

IN THE COURT OF APPEALS OF IOWA

No. 23-0963
Filed March 27, 2024

STATE OF IOWA,
Plaintiff-Appellee,

vs.

JESSE RICHARD DeGROOTE,
Defendant-Appellant.

Appeal from the Iowa District Court for Butler County, Peter B. Newell,
Judge.

On discretionary review, the defendant challenges the sufficiency of the
evidence supporting his conviction for assault. **AFFIRMED.**

Elizabeth M. Wayne, Parkersburg, for appellant.

Brenna Bird, Attorney General, and Katherine Wenman, Assistant Attorney
General, for appellee.

Considered by Tabor, P.J., Schumacher, J., and Potterfield, S.J.*

*Senior judge assigned by order pursuant to Iowa Code section 602.9206
(2024).

POTTERFIELD, Senior Judge.

On discretionary review, Jesse DeGrootte challenges the sufficiency of the evidence supporting his conviction for simple-misdemeanor assault.¹ We review for correction of errors at law; we view the evidence in the light most favorable to the State and are highly deferential to the jury's verdict. *State v. Crawford*, 972 N.W.2d 189, 202 (Iowa 2022).

The jury was instructed that, to find DeGrootte guilty, the State had to prove:

1. On or about the 12th day of June, 2022, [DeGrootte] did an act which was intended to cause pain or injury or result in physical contact that would be insulting or offensive.
2. [DeGrootte] had the apparent ability to do the act.

DeGrootte does not contest the State's undisputed evidence that he threw a punch at his uncle, William, ultimately making contact with the side of William's face. He argues his conviction should be overturned because (1) the State failed to prove the assault took place on June 12 (as opposed to June 13) and (2) William did not actually suffer pain or injury.

DeGrootte's first claim fails because of "our general rule that the State is not required to prove the precise time and place of a crime." *State v. Yeo*, 659 N.W.2d 544, 550 (Iowa 2003); *cf. State v. Coon*, No. 21-0768, 2022 WL 946985, at *1 (Iowa Ct. App. Mar. 30, 2022) (citing *State v. Parmenter*, No. 18-1997, 2019 WL 6907457, at *5–6 (Iowa Ct. App. Dec. 18, 2019) to distinguish between the inclusion of date ranges, which "may be elements of the crime[]" and the use of the phrase "on or about" which indicates the listed date is an approximation). And his

¹ Our supreme court granted DeGrootte's application for discretionary review before transferring the case to us for resolution.

second claim fails because whether William actually suffered pain and injury is inapposite—the controlling question is whether DeGroote *intended* to cause pain or injury (or physical contact that would be insulting or offensive) when he threw the punch. The jury is allowed to infer that an actor “intend[ed] the natural and probable consequences that usually follow from his or her voluntary act.” *State v. Taylor*, 689 N.W.2d 116, 132 (Iowa 2004). And “the natural consequence of swinging a closed fist . . . is to cause pain, injury” or result in physical contact that would be insulting or offensive.² *State v. Tatum*, No. 17-0394, 2017 WL 4570365, at *4 (Iowa Ct. App. Oct. 11, 2017).

For these reasons, substantial evidence supports DeGroote’s conviction for assault. We affirm.

AFFIRMED.

² We recognize that the canopy of the golf cart William was sitting in took the brunt of the impact; that does not change the analysis.