

IN THE COURT OF APPEALS OF IOWA

No. 2-559 / 10-1197
Filed July 25, 2012

STATE OF IOWA,
Plaintiff-Appellee,

vs.

JASPER CORNELIUS WINTERS,
Defendant-Appellant.

Appeal from the Iowa District Court for Black Hawk County, Jon Fister,
Judge.

Jasper Winters appeals his convictions for possession of marijuana,
carrying weapons, and introduction of a controlled substance into a detention
facility. **AFFIRMED.**

Mark C. Smith, State Appellate Defender, and Stephan J. Japuntich,
Assistant State Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Michael L. Bennett, Assistant Attorney
General, Thomas J. Ferguson, County Attorney, and Brad Walz, Assistant
County Attorney, for appellee.

Considered by Eisenhauer, C.J., and Potterfield and Mullins, JJ.

MULLINS, J.

On November 24, 2009, the State charged Jasper Winters by trial information with possession of marijuana, carrying weapons, and introduction of a controlled substance into a detention facility. Winters subsequently waived his right to a jury trial and proceeded to a bench trial on the minutes of testimony. On April 9, 2010, the district court entered an order finding Winters guilty on all three charges.

Winters now appeals challenging the sufficiency of the evidence for each charge. We review his challenges for the correction of errors at law. *State v. DeWitt*, 811 N.W.2d 460, 467 (Iowa 2012). In jury-waived cases, the trial court's findings of fact have the effect of a special verdict and are binding on appeal if supported by substantial evidence. Iowa R. App. P. 6.907; *State v. Hall*, 287 N.W.2d 564, 565 (Iowa 1980). Evidence is substantial when it would convince a rational fact finder that the defendant is guilty beyond a reasonable doubt. *State v. Sanford*, 814 N.W.2d 611, 615 (Iowa 2012). In making this determination, we view the record in the light most favorable to the State, including all legitimate inferences and presumptions that may be fairly and reasonably deduced from the evidence. *Id.*

Winters first argues there was insufficient evidence showing the knife concealed about his person qualified as a "dangerous weapon" for his carrying weapons conviction. See Iowa Code §§ 702.7, 724.4(1) (2009). The police report attached to the minutes of testimony described the knife as an "automatic opening knife." The district court determined that this description was akin to a

“switchblade knife,” which is a per se dangerous weapon. See *id.* § 702.7. Winters claims the district court erred in its conclusion.

“Switchblade knife” is not defined under the dangerous weapons statute. When the legislature has not defined words used in a statute, we must determine as best we can the meaning of the language in accordance with the legislative intent so as to prevent absurdities and incongruities that may prevent justice. *State v. Steenhoek*, 182 N.W.2d 377, 379 (Iowa 1970). In doing so, we may refer to prior decisions of this court and others, similar statutes, dictionary definitions, and common usage to aid our interpretation. *State v. Soboroff*, 798 N.W.2d 1, 6 (Iowa 2011).

A “switchblade” is defined by a dictionary as “a pocketknife having the blade spring-operated so that pressure on a release catch causes it to fly open.” *Webster’s Third New Int’l Dictionary* 2314 (unabr. ed. 2002). We find further definitional guidance from the “Federal Anti-Switchblade Act,” which defines a “switchblade knife” as “any knife having a blade which opens automatically (1) by hand pressure applied to a button or other device in the handle of the knife, or (2) by operation of inertia, gravity, or both.” 15 U.S.C. § 1241(b).

The description of the knife in this case as an “automatic opening knife” is substantial evidence to support the conclusion reached by the trial court that the knife in question was a switchblade knife. Accordingly, we affirm Winters’s carrying weapons conviction.

Winters further argues the evidence was insufficient to show the substance seized from his person was marijuana, and thus was insufficient to

sustain his possession and introduction into a detention facility convictions. The minutes of testimony show that an investigator for the Waterloo Police Department would testify that she was given the seized substance to analyze. Based on her analysis, she would testify the substance was marijuana or a marijuana derivative. Her report identifying the substance as marijuana was attached to the minutes of testimony. Based on the foregoing, we find sufficient evidence in the record to find the substance was marijuana and affirm Winters's convictions for possession of marijuana and introducing a controlled substance into a detention facility.

AFFIRMED.