

SUPREME COURT OF IOWA

State of Iowa v. John Thomas Finders

743 N.W.2d 546 (Iowa 2008) · No. No. 06-1080 · Decided January 11, 2008

SUMMARY

The Supreme Court of Iowa held that Iowa Code section 692A.2A(4)(c)'s grandfather provision permits a qualifying sex offender to remain at the specific residence established before July 1, 2002. It does not permit the offender to move to a different residence within the two-thousand-foot restricted zone. The court affirmed the denial of John Finders's motion to dismiss his conviction for violating the residency restriction.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Streit, Justice
JURISDICTION	Iowa
DECIDED	January 11, 2008
DOCKET	No. 06-1080
DISPOSITION	affirmed
PROCEDURAL POSTURE	Finders appealed his conviction for violating Iowa's sex-offender residency restrictions after the district court denied his motion to dismiss the trial information and found him guilty in a bench trial on the minutes of testimony.
STANDARD OF REVIEW	The court reviewed the district court's ruling on the motion to dismiss for errors at law, accepting as true the facts alleged in the trial information and minutes of testimony and reversing only if those facts did not constitute a crime as a matter of law.
PRECEDENTIAL VALUE	Published Iowa Supreme Court opinion; precedential
PARTIES	John Thomas Finders v. State of Iowa

TOPICS

- statutory interpretation
- criminal procedure
- legislative intent
- plain meaning rule
- absurdity doctrine

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Iowa Code section 692A.2A(4)(c), the grandfather provision to Iowa's two-thousand-foot sex-offender residency restriction, exempts the offender personally or only the specific residence established before July 1, 2002.
2. Whether the alleged facts constituted a crime as a matter of law and therefore required dismissal of the trial information.

HOLDINGS

1. Iowa Code section 692A.2A(4)(c) exempts a sex offender only while the offender maintains the specific residence established before July 1, 2002; it does not permit the offender to establish a new residence within the restricted zone after that date.
2. The alleged facts established a violation of Iowa Code section 692A.2A because Finders moved to a new residence after July 1, 2002 and therefore could not invoke the grandfather provision.

KEY QUOTATIONS

"Section 692A.2A(4)(c) allows a sex offender who established a residence in a restricted zone prior to July 1, 2002 to remain in that residence in perpetuity. It does not allow that person to establish a new residence within the restricted zone without violating the statute." (550)

"The provision refers to "a residence," which is a specific place." (549)

FACTUAL BACKGROUND

Finders was convicted in 1999 of sexual exploitation by a counselor under Iowa Code section 709.15, and his victim was under eighteen. Before July 1, 2002, he established and properly registered a residence at 405 South Sixth Street in Marshalltown, which was within a restricted zone. In 2005, he moved to 406 West Boone Street, also in Marshalltown, and was charged after being notified that the new residence violated Iowa's two-thousand-foot residency restriction for certain sex offenders.

PROCEDURAL HISTORY

Finders was charged under Iowa Code section 692A.2A(2) and (3) after moving to a different residence within two thousand feet of a school or child-care facility. The district court overruled his motion to dismiss, and Finders waived a jury and was convicted following a trial on the minutes of testimony. The district court imposed a suspended two-year prison term. The Supreme Court of Iowa affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Gonzalez, 718 N.W.2d 304, 307 (Iowa 2006)
- State v. Conley, 222 N.W.2d 501, 502 (Iowa 1974)
- State v. Byers, 456 N.W.2d 917, 919 (Iowa 1990)
- State v. Bessenecker, 404 N.W.2d 134, 137 (Iowa 1987)
- State v. Kamber, 737 N.W.2d 297, 298-99 (Iowa 2007)
- State v. Beach, 630 N.W.2d 598, 600 (Iowa 2001)
- State v. Welton, 300 N.W.2d 157, 160 (Iowa 1981)
- State v. Nelson, 178 N.W.2d 434, 437 (Iowa 1970)
- United States v. Wiltberger, 18 U.S. (5 Wheat.) 76, 95, 5 L. Ed. 37, 42 (1820)
- State v. Hagedorn, 679 N.W.2d 666, 669 (Iowa 2004)
- State v. Peck, 539 N.W.2d 170, 173 (Iowa 1995)
- State v. Seering, 701 N.W.2d 655, 665 (Iowa 2005)
- Doe v. Miller, 405 F.3d 700, 716 (8th Cir. 2005)