

SUPREME COURT OF IOWA

State of Iowa v. James Donald Lane

743 N.W.2d 178 (Iowa 2007) · No. No. 06-0024 · Decided December 28, 2007

SUMMARY

The Supreme Court of Iowa held that James Donald Lane's statements made while in police custody did not establish a reasonable expectation of the imminent commission of terrorism under Iowa Code section 708A.5. The court reversed his threat-of-terrorism conviction for insufficient evidence but affirmed his intimidation-with-a-dangerous-weapon conviction, concluding that sufficient evidence supported submission of that charge to the jury and that counsel's failure to request an objective-standard jury instruction was not prejudicial.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Streit, Justice
JURISDICTION	Iowa
DECIDED	December 28, 2007
DOCKET	No. 06-0024
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Lane appealed convictions for intimidation with a dangerous weapon and threat of terrorism, asserting insufficient evidence and ineffective assistance of counsel.
STANDARD OF REVIEW	Sufficiency-of-the-evidence claims are reviewed for correction of errors at law, with findings binding if supported by substantial evidence. Ineffective-assistance-of-counsel claims are reviewed de novo under the totality of the circumstances.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	James Donald Lane v. State of Iowa

TOPICS

- criminal procedure
- statutory interpretation
- jury instructions
- ineffective assistance
- preservation of error

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to establish that Lane caused a reasonable expectation or fear of the imminent commission of an act of terrorism.
2. Whether the evidence was sufficient to submit the intimidation-with-a-dangerous-weapon charge to the jury.
3. Whether trial counsel was ineffective for failing to preserve a specific sufficiency challenge to the intimidation charge.
4. Whether trial counsel was ineffective for failing to request an objective reasonable-person instruction concerning the reasonable-expectation element.

HOLDINGS

1. A threat-of-terrorism conviction under Iowa Code section 708A.5 requires sufficient evidence of a reasonable expectation or fear that the terrorist act will be committed imminently. Because Lane was in custody and could not reasonably be expected to carry out the threats until at least the next day, the evidence was insufficient and the district court erred in denying judgment of acquittal.
2. The evidence was sufficient to submit the intimidation-with-a-dangerous-weapon charge to the jury because the statute does not require an imminent threat; it requires circumstances raising a reasonable expectation that the threat will be carried out.
3. Trial counsel was not ineffective for failing to articulate grounds for judgment of acquittal on the intimidation charge because the State presented sufficient evidence for a jury to decide whether the threats would be carried out.
4. Lane was not prejudiced by counsel's failure to request an instruction expressly stating that the reasonable-expectation element must be evaluated under an objective reasonable-person standard.

KEY QUOTATIONS

“Nevertheless, it does require a reasonable expectation the act is impending or about to occur.” (743 N.W.2d at 182)

“There was insufficient evidence to submit the threat-of-terrorism charge to the jury.” (743 N.W.2d at 185)

FACTUAL BACKGROUND

Lane was arrested at his mother's home for violating a protective order. While being handcuffed and later transported and booked, he referred to a recent Atlanta courthouse shooting and stated that he would obtain a court schedule and take care of the officers, while also making other threatening remarks. Lane was compliant apart from making the statements. The jury convicted him of intimidation with a dangerous weapon and threat of terrorism.

PROCEDURAL HISTORY

Lane was charged with intimidation with a dangerous weapon and threat of terrorism after making threatening statements to law-enforcement officers while being arrested and transported to jail. A jury found him guilty of the lesser included offense of intimidation with a dangerous weapon and guilty as charged of threat of terrorism. The Supreme Court of Iowa held that the terrorism charge should not have been submitted to the jury, upheld the intimidation conviction, and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The threat-of-terrorism conviction is reversed and the case is remanded consistent with the opinion. The intimidation conviction is affirmed; no new trial is required on that count.

CASES CITED

- State v. Thomas, 561 N.W.2d 37, 39 (Iowa 1997)
- State v. Heard, 636 N.W.2d 227, 229 (Iowa 2001)
- State v. Mitchell, 568 N.W.2d 493, 502 (Iowa 1997)
- State v. Risdal, 404 N.W.2d 130, 131 (Iowa 1987)
- State v. Shanahan, 712 N.W.2d 121, 142 (Iowa 2006)
- State v. Kellogg, 542 N.W.2d 514, 516 (Iowa 1996)
- State v. Crone, 545 N.W.2d 267, 270 (Iowa 1996)
- Strickland v. Washington, 466 U.S. 668, 694 (1984)
- Snethen v. State, 308 N.W.2d 11, 14 (Iowa 1981)
- State v. Bass, 385 N.W.2d 243, 245 (Iowa 1986)
- State v. Bumpus, 459 N.W.2d 619, 627 (Iowa 1990)
- United States v. Floyd, 458 F.3d 844, 849 (8th Cir. 2006)
- State v. McGinnis, 243 N.W.2d 583, 589 (Iowa 1976)
- State v. Milner, 571 N.W.2d 7, 10 (Iowa 1997)
- State v. Jackson, 305 N.W.2d 420, 424 (Iowa 1981)
- State v. Cook, 565 N.W.2d 611, 614 (Iowa 1997)