IN THE COURT OF APPEALS OF IOWA

No. 0-817 / 00-430
Filed February 7, 2001

FILED
FEB 07 2001
CLERK SUPREME COURT

STATE OF IOWA,
Plaintiff-Appellee,

vs.

PATRICK GEORGE HELLER,
Defendant-Appellant.

Appeal from the Iowa District Court for Black Hawk County, Walter Rothschild, District Associate Judge.

Heller appeals his conviction for interference with official acts. **AFFIRMED.**

R. Allen Corzine of Pieters, Pieters & Corzine, Waterloo, for appellant.

Thomas J. Miller, Attorney General, Richard J. Bennett, Assistant Attorney General, Thomas J. Ferguson, County Attorney, and Danielle Davis, Assistant County Attorney, for appellee.

Heard by Streit, P.J., and Hecht and Vaitheswaran, JJ.

STREIT, P.J.

A man who could not elude the law enforcement officers who were pursuing him now seeks refuge in the State's purported failure to prove the pursuit took place in Iowa. We affirm his conviction for interference with official acts.

I. Background Facts & Proceedings.

Patrick Heller was charged with interference with official acts after he fled on foot and hid from Black Hawk County deputies while they were investigating a report of a suspicious trespasser in rural Black Hawk County. Heller, the trespasser in question, repeatedly ignored the deputies' commands to stop running away and had to be apprehended with the help of a canine unit. After two unsuccessful motions for judgment of acquittal, Heller was convicted of the crime charged. He appeals, claiming (1) the State failed to produce evidence sufficient to prove the crime occurred in Iowa, (2) the trial court erred in failing to instruct the jury on territorial jurisdiction, and (3) his attorney rendered ineffective assistance of counsel in failing to object to certain rebuttal testimony the State had elicited.

II. Scope of Review.

We review for correction of errors at law. *State v. Astello*, 602 N.W.2d 190, 197 (Iowa Ct. App. 1999). To the extent Heller's claims raise constitutional issues, our review is de novo. *See id.* at 198; *State v. Rieflin*, 589 N.W.2d 749, 753 (Iowa Ct. App. 1998).

III. The Merits.

Heller challenges the sufficiency of the evidence to sustain his conviction for interference with official acts. Specifically, he argues the State "failed to produce either direct or circumstantial evidence and failed to ask the Court to take judicial notice of any facts in its case in chief sufficient to . . . prove . . . the crime . . . occurred within the geographical boundaries of the State of Iowa."

In reviewing Heller's challenge to the sufficiency of the evidence, our inquiry is whether there is substantial evidence to support his conviction. *See State v. Conroy*, 604 N.W.2d 636, 638 (Iowa 2000). If substantial evidence exists, we are bound by the decision of the jury. *State v. Walker*, 574 N.W.2d 280, 284 (Iowa 1998). The evidence in this case is substantial if a rational trier of fact could have found the essential elements of Heller's alleged crime beyond a reasonable doubt. *See Conroy*, 604 N.W.2d at 638. In making this determination, we consider *all* the evidence in the record. *State v. Oppelt*, 329 N.W.2d 17, 20 (Iowa 1983) ("[Defendant] cannot predicate error on the court's first motion [for judgment of acquittal], because the sufficiency of evidence for jury submission is determined by consideration of all the evidence in the record."); *State v. Holderness*, 293 N.W.2d 226, 229-30 (Iowa 1980). Direct evidence and circumstantial evidence are equally probative. *State v. Davis*, 584 N.W.2d 913, 916 (Iowa Ct. App. 1998).

Heller's conviction is supported by substantial evidence. During the State's case in chief, none of the State's witnesses ever explicitly testified Heller's crime occurred in Iowa. However, the farmer who reported Heller as a

trespasser testified he farms in Black Hawk County.[1] Each of the four deputies who testified stated he was employed with the Black Hawk County Sheriff's Office. Moreover, during the State's rebuttal case, one of the deputies testified the crime at issue occurred in Black Hawk County, Iowa. The evidence in this case could convince a rational trier of fact Heller interfered with official acts in Iowa.

We have considered all the claims Heller has presented on appeal, whether discussed in detail or not. His claims are without merit; we affirm the trial court.

AFFIRMED.

[1] No other state in the United States has a county named "Black Hawk County." *See County Names and Codes*, *at* http://www.census.gov/datamap/fipslist/AllSt.txt (last visited Jan. 16, 2001).