

IN THE COURT OF APPEALS OF IOWA

No. 15-1352
Filed January 25, 2017

STATE OF IOWA,
Plaintiff-Appellee,

vs.

BRIAN C. BROWN,
Defendant-Appellant.

Appeal from the Iowa District Court for Scott County, Paul L. Macek,
Judge.

A defendant appeals his conviction for second-degree criminal mischief.

AFFIRMED.

Kent A. Simmons, Bettendorf, for appellant.

Thomas J. Miller, Attorney General, and Martha E. Trout, Assistant
Attorney General, for appellee.

Considered by Vogel, P.J., and Tabor and Mullins, JJ.

VOGEL, Presiding Judge.

Brian Brown appeals his conviction for second-degree criminal mischief, in violation of Iowa Code sections 716.1 and 716.4 (2014). Specifically, Brown claims there was insufficient evidence a crime occurred, that Brown committed the crime, or that the cost of the damage exceeded \$1000. Because we conclude sufficient evidence supported Brown's conviction, we affirm.

I. Background Facts and Proceedings

On November 10, 2014, a nursing student at Scott Community College heard a loud scratching sound while walking in the college parking lot. The student looked up and saw a man wearing a black hooded sweatshirt with a black backpack walking next to a greenish-blue sedan with his right hand out, apparently scratching the vehicle with something. The student reported the incident to a professor, and then to security, who in turn reported the incident to the Scott County Sheriff. When the deputy arrived, the student and a dean of the college showed him to the vehicle, and the deputy observed a large scratch on the passenger side of the vehicle.

An assistant at the college in charge of surveillance reviewed the security video relevant to the incident. The assistant viewed a person with his back toward the camera walk along the passenger side of the vehicle with his arm extended out. Using the time and location the person walked by the vehicle, the assistant traced the video back to the hallway connected to the door that leads to the relevant location in the parking lot. The assistant identified Brown on camera, wearing a black hooded sweatshirt, enter and exit the library, walk down the hallway, and exit into the parking lot. A woman can be seen on the video

exiting into the parking lot right after Brown; the nursing student identified herself as the woman.

The deputy called the registered owner of the vehicle to inform him about the damage. The owner explained that his daughter, a student at the college, was the current driver of the vehicle. The driver then examined the vehicle and saw the scratch. She then took the vehicle to a body shop to get a repair estimate. The body shop estimated the damage at \$1330.87.

On December 18, 2014, the State charged Brown with one count of criminal mischief in the second degree. Following a bench trial, Brown was convicted. Brown appeals.

II. Standard of Review

“Sufficiency of evidence claims are reviewed for a correction of errors at law.” *State v. Sanford*, 814 N.W.2d 611, 615 (Iowa 2012). “In reviewing challenges to the sufficiency of evidence supporting a guilty verdict, courts consider all of the record evidence viewed ‘in the light most favorable to the State, including all reasonable inferences that may be fairly drawn from the evidence.’” *Id.* (quoting *State v. Keopasa euth*, 645 N.W.2d 637, 639–40 (Iowa 2002)). A verdict supported by substantial evidence will stand. *Id.*

III. Sufficiency of the Evidence

Brown claims the district court erred in finding him guilty because there was insufficient evidence that the crime occurred, that he was the culprit, and that the damage exceeded \$1000. The State disagrees.

Iowa Code section 716.1 defines criminal mischief as: “Any damage, defacing, alteration, or destruction of property is criminal mischief when done

intentionally by one who has no right to so act.” Section 716.4 provides damage that exceeds \$1000 but is less than \$10,000 amounts to criminal mischief in the second degree.

Our review of the record indicates there is substantial evidence to support the court’s verdict. The video traced a person, identified as Brown, through the halls of the college, exiting through the door into the parking lot, and walking by the passenger side of the vehicle that was damaged. The person on the video was wearing clothes that matched the description provided by the nursing student, and the nursing student identified herself on the video walking behind the person and into the parking lot at the time she heard the loud scratching sound. Following the incident, the deputy observed a large scratch on the passenger side of the vehicle. Additionally, the student who had been driving the vehicle observed the scratch later that day and testified that it was not there prior to her being at the college that day. These facts provide substantial evidence that the vehicle was intentionally damaged and that Brown was the person who committed the crime alleged. The estimate provides substantial evidence the damage exceeded \$1000. Accordingly, we conclude there was substantial evidence to support the court’s verdict.

IV. Conclusion

Because we conclude there was sufficient evidence to support the district court’s verdict, we affirm Brown’s conviction.

AFFIRMED.