

SUPREME COURT OF IOWA

State v. Tippett

624 N.W.2d 176 (Iowa 2001) · No. No. 99-0151 · Decided March 21, 2001

SUMMARY

The Supreme Court of Iowa reversed James Clay Tippett's conviction for willful failure to register as a sex offender. The court held that Iowa Code section 692A.7(1) requires proof that the defendant knowingly and intentionally violated a known legal duty to register. Because the State presented insufficient evidence that Tippett knew of an Iowa registration obligation, the court remanded for entry of a judgment of acquittal.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Carter, Justice
JURISDICTION	Iowa
DECIDED	March 21, 2001
DOCKET	No. 99-0151
DISPOSITION	reversed
PROCEDURAL POSTURE	Defendant appealed his conviction for willful failure to register as a sex offender, arguing that the conviction was not supported by substantial evidence.
STANDARD OF REVIEW	The court considered whether the conviction was supported by substantial evidence when the record was viewed as a whole.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	James Clay Tippett v. State of Iowa

TOPICS

- statutory interpretation
- mens rea
- criminal procedure
- evidence
- burden of proof

PRACTICE AREAS

- criminal law
- criminal procedure
- statutory interpretation
- sex-offender registration

QUESTIONS PRESENTED

1. Whether conviction for willful failure to register as a sex offender under Iowa Code section 692A.7(1) requires proof that the defendant knew of the legal duty to register.
2. Whether substantial evidence established that Tippet knew he was legally required to register as a sex offender in Iowa.

HOLDINGS

1. Proof of willful failure to register requires the State to prove a voluntary and intentional violation of a known legal duty, including that the accused knew registration was required by law.
2. The State presented insufficient evidence to establish that Tippet knew of a legal duty to register in Iowa; the conviction therefore could not stand.

KEY QUOTATIONS

“We hold that proof of the offense of willful failure to register in violation of section 692A.7(1) requires the State to show a voluntary and intentional violation of a known legal duty.” (178)

“The State cannot circumstantially prove the existence of a fact by relying on a circumstance that is itself dependent upon the fact's existence.” (179)

FACTUAL BACKGROUND

Tippet had been convicted in Illinois in 1991 of aggravated sexual abuse involving a minor and was released from prison in 1993. He later attended the University of Iowa while on Illinois parole and moved from place to place. The State charged him with failing to register as a sex offender in Johnson County, Iowa, but the evidence did not establish that he had been informed of an Iowa or other-state registration duty.

PROCEDURAL HISTORY

Tippet was convicted in the Iowa district court of violating Iowa Code section 692A.7(1) by failing to register as a sex offender. The Supreme Court of Iowa reviewed the conviction and concluded that the State had not presented substantial evidence that Tippet knew of a legal duty to register in Iowa. The court reversed and directed the district court to enter a judgment of acquittal.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The case was returned to the district court for entry of a judgment of acquittal.

CASES CITED

- State v. Clark, 346 N.W.2d 510, 512 (Iowa 1984)
- Ratzlaf v. United States, 510 U.S. 135, 137, 140-41, 149 (1994)

- State v. Azneer, 526 N.W.2d 298, 300 (Iowa 1995)
- State v. Osborn, 368 N.W.2d 68, 70 (Iowa 1985)
- State v. Victor, 310 N.W.2d 201, 205 (Iowa 1981)

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