IN THE COURT OF APPEALS OF IOWA

No. 1-001 / 99-174
Filed February 28, 2001

STATE OF IOWA,
Plaintiff-Appellee,

vs.

MERLE RICHARD SCHMIDT,
Defendant-Appellant.

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Appeal from the Iowa District Court for Iowa County, L. Vern Robinson, Judge.

The defendant challenges the sufficiency of the evidence to support his conviction for interference with official acts. **AFFIRMED.**

Merle Richard Schmidt, Victor, pro se.

Thomas J. Miller, Attorney General, Linda J. Hines, Assistant Attorney General, and Kenneth R. Martens, County Attorney, for appellee.

Considered en banc.

PER CURIAM.

Merle Schmidt appeals his conviction for interference with official acts in violation of Iowa Code section 719.1 (1997). Schmidt challenges the sufficiency of the evidence to support his conviction. He also addresses other issues in his brief concerning his ongoing dispute with a pipeline company in which Schmidt refuses to accept payment for an easement other than by gold or silver coin. We affirm the judgment and sentence of the district court.

I. Background Facts and Proceedings. Merle Schmidt is a trustee of land held by River Valley Family Trust. Northern Border Pipeline obtained an easement over the property to install a new pipeline. However, Schmidt maintained Northern Border had no right to access the right-of-way because it tendered compensation for the easement by check rather than in gold and silver coins.

In July of 1998, Iowa County Deputy Sheriff Keegan was called to the property by Kim Boston of Northern Border because Schmidt was denying Northern Border access to the easement. Keegan was aware the pipeline company had completed a condemnation proceeding to obtain an easement upon the property and tendered payment. Keegan testified that upon arrival he observed Schmidt denying Northern Border workers access to the right-of-way.

Keegan ordered Schmidt to allow workers on to the property. When Schmidt said he would not, Keegan informed him if he did not obey the order he would be arrested. Keegan testified when a worker stepped forward, Schmidt stepped toward the worker in a threatening and aggressive manner. Keegan then placed Schmidt under arrest.

Schmidt was charged with interference with official acts. Following a jury trial, Schmidt was found guilty as charged. After being sentenced to pay a $750.00 fine by the district court, Schmidt appealed.

II. Sufficiency of the Evidence. Schmidt asserts the family trust, which owned the land, was entitled to payment in gold and silver, and absent such payment, the deputy was trespassing on trust land and was not acting within the scope of his lawful authority when he arrested him. Schmidt argues the evidence was insufficient to support a finding that he resisted or obstructed official acts or knowingly resisted a lawful order as defined in Iowa Code section 719.1. The State agrees Schmidt preserved error on his challenge to the sufficiency of the evidence by moving for a judgment of acquittal at the close of its case.

We review challenges to the sufficiency of the evidence for errors at law. *State v. Rohm,* 609 N.W.2d 504, 509 (Iowa 2000). We will uphold a finding of guilt if substantial evidence supports the verdict. *Id.* "Substantial evidence is evidence upon which a rational finder of fact could find a defendant guilty beyond a reasonable doubt." *Id.* We view the evidence in the light most favorable to the State, but consider all of the evidence, not just the evidence that supports the verdict. *State v. Jacobs,* 607 N.W.2d 679, 682 (Iowa 2000). Circumstantial and direct evidence are equally probative. *State v. Boley,* 456 N.W.2d 674, 679 (Iowa 1990).

Iowa Code section 719.1 prohibits a person from interfering with an official act.

> A person who knowingly resists or obstructs anyone known by the person to be a peace officer . . . in the performance of any official act which is within the scope of the lawful duty or authority of that officer . . . commits a serious misdemeanor.

Iowa Code § 719.1 (1997).

Schmidt first argues he did not resist or obstruct Deputy Sheriff Keegan because he did not engage in any physical contact with anyone. However, physical contact is not necessary to violate section 719.1. Interference occurs when the person charged is engaged in "actual opposition to the officer through the use of actual or constructive force making it reasonably necessary for the officer to use force to carry out his duty." *State v. Donner*, 243 N.W.2d 850, 854 (Iowa 1976). Therefore, Schmidt's statements that he would not allow Northern Border on the property, coupled with his movement toward a worker who was attempting to enter the land, would qualify as obstruction.

Schmidt next argues the State failed to prove he knowingly resisted a lawful order. Deputy Sheriff Keegan gave Schmidt an order. Keegan informed Schmidt he would be arrested for interference with official acts if he did not obey the order. However, Schmidt acted to obstruct the order. Schmidt's conduct was clearly knowing and voluntary. Therefore, his subjective reasons for defying the order are irrelevant. *See State v. Buchanan*, 549 N.W.2d 291, 294 (Iowa 1996) (holding that a defendant who left his home with a firearm, despite an officer's instructions to the contrary, was acting knowingly and voluntarily regardless of his actual intent).

III. Other Issues.

Schmidt's brief on appeal raises a number of issues which arise from a longstanding dispute that he has had with Northern Border Pipeline regarding an easement obtained over River Valley Trust property to install a pipeline. The record reveals Schmidt refuses to accept any payment for the easement except

by gold or silver coin. We have carefully examined Schmidt's contentions and find them either irrelevant to this appeal or without merit.

We find there is sufficient evidence to support Schmidt's conviction of interference with an official act. Accordingly, we affirm his conviction and the sentence imposed.

AFFIRMED.