

IN THE COURT OF APPEALS OF IOWA

No. 2-1004 / 12-0416
Filed January 24, 2013

STATE OF IOWA,
Plaintiff-Appellee,

vs.

ADRIAN TONY VASQUEZ,
Defendant-Appellant.

Appeal from the Iowa District Court for Polk County, Gregory D. Brandt
District Associate Judge.

Adrian Tony Vasquez appeals from his conviction for operating while
intoxicated. **AFFIRMED.**

Joey T. Hoover of Hoover Law Firm P.L.L.C., Winterset, for appellant.

Thomas J. Miller, Attorney General, Elisabeth S. Reynoldson, Assistant
Attorney General, John P. Sarcone, County Attorney, and Brendan E. Greiner,
Assistant County Attorney, for appellee.

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

EISENHAUER, C.J.

Adrian Tony Vasquez appeals from his conviction for operating while intoxicated. He contends insufficient evidence supported the conviction.

We review challenges to the sufficiency of the evidence for correction of errors of law. *State v. Webb*, 648 N.W.2d 72, 75 (Iowa 2002). We will uphold a verdict if it is supported by substantial evidence. *Id.*

Specifically, Vasquez contends the evidence did not establish he was intoxicated. We disagree. While riding his motorcycle, Vasquez was stopped at 2:00 a.m. after a high speed chase. When the police officer approached Vasquez, he smelled the strong odor of an alcoholic beverage. The officer observed signs of impairment, and upon questioning, Vasquez admitted to drinking before riding his motorcycle. Vasquez was visibly emotional. The officer arrested Vasquez for drag racing and reckless driving and took him to the Des Moines police station. At the station, Vasquez performed field sobriety tests and was offered a breath test. He refused to take the breath test and failed two of three field sobriety tests. Based on his visual observations, Vasquez's manner of driving, and the failed field sobriety tests, the officer believed Vasquez was impaired. See *State v. Murphy*, 451 N.W.2d 154, 155-56 (Iowa 1990) (stating officer's personal observation supports finding of guilt). We conclude substantial evidence supports the conviction.

AFFIRMED.