

SUPREME COURT OF IOWA

State of Iowa v. Troy Harley Jorgensen

No. 07-0296 · No. No. 07-0296 · Decided December 19, 2008

SUMMARY

The Iowa Supreme Court affirmed Troy Harley Jorgensen’s conviction for indecent exposure under Iowa Code section 709.9. The court held that the statute does not require the defendant to know the specific identity of the viewer or to know that he was being observed through a closed-circuit video system. The court concluded that substantial evidence supported each element of the offense and affirmed the decisions of the district court and court of appeals.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Ternus, Chief Justice
JURISDICTION	Iowa
DECIDED	December 19, 2008
DOCKET	No. 07-0296
DISPOSITION	affirmed
PROCEDURAL POSTURE	Jorgensen appealed his conviction for indecent exposure based on insufficient evidence. The Iowa Court of Appeals affirmed, and the Supreme Court of Iowa granted further review.
STANDARD OF REVIEW	Sufficiency-of-the-evidence challenges are reviewed for correction of errors at law, and the district court's findings of guilt are binding if supported by substantial evidence. Evidence is substantial if it would convince a rational fact finder that the defendant is guilty beyond a reasonable doubt. Issues of statutory interpretation are also reviewed for correction of errors at law.
PRECEDENTIAL VALUE	Published Iowa Supreme Court opinion; precedential
PARTIES	Troy Harley Jorgensen v. State of Iowa

TOPICS

- criminal procedure
- statutory interpretation
- standard of review
- appellate procedure

PRACTICE AREAS

Criminal law

Criminal procedure

Statutory interpretation

Appellate review

QUESTIONS PRESENTED

1. Whether sufficient evidence supported Jorgensen's conviction for indecent exposure when the employees who observed him were not the intended target of his sexual conduct and he allegedly did not know he was being observed through a closed-circuit video system.
2. Whether Iowa Code section 709.9 requires the actor to know the identity of the particular person to whom he exposes himself.

HOLDINGS

1. Iowa Code section 709.9 does not require the actor to know the identity of the specific person or persons to whom he exposes himself. A public exposure may satisfy the statute when the actor exposes his genitals to another person who is not the actor's spouse, even if the observed viewers were not the intended audience.
2. Substantial evidence supported Jorgensen's conviction because the store employees observed his exposed genitals, he acted to arouse his own sexual desires, the employees were offended, and the circumstances established that he knew or should have known they would be offended.

KEY QUOTATIONS

"Thus, the first element of the crime requires the defendant to expose or "cause to be visible or open to view" his or her genitals or pubes to someone other than a spouse." (7)

"It is reasonable to assume that a person who exposes himself in a public place runs the risk that he will be observed by more than his targeted audience, including those viewing by closed-circuit video systems installed in a public shopping area." (9)

"The district court's finding that the defendant was guilty of indecent exposure when he exposed himself to three store employees is supported by substantial evidence." (12)

FACTUAL BACKGROUND

Store employees at a Shopko observed Jorgensen through a closed-circuit video system as he followed an unidentified woman, repeatedly exposed his penis, and masturbated. Three employees viewed the conduct and stated they were offended; Jorgensen stopped fondling himself and attempted to leave when two employees approached him. Jorgensen claimed his shorts were too small and that his penis was exposed accidentally.

PROCEDURAL HISTORY

The State charged Jorgensen with second-offense indecent exposure under Iowa Code section 709.9. He waived a jury trial and was convicted on a stipulated record in the Iowa District Court for Cerro Gordo County; the district court imposed a suspended one-year sentence and probation. The Iowa Court of Appeals affirmed, and the Supreme Court of Iowa affirmed the court of appeals and district court judgments.

DISPOSITION

affirmed

CASES CITED

- State v. Hansen, 750 N.W.2d 111, 112 (Iowa 2008)
- State v. Hopkins, 576 N.W.2d 374, 377 (Iowa 1998)
- State v. Garcia, 756 N.W.2d 216, 219 (Iowa 2008)
- State v. Isaac, 756 N.W.2d 817, 819-20 (Iowa 2008)
- State v. Adams, 436 N.W.2d 49, 50 (Iowa 1989)
- State v. Finders, 743 N.W.2d 546, 548 (Iowa 2008)
- State v. Conley, 222 N.W.2d 501, 502 (Iowa 1974)
- State v. Byers, 456 N.W.2d 917, 919 (Iowa 1990)
- 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. Bauer, 337 N.W.2d 209, 211 (Iowa 1983)
- State v. Lane, 743 N.W.2d 178, 182 (Iowa 2007)
- State v. Shanahan, 712 N.W.2d 121, 142 (Iowa 2006)
- State v. Sousa, 201 A.2d 664, 666 (Conn. Cir. Ct. 1964)
- Parnigoni v. District of Columbia, 933 A.2d 823, 826 (D.C. Ct. App. 2007)
- State v. Stevenson, 656 N.W.2d 235, 240 (Minn. 2003)
- United States v. Boston, 494 F.3d 660, 665 (8th Cir. 2007)
- State v. Plenty Horse, 741 N.W.2d 763, 765 (S.D. 2007)
- Hankins v. State, 85 S.W.3d 433, 435 (Tex. Ct. App. 2002)
- Swire v. State, 997 S.W.2d 370, 373-74 (Tex. Ct. App. 1999)