed August 15, 2001



STATE OF IOWA,
Plaintiff-Appellee,

vs.

JAMES MADISON FRITZ,
Defendant-Appellant.

Appeal from the Iowa District Court for Polk County, D.J. Stovall, Judge.

James Madison Fritz appeals following his conviction of first-degree theft.

AFFIRMED.

Linda Del Gallo, State Appellate Defender, and Robert P. Ranschau, Assistant State Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Donald D. Stanley, Jr., Assistant Attorney General, John P. Sarcone, County Attorney, and Jeff Noble and Susan Cox, Assistant County Attorneys, for appellee.

Considered by Habhab, C. Peterson, and Harris, Senior Judges.*

*Senior Judges assigned by order pursuant to Iowa Code section 602.9206 (2001).

PER CURIAM

A jury found the defendant guilty of first-degree theft in violation of Iowa Code sections 714.1 and 714.2(1) (1999). His sole contention on appeal challenges the sufficiency of the evidence to support the conviction. We affirm.

Taking the evidence in the light most consistent with the verdict, it appears the defendant James Madison Fritz never had an account with the Mercantile Bank. He was able to make withdrawals from an account maintained at the bank by James Franklin Fritz. He did so by identifying himself as James Franklin Fritz to a bank teller, and obtaining James Franklin Fritz's account number. He then withdrew various amounts from the account totaling $21,000.

The jury was understandably unimpressed with the defendant's testimony that he had deposited $30,000 in his own bank account at the same bank in 1999 and thought he was withdrawing his own money. The bank had no record of an account by the defendant. The defendant was unemployed and consistently listed his address at a homeless shelter. In this case he denied owning any assets in his application for appointment of counsel at public expense.

The record clearly supports the jury's conviction under the standard explained in *State v. Liggins*, 557 N.W.2d 263, 269 (Iowa 1996).

AFFIRMED.