

IN THE COURT OF APPEALS OF IOWA

No. 2-710 / 11-1806
Filed September 6, 2012

STATE OF IOWA,
Plaintiff-Appellee,

vs.

JAMES MICHAEL NAUJOCK,
Defendant-Appellant.

Appeal from the Iowa District Court for Dickinson County, John P. Duffy,
Judge.

A defendant appeals his judgment and sentence, contending that there is insufficient evidence to support the court's finding that he possessed the specific intent to cause the death of a woman. **AFFIRMED.**

Mark C. Smith, State Appellate Defender, and Robert P. Ranschau,
Assistant Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Sheryl A. Soich and Laura M. Roan,
Assistant Attorneys General, and Jason T. Carlstrom, County Attorney, for
appellee.

Considered by Vaitheswaran, P.J., and Potterfield and Bower, JJ.

VAITHESWARAN, P.J.

James Michael Naujock appeals his judgment and sentence for the crime of attempt to commit murder. He contends the evidence was insufficient to support the district court's finding that he had the specific intent to cause the death of a woman. See Iowa Code § 707.11 (2009); Iowa Crim. Jury Inst. 700.19 (2009). We will uphold a district court's findings of fact in a criminal bench trial if those findings are supported by substantial evidence. *State v. McFadden*, 320 N.W.2d 608, 614 (Iowa 1982).

The record reveals that Naujock lived in the home of a fifty-seven-year-old woman. Early one morning, the woman heard Naujock come downstairs. Moments later, she was hit on the head, saw stars, and fell to her knees. She turned to see Naujock with a fireplace poker in his hands. According to the woman, he was holding the poker "like when you hold a baseball bat to swing." Naujock took a running skip towards her and struck her with the poker. As he did so, he stated, "I'm killing you, you die." Naujock landed blows to the woman's skull, throat, and neck. The woman begged for her life. Naujock responded by trying to pull down the blinds in the living room. He declared, "[W]hen I get done killing you, I'm going to kill your family," and pressed the fireplace poker against the woman's throat. The woman started losing her breath and thought she was dying. Naujock proceeded to pound her head and face with his fists, stating, "[Y]ou are not dying fast enough." He then went after her with a butcher knife and managed to cut her throat and stab her in her chest and upper abdomen before law enforcement officers arrived. The officers found Naujock standing over the woman, knife in hand.

At trial, Naujock acknowledged stating, "I hope you die." While he asserted that he did not literally mean what he said, the district court found otherwise. The court stated:

The Defendant's action in using a steel fireplace poker and a knife in his attack upon [the woman] is sufficient enough evidence of his specific intent to cause the death of [the woman]. In addition to the use of those weapons, the defendant's verbal threats, both during and after the attack, such as, "you're not dying fast enough," and, "I hope you die, bitch," are further substantial proof that the defendant possessed the requisite specific intent to cause death to [the woman].

As substantial evidence supports this finding of specific intent, we affirm Naujock's judgment and sentence for attempt to commit murder.

AFFIRMED.