

IN THE COURT OF APPEALS OF IOWA

No. 3-154 / 12-1699
Filed April 24, 2013

**Upon the Petition of
AMANDA FEUK,**
Petitioner-Appellee,

**And Concerning
HENRY FEUK,**
Respondent-Appellant.

Appeal from the Iowa District Court for Washington County, James Q. Blomgren, Judge.

Henry Feuk appeals a civil domestic abuse protective order entered in favor of Amanda Feuk. **AFFIRMED.**

David Burbidge of Johnston, Stannard, Klesner, Burbidge & Fitzgerald P.L.C., Iowa City, for appellant.

David M. Cox of Bray & Klockau, P.L.C., Iowa City, for appellee.

Considered by Eisenhauer, C.J., and Danilson and Bower, JJ.

EISENHAUER, C.J.

Henry Feuk appeals the district court's civil domestic abuse protective order entered in favor of his wife, Amanda Feuk. See Iowa Code §§ 236.2(2), 708.1 (2011). In 2012, the parties were sharing the family home with their minor children while in the process of dissolving their marriage.

The parties disagree about our standard of review. Because the district court ruled on objections as they were made, this case was tried as a law action. Therefore, our review is for the correction of errors at law. See *Bacon v. Bacon*, 567 N.W.2d 414, 417 (Iowa 1997). Accordingly, the district court's findings of fact are binding if supported by substantial evidence. *Id.*

Amanda testified to intentional assaultive behavior by Henry in August 2012, and she entered pictures into evidence showing her bruises and scrapes.

The parties agree specific intent is an element of domestic abuse assault. See *State v. Fountain*, 786 N.W.2d 260, 265 (Iowa 2010). While recognizing the parties gave conflicting versions of the alleged assault, Henry asserts his testimony and the testimony of the police officer responding in August shows he did not have the requisite specific intent. See *id.* at 264 (stating "specific intent requires an act calculated to produce a result that the law forbids"). Henry testified his action of closing the door in August was not intended to contact or hurt Amanda.

Amanda argues neither Henry nor the police officer's testimony is credible. Specifically, the police officer is not a credible witness because his testimony changed during the hearing, he did not remember key facts, he performed a short investigation without allowing Amanda to tell the entire story, and his

testimony demonstrated he did not understand the proper standard for an assault under Iowa law.

The district court found by a preponderance of the evidence Henry committed a domestic abuse assault against Amanda and Henry represents a credible threat to her physical safety. Implicit in this ruling is the conclusion the court, as the trier of fact, found Amanda to be credible and believed her version of the assault. From our review of the record, reasonable minds could reach the same conclusion, including finding a preponderance of the evidence showing Henry's specific intent. Accordingly, we find there is substantial evidence to support the district court's ruling.

Costs on appeal are taxed to Henry.

AFFIRMED.