IN THE COURT OF APPEALS OF IOWA

FILED
MAY 31 1988
CLERK SUPREME COURT

STATE OF IOWA,	)	
Plaintiff-Appellee,	)	Filed May 31, 1988
vs.	)	
DARYL D. ADCOCK,	)	8-06 87-217
Defendant-Appellant.	)	

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Appeal from the Iowa District Court for Muscatine County (No. 1704-986) - David J. Sohr, Judge.

Defendant appeals from his conviction, following a jury trial, for the crime of attempted murder. **AFFIRMED.**

Charles L. Harrington, Appellate Defender, and James R. Huff, Assistant Appellate Defender, for the defendant-appellant.

Thomas J. Miller, Attorney General, and Julie Ann Halligan, Assistant Attorney General, for the plaintiff-appellee.

Considered by Oxberger, C.J., and Donielson and Schlegel, JJ.

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The defendant, Daryl Adcock, appeals his conviction following a jury trial, for the crime of attempted murder, in violation of Iowa Code Section 707.11 (1985). He challenges the sufficiency of the evidence supporting the conviction. We affirm.

When reviewing a challenge to the sufficiency of evidence, we view the evidence in the light most favorable to the State, including legitimate inferences and presumptions which may fairly and reasonably be deduced from the evidence in the record. State v. Wheeler, 403 N.W.2d 58, 60 (Iowa App. 1987). Direct and circumstantial evidence are equally probative so long as the evidence raises "a fair inference of guilt and [does] more than create speculation, suspicion, or conjecture." Id. (quoting State v. Hamilton, 309 N.W.2d 471, 479 (Iowa 1981)). It is necessary to consider all the evidence in the record and not just the evidence supporting the verdict to determine whether there is substantial evidence to support the charge. Wheeler, 403 N.W.2d at 60. Substantial evidence means evidence which would convince a rational fact finder that the defendant is guilty beyond a reasonable doubt. Id.

The defendant argues the evidence is insufficient to support the finding he intended to and expected to cause Jim Phillips' death. Our review of the record leads to the conclusion that there is substantial evidence in the record to support these elements.

The record shows that defendant and his brother approached the Phillips, his brother, and a third man at Taylor Park in Muscatine. At the park, the defendant started a fight. He eventually hit Jeff Phillips in the jaw, breaking it.

Later that evening, the defendant, his brother, and two women were driving around. They discovered the Phillips walking down an alley. The defendant and his brother got out of the car and approached the Phillips. Jeff Phillips

ran, leaving Jim Phillips to face the defendant alone. The defendant and his brother then began to beat and kick Phillips. During the beating, the defendant struck Phillips with a two-by-four. This beating lasted several minutes. During the beating, the defendant said he was going to kill Phillips. One witness testified that Phillips was on the ground and the defendant and his brother were taking running kicks at Phillips' head. Phillips was beaten so severely he was unable to breathe through his nose. The medical experts testified his injuries were life-threatening.

We conclude this evidence is sufficient to support the inference that the defendant intended to kill Phillips, and that he expected his actions to result in the death of Phillips. See State v. Ochoa, 244 N.W.2d 773, 777 (Iowa 1976) (person intends the natural consequences of his acts). The jury heard all the evidence, and based on this record, we conclude the jury's verdict is supported by substantial evidence.

The defendant's conviction is affirmed.

AFFIRMED.