

IN THE COURT OF APPEALS OF IOWA

No. 9-048 / 08-0839
Filed March 11, 2009

STATE OF IOWA,
Plaintiff-Appellee,

vs.

SHANE STACEY SCOLES,
Defendant-Appellant.

Appeal from the Iowa District Court for Bremer County, Peter B. Newell,
Judge.

Appeal from conviction of operating a motor vehicle while intoxicated, third
offense. **AFFIRMED.**

Katherine Daman of Powell Law Firm, P.C., Norwalk, for appellant.

Thomas J. Miller, Attorney General, Kyle Hanson, Assistant Attorney
General, Kasey E. Wadding, County Attorney, and Jill Dashner, Assistant County
Attorney, for appellee.

Considered by Sackett, C.J., and Eisenhauer and Potterfield, JJ.

SACKETT, C.J.

Defendant Shane Stacey Scoles appeals from his conviction and sentence following a bench trial on the charge of operating while intoxicated, third offense. He contends there is not sufficient evidence to prove beyond a reasonable doubt that he was operating his motorcycle while intoxicated on August 3, 2007.

Challenges to the sufficiency of the evidence are reviewed for correction of errors at law. *State v. Hansen*, 750 N.W.2d 111, 112 (Iowa 2008); *State v. Quinn*, 691 N.W.2d 403, 407 (Iowa 2005). The district court's findings of guilt are binding on appeal if supported by substantial evidence. *State v. Hopkins*, 576 N.W.2d 374, 377 (Iowa 1998). Evidence is substantial if it would convince a rational trier of fact the defendant is guilty beyond a reasonable doubt. *Id.* We view the evidence in the light most favorable to the State. *State v. Torres*, 495 N.W.2d 678, 681 (Iowa 1993). In determining whether there is substantial evidence, we must consider all the evidence, not just the evidence supporting guilt. *Id.* However, when the evidence is in conflict, the fact finder resolves those conflicts in accordance with its own assessment of the credibility of the witnesses. *State v. Allen*, 348 N.W.2d 243, 247 (Iowa 1984).

On our review of the record we find substantial evidence to support the verdict and affirm. See Iowa R. App. P. 6.24(1).

AFFIRMED.