

SUPREME COURT OF IOWA

State of Iowa v. Matthew Earl Cox

No. 07-2083 (Iowa Apr. 30, 2010) · No. No. 07-2083 · Decided April 30, 2010

SUMMARY

The Iowa Supreme Court considered whether evidence of the defendant’s prior sexual abuse of different victims was admissible under Iowa Code section 701.11. The court held that admitting such evidence solely to demonstrate propensity violated the due process clause of the Iowa Constitution because it was not relevant to a legitimate issue. The judgment was reversed and the case remanded.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Streit, Justice
JURISDICTION	Iowa
DECIDED	April 30, 2010
DOCKET	No. 07-2083
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Cox appealed his convictions for second- and third-degree sexual abuse, challenging the admission under Iowa Code section 701.11 of evidence concerning his prior sexual abuse of two other victims.
STANDARD OF REVIEW	Evidentiary rulings concerning prior bad acts are reviewed for abuse of discretion; statutory and evidentiary-rule interpretation is reviewed for errors at law; constitutional claims are reviewed de novo. Because the error implicated Cox's constitutional rights, harmlessness required the State to prove beyond a reasonable doubt that the error did not contribute to the verdict.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Matthew Earl Cox v. State of Iowa

TOPICS

- evidence
- due process
- criminal procedure
- constitutional law
- statutory interpretation

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Iowa Code section 701.11 violates the due process clause of the Iowa Constitution when applied to admit prior sexual abuse involving victims other than the victim named in the charged offenses solely to demonstrate general propensity.
2. Whether the prior-abuse testimony from T.C. and A.L. was relevant to a legitimate non-propensity issue under Iowa Rule of Evidence 5.404(b), including common scheme or plan, modus operandi, opportunity, preparation, motive, or intent.
3. Whether admission of the prior-abuse testimony was harmless beyond a reasonable doubt.

HOLDINGS

1. The Iowa Constitution's due process clause prohibits admission of prior sexual-abuse evidence involving a different victim when the evidence is admitted solely to demonstrate general propensity. Iowa Code section 701.11 was unconstitutional as applied to Cox because the State offered the evidence without establishing a legitimate non-propensity issue.
2. Prior sexual-abuse evidence involving a different victim may be admitted only when relevant and material to a legitimate issue other than general propensity, such as identity, intent, motive, or rebuttal of a specific defense, and when its probative value is not substantially outweighed by unfair prejudice.
3. The testimony from T.C. and A.L. was not relevant to a legitimate issue because the incidents were separate in time and place, did not establish a common scheme or plan, did not bear on identity or consent, and did not prove motive or intent required for the charged offenses.
4. Admission of the prior-abuse testimony was not harmless beyond a reasonable doubt because the testimony described a large number and variety of prior sexual-abuse acts and likely contributed to the verdict.

KEY QUOTATIONS

“We hold the Iowa Constitution prohibits admission of prior bad acts evidence involving a different victim when admitted solely for the purpose of demonstrating propensity.” (8)

“Based on Iowa’s history and the legal reasoning for prohibiting admission of propensity evidence out of fundamental conceptions of fairness, we hold the Iowa Constitution prohibits admission of prior bad acts evidence based solely on general propensity.” (18)

“Admitting evidence of a defendant’s sexual abuse of other victims under Iowa Code section 701.11 based only on its value as general propensity evidence violates the due process clause of the Iowa Constitution.” (26)

FACTUAL BACKGROUND

J.M. accused her cousin Matthew Cox of fondling and raping her over several years. The State also presented testimony from two other cousins, T.C. and A.L., describing separate prior sexual abuse by Cox. The alleged

incidents involving T.C. and A.L. occurred at different times and were not connected to the charged incidents involving J.M.; identity and consent were not disputed defenses.

PROCEDURAL HISTORY

Cox was tried and convicted in the Iowa District Court for Linn County of one count each of second-degree and third-degree sexual abuse involving J.M. Before and during trial, the district court ruled admissible testimony from T.C. and A.L. concerning prior sexual abuse by Cox. The Iowa Supreme Court reversed the judgment and remanded for a new trial because the evidence was admitted as general propensity evidence and the resulting constitutional error was not harmless.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse Cox's convictions and remand for a new trial. On retrial, the State may seek admission of the prior-abuse evidence only if it is relevant to a legitimate non-propensity issue and survives the applicable prejudice balancing analysis.

CASES CITED

- State v. Parker, 747 N.W.2d 196, 203 (Iowa 2008)
- State v. Rodriguez, 636 N.W.2d 234, 239-40 (Iowa 2001)
- State v. Reynolds, 765 N.W.2d 283, 289-92 (Iowa 2009)
- State v. Sullivan, 679 N.W.2d 19, 23-25 (Iowa 2004)
- State v. Reyes, 744 N.W.2d 95, 101-03 (Iowa 2008)
- State v. Cott, 283 N.W.2d 324, 327-28 (Iowa 1979)
- State v. Mitchell (Mitchell I), 633 N.W.2d 295, 299-300 (Iowa 2001)
- State v. Mitchell (Mitchell II), 670 N.W.2d 416, 421-22 (Iowa 2003)
- State v. Wright, 191 N.W.2d 638, 641 (Iowa 1971)
- State v. Walsh, 318 N.W.2d 184, 185-86 (Iowa 1982)
- State v. Casady, 491 N.W.2d 782, 785-86 (Iowa 1992)
- State v. Spargo, 364 N.W.2d 203, 205, 209 (Iowa 1985)
- State v. Plaster, 424 N.W.2d 226, 228-31 (Iowa 1988)
- State v. Bayles, 551 N.W.2d 600, 604-05 (Iowa 1996)
- State v. DeVoss, 648 N.W.2d 56, 62 (Iowa 2002)
- State v. Walls, 761 N.W.2d 683, 686 (Iowa 2009)
- State v. Spaulding, 313 N.W.2d 878, 880-81 (Iowa 1981)
- United States v. Enjady, 134 F.3d 1427, 1432-33 (10th Cir. 1998)
- United States v. Castillo, 140 F.3d 874, 880-83 (10th Cir. 1998)

- United States v. LeMay, 260 F.3d 1018, 1026-27 (9th Cir. 2001)
- People v. Falsetta, 986 P.2d 182, 189-93 (Cal. 1999)
- State v. Ellison, 239 S.W.3d 603, 605-08 (Mo. 2007)
- Estelle v. McGuire, 502 U.S. 62, 75 n.5 (1991)
- Michelson v. United States, 335 U.S. 469, 475-76 (1948)
- Old Chief v. United States, 519 U.S. 172, 181-82, 191 (1997)
- United States v. Lovasco, 431 U.S. 783, 790 (1977)
- In re Winship, 397 U.S. 358, 363 (1970)
- Boyd v. United States, 142 U.S. 450, 458 (1892)
- Hurst v. State, 929 A.2d 157, 162, 166 (Md. 2007)
- State v. Vance, 119 Iowa 685, 686, 94 N.W. 204, 204 (1903)