

**IN THE COURT OF APPEALS OF IOWA**

No. 8-224 / 07-0665

Filed April 9, 2008

**STATE OF IOWA,**  
Plaintiff-Appellee,

**vs.**

**AARON BUTLER,**  
Defendant-Appellant.

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Appeal from the Iowa District Court for Woodbury County, Duane E. Hoffmeyer, Judge.

Appeal from conviction of and sentence for felon in possession of a firearm. **AFFIRMED.**

Mark C. Smith, State Appellate Defender, and Shellie Knipfer, Assistant Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Richard Bennett, Assistant Attorney General, Patrick Jennings, County Attorney, and Drew Bockenstedt, Assistant County Attorney, for appellee.

Considered by Sackett, C.J., and Vogel and Vaitheswaran, JJ.

**SACKETT, C.J.**

Aaron Butler appeals from his conviction of and sentence for felon in possession of a firearm. He contends the court erred in overruling his motion for judgment of acquittal because the State failed to prove the handgun met the definition of a “firearm.” We affirm.

At trial the State presented evidence the defendant possessed a loaded, semi-automatic Taurus .380 handgun. The gun was admitted as an exhibit. After the State’s case, defense counsel moved for a directed verdict and judgment of acquittal:

[W]ith respect to the firearm itself, I know there was some evidence with respect to the general nature of semiautomatic weapons; however, I don’t believe there was any evidence put forth to show that this particular firearm was designed to discharge a shot or shell or projectile or bullet by the force of a chemical explosive such as gunpowder. There may have been some talk in general terms about a semi-automatic weapon, but there was no evidence with respect to this particular weapon, the one that has been marked as an exhibit.

The court denied the motion, noting there was sufficient evidence about “the firearm issue” to submit it to the jury.

Our review is for correction of errors at law. Iowa R. App. P. 6.4. We review the record to determine if substantial evidence supports the conviction. *State v. Bash*, 670 N.W.2d 135, 137 (Iowa 2003). Evidence is substantial if it could convince a rational fact finder the defendant is guilty beyond a reasonable doubt. *State v. Torres*, 495 N.W.2d 678, 681 (Iowa 1993). “When reviewing a challenge to the sufficiency of the evidence, we view the evidence in the light most favorable to the State, including legitimate inferences and presumptions

which may fairly and reasonably be deduced from the evidence in the record.”  
*State v. Leckington*, 713 N.W.2d 208, 213 (Iowa 2006).

The marshalling instruction for felon in possession of a weapon defined firearm: “a ‘firearm’ is any instrument which will or is designed to discharge a shot or shell or projectile or bullet by the force of a chemical explosive such as gunpowder.” On appeal, Butler contends the State had to prove how the gun fired and there was no evidence it was “designed to discharge a shot or shell or projectile or bullet by the force of a chemical explosive such as gunpowder.”

“Jurors do not abandon their common knowledge about the affairs of the world when they enter the jury box.” *State v. Manning*, 224 N.W.2d 232, 236 (Iowa 1974). Jurors can “rely on their common knowledge to support a conviction.” *State v. Stevens*, 719 N.W.2d 547, 552 (Iowa 2006); see also *State v. Post*, 286 N.W.2d 195, 203 (Iowa 1979) (noting history, common sense, and experience are factors to be considered in determining whether there is a rational connection between basic facts that the prosecution has proved and the ultimate fact presumed).

We conclude there was sufficient evidence for the court to submit the question to the jury and substantial evidence supports the jury’s verdict. The trial court did not err in overruling the motion for judgment of acquittal. Because substantial evidence supports the jury’s verdict, we are bound by it on appeal and affirm the verdict. See *State v. Weaver*, 608 N.W.2d 797, 803 (Iowa 2000).

**AFFIRMED.**