FILED
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CLERK SUPREME COURT

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IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA,	)	
Plaintiff-Appellee,	)	Filed February 25, 1987
vs.	)	
ROBERT WILLIAM COX,	)	6-433 86-111
Defendant-Appellant.	)	

Appeal from the Iowa District Court for Polk County (No. 29405) Theodore H. Miller, Judge.

The defendant appeals from his conviction, following a jury trial, of robbery in the first degree, contending that the State failed to present sufficient evidence as to whether he inflicted or attempted to inflict serious injury, a necessary element of the crime charged, upon the victim. **AFFIRMED.**

Charles L. Harrington, Appellate Defender, and Deborah A. Goins, Assistant Appellate Defender, for defendant-appellant.

Thomas J. Miller, Attorney General; Pamela Greenman Dahl, Assistant Attorney General; and A. Patricia Houlihan, Assistant Polk County Attorney, for plaintiff-appellee.

Considered by Oxberger, C.J., and Snell and Hayden, JJ.

PER CURIAM

On September 19, 1985, the appellant, Robert William Cox, was charged by trial information with robbery in the first degree. Trial commenced on November 4, 1985, and, two days later, the jury returned a verdict finding Cox guilty as charged. On January 9, 1986, Cox was sentenced to an indeterminate term not to exceed twenty-five years. This appeal followed. Our review is limited to the correction of errors at law. Iowa R. App. P. 4.

Cox poses a single issue for our review. He contends that the evidence produced at trial was insufficient to support the jury's verdict. The principles which guide our review of the sufficiency of evidence were outlined in State v. McFadden, 320 N.W.2d 608, 614 (Iowa 1982), as follows:

> [T]he evidence is viewed in the light most favorable to the State; that all of the evidence must be considered, and not just that which supports the verdict; that the verdict must be upheld if supported by substantial evidence; and that substantial evidence means such evidence as could convince a rational trier of fact that the defendant is guilty beyond a reasonable doubt.

In addition, we allow the State all legitimate inferences and presumptions which may fairly and reasonably be deduced from the record evidence. State v. Blair, 347 N.W.2d 416, 419 (Iowa 1984).

In the case at bar, the State was required to prove the following four elements beyond a reasonable doubt:

> (1) That on or about August 5, 1985, Cox intended to commit a theft;
>
> (2) That at the time of the intended theft Cox committed an assault;
>
> (3) That he did so in order to assist or further the theft, and,
>
> (4) That Cox inflicted or attempted to inflict serious injury on the victim.

See Iowa Code sections 711.1 and 711.2 (1985); II Uniform Jury Instructions

(Criminal) No. 1102 (1978). Cox contends there was insufficient evidence presented from which the jury could find that a serious injury had been inflicted on the victim, William Spencer.

Serious injury is defined in Iowa Code section 702.18 (1985) as "disabling mental illness, or bodily injury which creates a substantial risk of death or which causes serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ." In the present case, the State attempted to show serious injury of the "protracted loss or impairment of the function of any bodily member or organ" type. II Iowa Uniform Jury Instructions (Criminal) No. 219 (1978), which was not submitted to the jury in this case, further clarifies what injury is considered "serious" under this definition:

> ** A bodily injury which causes a protracted loss or impairment is such injury as would prolong or extend the loss or use of a member of organ, or which would weaken, damage or reduce the use of a member or organ of a person.

In the present case, there is testimony in the record from both Spencer and his wife that, following the assault, Spencer lost the ability to use his left arm and was not able to grip anything with his left hand. Although Spencer had been involved in a 1947 accident which resulted in the partial paralysis of his left extremities, he testified that his condition had improved due to therapy so that, prior to the assault at issue here, the previous paralysis "was hardly noticeable." Such testimony is corroborated on the record by that of his wife. Notwithstanding this testimony, Cox claims that as there was no expert medical testimony presented the jury could not find a causal link between the injuries suffered in the assault and Spencer's loss of bodily function. We disagree. A lay witness is competent to testify as to his own health or physical condition. Daniels v. Bloomquist, 258 Iowa 301, 311, 138 N.W.2d 868, 875 (Iowa 1965). He may state simple inferences drawn by him from his own conscious subjective

sensations as to his physical condition and may testify as to the condition of his health and freedom from sickness at a particular time. Id. In addition, he may state his prior condition. Id. See also Ewing v. Hatcher, 175 Iowa 443, 154 N.W. 869 (1915) (plaintiff, claiming injuries to body organ resulting from assault, competent to testify that organ's functions were interfered with).

We think the evidence presented to the jury was sufficient to generate a question on the issue of serious injury.

AFFIRMED.