

SUPREME COURT OF IOWA

State v. Hennings

791 N.W.2d 828 (Iowa 2010) · No. 08-1845 · Decided December 23, 2010

SUMMARY

The Iowa Supreme Court affirmed Mark Thomas Hennings’s conviction for assault in violation of individual rights under Iowa’s hate-crime statute. The court held that substantial evidence supported the jury’s finding that Hennings acted because of the victim’s race, even though other motivations may also have contributed. The court also held that the district court sufficiently stated its reasons for imposing consecutive sentences.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Streit, Justice; Appel, Justice; Baker, Justice; Wiggins, Justice
JURISDICTION	Iowa
DECIDED	December 23, 2010
DOCKET	08-1845
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant sought further review of the Iowa Court of Appeals' decision affirming his hate-crime conviction but vacating his consecutive sentences and remanding for resentencing.
STANDARD OF REVIEW	Sufficiency-of-the-evidence claims are reviewed for correction of errors at law, viewing the evidence in the light most favorable to the State and affirming if substantial evidence would convince a rational trier of fact of guilt beyond a reasonable doubt. Criminal sentences are also reviewed for correction of errors at law and will not be reversed absent an abuse of discretion or a defect in sentencing procedure.
PRECEDENTIAL VALUE	Published Iowa Supreme Court opinion; precedential.
PARTIES	Mark Thomas Hennings v. State of Iowa

TOPICS

- criminal procedure
- statutory interpretation
- mens rea
- sentencing

PRACTICE AREAS

criminal law

criminal procedure

sentencing

civil rights

QUESTIONS PRESENTED

1. Whether substantial evidence supported the jury's finding that Hennings committed the assault because of the victim's race or color under Iowa Code chapter 729A.
2. Whether the district court sufficiently stated on the record its reasons for imposing consecutive sentences.

HOLDINGS

1. Under Iowa Code section 729A.2, the State need not prove that the victim's protected status was the defendant's sole motive. It must prove beyond a reasonable doubt that the defendant's bias was a factual, or but-for, cause of the criminal act. Substantial evidence supported the jury's finding that Hennings acted because of the victim's race.
2. The district court adequately stated reasons on the record for imposing consecutive sentences because its discussion of the sentencing information, the purposes of sentencing, the hate-crime nature of the offense, the trial evidence, and the victim's circumstances made the basis for its overall sentencing plan apparent.

KEY QUOTATIONS

“To find a causal connection, the jury need not believe the only motivation for the defendant’s acts was the victim’s race or other protected status.” (791 N.W.2d at 835)

“Instead, to find a defendant guilty under section 729A.2, the jury must determine beyond a reasonable doubt the defendant would not have acted absent the defendant’s prejudice.” (791 N.W.2d at 835)

“It is apparent to us that the district court ordered the defendant to serve his sentences consecutively as part of an overall sentencing plan.” (791 N.W.2d at 839)

FACTUAL BACKGROUND

Hennings, who was white, confronted five African-American boys, used racial epithets, threatened them with a knife, and drove away. He then circled back, chased the boys with his truck, and ran over twelve-year-old A.M., causing serious injuries and permanent scarring. In a recorded conversation with police the next day, Hennings repeatedly used racial slurs and stated that the boys deserved to be hit. The district court imposed consecutive sentences for the willful-injury and hate-crime assault convictions.

PROCEDURAL HISTORY

A jury convicted Hennings of assault with intent to inflict serious injury, willful injury causing bodily injury, and assault in violation of individual rights under Iowa's hate-crime statute. The district court dismissed one merged lesser-included offense and imposed consecutive sentences on the remaining counts. The Iowa Court of Appeals

affirmed the conviction but vacated the sentence and remanded. The Supreme Court of Iowa granted further review, vacated the Court of Appeals decision, and affirmed the district court judgment.

DISPOSITION

affirmed

CASES CITED

- State v. Quinn, 691 N.W.2d 403, 407 (Iowa 2005)
- State v. Schrier, 300 N.W.2d 305, 306 (Iowa 1981)
- State v. Jorgensen, 758 N.W.2d 830, 834 (Iowa 2008)
- State v. Leckington, 713 N.W.2d 208, 213 (Iowa 2006)
- State v. Formaro, 638 N.W.2d 720, 724 (Iowa 2002)
- In re M.S., 896 P.2d 1365, 1377 (Cal. 1995)
- Wisconsin v. Mitchell, 508 U.S. 476, 480, 485, 489 (1993)
- State v. McKnight, 511 N.W.2d 389, 395-96 (Iowa 1994)
- In re S.M.J., 556 N.W.2d 4, 6-7 (Minn. Ct. App. 1996)
- State v. Plowman, 838 P.2d 558, 561 (Or. 1992)
- State v. Marti, 290 N.W.2d 570, 584-85 (Iowa 1980)
- State v. Tribble, 790 N.W.2d 121, 126-27 (Iowa 2010)
- State v. Pollard, 906 P.2d 976, 978, 981-82 (Wash. Ct. App. 1995)
- State v. Adams, 554 N.W.2d 686, 692 (Iowa 1996)
- State v. Taylor, 310 N.W.2d 174, 178 (Iowa 1981)
- State v. Casady, 491 N.W.2d 782, 785-86 (Iowa 1992)
- Haupt v. United States, 330 U.S. 631, 634-35 (1947)
- State v. Bergmann, 633 N.W.2d 328, 332 (Iowa 2001)
- State v. Epps, 313 N.W.2d 553, 557 (Iowa 1981)
- State v. Johnson, 445 N.W.2d 337, 343 (Iowa 1989)
- State v. Uthe, 542 N.W.2d 810, 816 (Iowa 1996)
- State v. Harrington, 349 N.W.2d 758, 763 (Iowa 1984)
- Ryan v. Arneson, 422 N.W.2d 491, 495 (Iowa 1988)
- Thompson v. Kaczinski, 774 N.W.2d 829, 837 n.3 (Iowa 2009)