

IN THE COURT OF APPEALS OF IOWA

No. 3-787 / 12-0872
Filed September 5, 2013

STATE OF IOWA,
Plaintiff-Appellee,

vs.

LONNY OTTO BATHEN,
Defendant-Appellant.

Appeal from the Iowa District Court for Buchanan County, Richard D. Stochl, Judge.

Defendant appeals from the judgment and sentences imposed upon his conviction for three counts of sexual abuse in the second degree. **AFFIRMED.**

Mark C. Smith, State Appellate Defender, and Bradley Bender, Assistant Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Sheryl Soich, Assistant Attorney General, Shawn M. Harden, County Attorney, and Karl Moorman, Assistant County Attorney, for appellee.

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

DANILSON, J.

Lonny Bathen appeals from the judgment and sentences imposed upon his conviction for three counts of sexual abuse in the second degree, in violation of Iowa Code sections 709.1, 709.3(2), and 903B.1 (2011). Because we conclude there was sufficient evidence to support the convictions, we affirm.

We review challenges to the sufficiency of evidence for errors at law. *State v. Sanford*, 814 N.W.2d 611, 615 (Iowa 2012). We review the evidence “in the light most favorable to the State, including all reasonable inferences that may be deduced from” it to determine whether the finding of guilt is supported by substantial evidence and should be upheld. *Id.*

As he did at trial, Bathen asserts there is insufficient evidence to support the necessary finding that the child in question was less than twelve years of age at the time the sexual acts occurred. See Iowa Code § 709.3. Upon review of the record, we note that the victim consistently testified at trial about various sex acts occurring between him and the defendant when he was eight to eleven years old. Viewing the evidence in the light most favorable to the State, we find there is sufficient evidence to support Bathen’s three convictions. See *State v. Knox*, 536 N.W.2d 735, 742 (Iowa 1995) (“The law has abandoned any notion that a rape victim’s accusation must be corroborated.”). We therefore affirm.

AFFIRMED.