

SUPREME COURT OF IOWA

State of Iowa v. Eric Richard Hansen

750 N.W.2d 111 (Iowa 2008) · No. No. 06-1735 · Decided June 6, 2008

SUMMARY

The Supreme Court of Iowa held that Iowa Code section 710.10 requires a minor or person reasonably believed to be a minor to be actually enticed away for a completed enticement conviction. Because Hansen traveled to meet an undercover officer posing as a fifteen-year-old but did not lure the purported victim away, the court concluded that the evidence supported only attempted enticement. The court affirmed the court of appeals, reversed the district court judgment, and remanded for entry of a guilty verdict for attempted enticement.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                      |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Iowa                                                                                                                                                                                                                                                                                                |
| WRITING FOR THE COURT | Streit, Justice                                                                                                                                                                                                                                                                                                      |
| JURISDICTION          | Iowa                                                                                                                                                                                                                                                                                                                 |
| DECIDED               | June 6, 2008                                                                                                                                                                                                                                                                                                         |
| DOCKET                | No. 06-1735                                                                                                                                                                                                                                                                                                          |
| DISPOSITION           | reversed_and_remanded                                                                                                                                                                                                                                                                                                |
| PROCEDURAL POSTURE    | Further review of a court of appeals decision reversing Hansen's conviction for enticing away a minor and directing the district court to enter a finding of guilt for attempted enticement.                                                                                                                         |
| STANDARD OF REVIEW    | Challenges to the sufficiency of the evidence are reviewed for correction of errors at law. The district court's findings of guilt are binding on appeal if supported by substantial evidence, meaning evidence that would convince a rational trier of fact that the defendant is guilty beyond a reasonable doubt. |
| PRECEDENTIAL VALUE    | Published Iowa Supreme Court opinion; precedential.                                                                                                                                                                                                                                                                  |
| PARTIES               | Eric Richard Hansen v. State of Iowa                                                                                                                                                                                                                                                                                 |

TOPICS

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

## PRACTICE AREAS

criminal law

criminal procedure

statutory interpretation

appellate law

## QUESTIONS PRESENTED

1. Whether substantial evidence supported Hansen's conviction for completed enticement of a minor under Iowa Code section 710.10(2) when he communicated with and traveled to meet a person he reasonably believed was a minor but did not successfully draw that person away.
2. Whether the facts supported conviction for attempted enticement rather than completed enticement.

## HOLDINGS

1. The phrase "entices away" in Iowa Code section 710.10 requires both the defendant's enticing conduct and an impact upon the victim such that the victim is actually drawn away. The defendant is guilty of attempted enticement when the intended victim is not successfully enticed away.
2. Substantial evidence did not support Hansen's conviction for completed enticement because, although he possessed the requisite intent and engaged in enticing conduct, he did not lure or draw away a minor or a person reasonably believed to be a minor.

## KEY QUOTATIONS

*"The problem with the State's contention is the Black's definition encompasses both enticement and attempted enticement. That distinction did not matter in Osmundson because Osmundson was convicted of attempted enticement."* (750 N.W.2d at 113)

*"A perpetrator entices, but it is the victim who is enticed away."* (750 N.W.2d at 114)

*"We find substantial evidence lacking to support Hansen's conviction for enticement."* (750 N.W.2d at 114)

## FACTUAL BACKGROUND

Hansen, age twenty-three, communicated online and by telephone with an undercover officer posing as a fifteen-year-old girl. The conversations included discussions of sexual activity, and Hansen agreed to meet the purported minor at a Wal-Mart in Cedar Falls. Hansen drove to the store and entered it, but the purported victim did not leave with him or otherwise become physically drawn away; police arrested him in the parking lot.

## PROCEDURAL HISTORY

Hansen was charged under Iowa Code section 710.10(2), tried to the court on the minutes of testimony, and convicted of enticing away a minor. The court of appeals held that substantial evidence did not support completed enticement and reversed with instructions to enter a finding of guilt for attempted enticement. The Supreme Court of Iowa granted further review, affirmed the court of appeals, reversed the district court judgment, and remanded.

## DISPOSITION

reversed\_and\_remanded

#### **REMAND INSTRUCTIONS**

The district court was instructed to enter a verdict of guilty for attempted enticement.

#### **CASES CITED**

- State v. Quinn, 691 N.W.2d 403, 407 (Iowa 2005)
- State v. Hopkins, 576 N.W.2d 374, 377 (Iowa 1998)
- State v. Osmundson, 546 N.W.2d 907, 908-10 (Iowa 1996)

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