

IN THE COURT OF APPEALS OF IOWA

No. 2-931 / 12-0147
Filed November 15, 2012

STATE OF IOWA,
Plaintiff-Appellee,

vs.

ALYSSA RENEE HENNING,
Defendant-Appellant.

Appeal from the Iowa District Court for Scott County, Nancy S. Tabor,
Judge.

Defendant appeals her conviction for child endangerment resulting in
serious injury. **AFFIRMED.**

Mark C. Smith, State Appellate Defender, and Patricia Reynolds, Assistant
Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Sharon Hall, Assistant Attorney
General, Michael J. Walton, County Attorney, and Melisa Zaehring, Assistant
County Attorney, for appellee.

Considered by Doyle, P.J., Bower, J., and Mahan, S.J.* Tabor, J., takes
no part.

*Senior judge assigned by order pursuant to Iowa Code section 602.9206 (2011).

MAHAN, S.J.**I. Background Facts & Proceedings.**

Alyssa Henning gave birth to a child in January 2011. By April 2011 she was experiencing frustrations because she was living with a friend, she did not have a job, and she was having relationship problems with her boyfriend, who was not the father of her child. She also had frustrations with taking care of her child because she was not getting much sleep and she was unsure how to take care of the infant. On April 5, 2011, Henning and her boyfriend had an argument which resulted in the boyfriend breaking off their relationship.

On April 6, 2011, Henning told her roommate and her boyfriend that the child had accidentally fallen out of his car seat when she picked it up. She stated he fell about three feet onto the carpeted floor, hitting his face and left shoulder. The child did not eat much that day and slept most of the time. The next morning, April 7, 2011, Henning stated she found the child, who was then only eighty-four days old, limp and unresponsive. She called 911, and the child was taken to a local hospital and then sent by air flight to the University of Iowa Hospitals and Clinics due the severity of his condition.

At the University of Iowa, the child was examined by Dr. Resmiye Oral, the medical director of the child protection program. Dr. Oral found bruises on the child's arms, neck, ears, face, chest, abdomen, genitals, legs, and back. The left first rib had a fresh fracture, while the fourth and fifth ribs on that side had old, healed rib fractures. Additionally, the child had acute bleeding and swelling in the brain, resulting in damage to the brain tissue. Dr. Oral gave the opinion that the child's injuries were not explained by a fall from a car seat. In Dr. Oral's

medical opinion, the child's injuries were caused by abusive head trauma and physical abuse, and there was more than one episode. Dr. Oral stated the child had a poor prognosis due to severe brain damage and loss of vision.

Henning subsequently told Stephanie Thurston, a child protection worker with the Iowa Department of Human Services, and officer Brandon Noonan of the Davenport Police Department that she had squeezed the child tightly against her, stating, "What's wrong," but this was not a hug. She also stated she had bounced the child on her knee, "not in a playful manner," and she ended up slamming the child on her knee. Henning stated the child's head flipped back and forth at least three times, and she had to make herself stop. When asked if she knowingly did something that would have caused the child's injuries, Henning responded, "Not that I would ever think would cause these injuries."

Henning was charged with child endangerment resulting in serious injury, in violation of Iowa Code section 726.6(5) (2011). The State presented the evidence set forth above. The district court denied Henning's motion for judgment of acquittal. The jury found Henning guilty of the crime charged. She was sentenced to a term of imprisonment not to exceed ten years. Henning now appeals, claiming her conviction is not supported by sufficient evidence.

II. Standard of Review.

We review claims challenging the sufficiency of evidence in a criminal case for the correction of errors at law. *State v. Dalton*, 674 N.W.2d 111, 116 (Iowa 2004). We will uphold the jury's verdict when it is supported by substantial evidence. *State v. Hagedorn*, 679 N.W.2d 666, 668 (Iowa 2004). "Evidence is substantial if it would convince a rational fact finder that the defendant is guilty

beyond a reasonable doubt.” *State v. Quinn*, 691 N.W.2d 403, 407 (Iowa 2005). We view the evidence in the light most favorable to the State, “including legitimate inferences and presumptions that may fairly and reasonably be deduced from the record evidence.” *State v. Carter*, 696 N.W.2d 31, 36 (Iowa 2005).

III. Merits.

For the offense of child endangerment resulting in serious injury, the State must show: (1) the defendant had custody or control over the child; (2) the child was under the age of fourteen; (3) the parent knowingly acted in a manner creating a substantial risk to the child’s physical, mental, or emotional health or safety, or intentionally committed an act resulting in physical injury to the child; and (4) the defendant’s actions resulted in serious injury to the child. See Iowa Code § 726.6(1), .6(5); *State v. Heacock*, 521 N.W.2d 707, 709 (Iowa 1994).

Henning only challenges the third element, that of intent. Henning contends she did not knowingly act in a manner to create a substantial risk to the child’s health or safety. She also claims she did not intentionally commit an act resulting in physical injury to the child. She asserts she had an involuntary momentary loss of control and her actions were by mistake or accident.

The element of intent is seldom shown by direct proof. *State v. Hennings*, 791 N.W.2d 828, 837 (Iowa 2010). A jury may infer intent from the normal consequences of a party’s actions. *State v. Evans*, 671 N.W.2d 720, 724-25 (Iowa 2003). “Intent may be shown by circumstantial evidence and the reasonable inferences drawn from the evidence.” *State v. Acevedo*, 705 N.W.2d 1, 5 (Iowa 2005).

We conclude there is sufficient circumstantial evidence in the record to support the jury's finding that Henning acted either knowingly or intentionally to cause injuries to her child. Dr. Oral testified a significant amount of force would have been required to cause the first rib fracture. Dr. Oral also testified that the child's head was put in motion back and forth causing the brain injuries and injury to the eyes. Furthermore, Dr. Oral testified that the child's injuries showed there was more than one episode of inflicted abusive trauma. The nature of the injuries, the number of injuries, and the fact they did not all occur on one occasion supports a finding that the injuries were not caused by mistake or accident.

We determine Henning's conviction was supported by substantial evidence. We affirm her conviction for child endangerment resulting in serious injury.

AFFIRMED.