

SUPREME COURT OF IOWA

State of Iowa v. Victor Serrato

No. 08–0859 · No. No. 08-0859 · Decided July 9, 2010

SUMMARY

The Iowa Supreme Court vacated the Iowa Court of Appeals decision and affirmed Victor Serrato’s convictions for first-degree murder and nonconsensual termination of a human pregnancy. The court held that substantial evidence supported the jury’s finding that Serrato was the perpetrator and that Iowa had territorial jurisdiction because conduct manifesting the requisite intent occurred in Iowa. The court also upheld the denial of Serrato’s motion for a new trial.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Baker, Justice
JURISDICTION	Iowa
DECIDED	July 9, 2010
DOCKET	No. 08-0859
DISPOSITION	vacated
PROCEDURAL POSTURE	The State sought further review of the Iowa Court of Appeals decision reversing Serrato's convictions for first-degree murder and nonconsensual termination of a human pregnancy. The Supreme Court of Iowa granted further review, vacated the court of appeals decision, and affirmed the district court judgment.
STANDARD OF REVIEW	Claims challenging denial of a motion for judgment of acquittal based on sufficiency of the evidence are reviewed for correction of errors at law. The evidence is viewed in the light most favorable to the State, including legitimate inferences and presumptions. Denial of a motion for new trial is reviewed for abuse of discretion, and the discretion should be invoked only in exceptional cases in which the evidence heavily preponderates against the verdict.
PRECEDENTIAL VALUE	Published Iowa Supreme Court decision; precedential
PARTIES	Victor Serrato v. State of Iowa

TOPICS

criminal procedure

appellate procedure

standard of review

statutory interpretation

mens rea

PRACTICE AREAS

criminal law

criminal procedure

appellate law

QUESTIONS PRESENTED

1. Whether substantial evidence supported the jury's finding that Serrato was the perpetrator of the charged offenses.
2. Whether Iowa had territorial jurisdiction where the victim's body was found in Illinois but the State presented evidence that Serrato formed the requisite intent and malice aforethought, and performed preparatory conduct, in Iowa.
3. Whether the district court abused its discretion by denying Serrato's motion for a new trial on the ground that the verdict was contrary to the weight of the evidence.

HOLDINGS

1. Substantial evidence supported the jury's finding beyond a reasonable doubt that Serrato was the perpetrator of the first-degree murder and nonconsensual termination of a human pregnancy.
2. Under Iowa Code section 803.1, conduct or actions occurring in Iowa that establish a mens rea element of the charged offense are sufficient to subject a defendant to Iowa's territorial jurisdiction.
3. Substantial evidence established beyond a reasonable doubt that Serrato engaged in Iowa conduct manifesting malice aforethought and intent to kill Carmona and terminate the pregnancy, giving Iowa territorial jurisdiction over the offenses.
4. The district court acted within its discretion in denying Serrato's motion for a new trial because the verdict was not contrary to the weight of the credible evidence.

KEY QUOTATIONS

“Under this language, the State need only prove the occurrence in Iowa of one of the essential elements of first-degree murder beyond a reasonable doubt in order to confer territorial jurisdiction upon the State of Iowa.” (10)

“Thus, when a person’s state of mind, i.e., knowledge, intent, or malice aforethought, is an essential element of the crime charged, acts by that person occurring within Iowa, which indicate his or her state of mind at the time, constitute conduct upon which the requirements of section 803.1 are satisfied.” (12)

“Iowa’s jurisdiction statute “is satisfied if the defendant, with the requisite intent, does a preparatory act in [Iowa] that is more than a de minimus act toward the eventual completion of the offense.”” (15)

FACTUAL BACKGROUND

Victor Serrato confronted Mimi Carmona, who was pregnant, after learning that she had fought with Serrato's pregnant girlfriend and had accused him of fathering an unwanted child. Witnesses saw Serrato and Carmona

physically struggle in the parking lot of an Iowa bar, after which Serrato left with Carmona and was unaccounted for during a period corresponding to her likely time of death. Carmona's body was later found across the Mississippi River in Illinois; an autopsy attributed her death to manual strangulation, and DNA from blood in a plastic bag found in her hair matched both Carmona and Serrato.

PROCEDURAL HISTORY

Serrato was charged in the Iowa District Court for Muscatine County with first-degree murder, kidnapping, and nonconsensual termination of a human pregnancy. The kidnapping charge and felony-murder alternative were later dropped. After a jury convicted Serrato, the district court denied his motions for judgment of acquittal, arrest of judgment, and new trial. The Iowa Court of Appeals reversed and remanded for dismissal, holding that the State failed to prove that Serrato formed the requisite intent and malice aforethought in Iowa. The Supreme Court of Iowa granted the State's application for further review, vacated the court of appeals decision, and affirmed.

DISPOSITION

vacated

CASES CITED

- State v. Henderson, 696 N.W.2d 5, 7 (Iowa 2005)
- State v. Hagedorn, 679 N.W.2d 666, 668-69 (Iowa 2004)
- State v. Pace, 602 N.W.2d 764, 768 (Iowa 1999)
- State v. Quinn, 691 N.W.2d 403, 407 (Iowa 2005)
- State v. Biddle, 652 N.W.2d 191, 197 (Iowa 2002)
- State v. Liggins, 524 N.W.2d 181, 184-85 (Iowa 1994)
- State v. Wedebrand, 602 N.W.2d 186, 189 (Iowa Ct. App. 1999)
- State v. Anderson, 695 N.W.2d 731, 747 (Wis. 2005)
- State v. Bentley, 757 N.W.2d 257, 264-65 (Iowa 2008)
- State v. Gramenz, 256 Iowa 134, 142, 126 N.W.2d 285, 290 (1964)
- State v. Hofer, 238 Iowa 820, 833, 28 N.W.2d 475, 482 (1947)
- State v. Casady, 491 N.W.2d 782, 787 (Iowa 1992)
- State v. Erving, 346 N.W.2d 833, 836 (Iowa 1984)
- Finn v. Stoddard, 179 Iowa 904, 910, 162 N.W. 1, 3 (1917)
- Thrall v. Knapp, 17 Iowa 468, 471 (1864)
- People v. Betts, 103 P.3d 883, 893 (Cal. 2005)
- State v. Ellis, 578 N.W.2d 655, 658-59 (Iowa 1998)
- State v. Reeves, 670 N.W.2d 199, 202-03 (Iowa 2003)