

SUPREME COURT OF IOWA

State of Iowa v. John Charles Donahue

State v. Donahue · No. 18-2239 · Decided March 26, 2021

SUMMARY

The Iowa Supreme Court affirmed John Charles Donahue’s conviction for third-degree sexual abuse. The court held that the district court properly excluded cross-examination concerning an alleged prior incident under Iowa’s rape shield rule and because Donahue failed to make the required offer of proof. The court also upheld the challenged jury instruction and concluded that the victim’s testimony, viewed in the light most favorable to the State, constituted sufficient evidence to support the conviction.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Appel, Justice
JURISDICTION	Iowa
DECIDED	March 26, 2021
DOCKET	18-2239
DISPOSITION	affirmed
PROCEDURAL POSTURE	Further review of a Iowa Court of Appeals decision affirming the Iowa District Court's judgment convicting Donahue of third-degree sexual abuse.
STANDARD OF REVIEW	Evidentiary rulings, including rulings under Iowa's rape-shield rule, are reviewed for abuse of discretion; a ruling is reversed only when its grounds are clearly untenable or unreasonable. Confrontation Clause claims are reviewed de novo. Jury-instruction challenges and sufficiency-of-the-evidence challenges are reviewed for correction of errors at law. Jury-instruction error requires prejudice, and instructional error is presumed prejudicial unless the record affirmatively establishes no prejudice. Evidence is sufficient when, viewed in the light most favorable to the State, it would convince a rational fact finder of guilt beyond a reasonable doubt.
PRECEDENTIAL VALUE	Published Iowa Supreme Court opinion; precedential.
PARTIES	John Charles Donahue v. State of Iowa

TOPICS

criminal procedure evidence jury instructions impeachment burden of proof

PRACTICE AREAS

criminal law criminal procedure evidence jury instructions sexual offenses

QUESTIONS PRESENTED

1. Whether the district court abused its discretion by prohibiting Donahue from cross-examining or recalling T.G. concerning the alleged prior Carroll incident.
2. Whether the district court erred or caused prejudice by instructing the jury that the testimony of a victim of sexual offenses need not be corroborated, using the plural phrase "sexual offenses" when Donahue was charged with one offense.
3. Whether substantial evidence supported Donahue's conviction for third-degree sexual abuse, including the elements of a sex act and that it was committed against T.G.'s will.

HOLDINGS

1. The district court did not abuse its discretion by prohibiting Donahue from questioning T.G. about the Carroll incident. Donahue failed to comply with the procedural requirements of Iowa Rule of Evidence 5.412 and made no satisfactory offer of proof showing that T.G. made the alleged statements and that they were false.
2. The district court did not commit reversible error by instructing the jury that a victim's testimony in a sexual-offense case need not be corroborated and, if believed beyond a reasonable doubt, could alone sustain a guilty verdict. The plural phrase "sexual offenses" did not mislead or prejudice the jury when the instructions were read as a whole.
3. Substantial evidence supported Donahue's conviction for third-degree sexual abuse. A victim's testimony alone may establish the offense, and verbal or physical resistance is not required to prove that a sexual act was against the victim's will.

KEY QUOTATIONS

"While Donahue is right that a false accusation of a sexual encounter is not protected by the rape shield rule, a defendant who wishes to argue that a witness is making a false claim must first comply with a set of procedural hurdles." (12-13)

"While verbal and physical resistance may demonstrate a lack of consent, they are not required." (18)

FACTUAL BACKGROUND

T.G. lived with her father and his wife in Audubon, Iowa, after the Iowa Department of Human Services removed her and her siblings from her biological mother's home. T.G.'s grandfather, John Donahue, lived nearby, and T.G. testified that Donahue digitally penetrated her vaginal area in his home during the charged period. She testified that the act made her uncomfortable, confused, and scared, and that it was against her will. The defense

sought to question T.G. about an alleged prior incident in Carroll, Iowa, but had not complied with the rape-shield rule's notice and offer-of-proof requirements.

PROCEDURAL HISTORY

The first jury trial ended in a mistrial after the jury deadlocked. At the second trial, the district court excluded cross-examination concerning an alleged prior incident in Carroll, Iowa, submitted the challenged jury instruction, and the jury convicted Donahue of third-degree sexual abuse. The Iowa Court of Appeals affirmed, and the Supreme Court of Iowa granted further review and affirmed the court of appeals decision and district court judgment.

DISPOSITION

affirmed

CASES CITED

- State v. Spaulding, 313 N.W.2d 878, 880 (Iowa 1981) (en banc)
- State v. Mitchell, 568 N.W.2d 493, 497 (Iowa 1997)
- State v. Baker, 679 N.W.2d 7, 10-11 (Iowa 2004)
- State v. Trane, 934 N.W.2d 447, 457-58 (Iowa 2019)
- State v. Alberts, 722 N.W.2d 402, 407-09 (Iowa 2006)
- Stringer v. State, 522 N.W.2d 797, 800-01 (Iowa 1994)
- Thompson v. State, 492 N.W.2d 410, 414 (Iowa 1992)
- State v. Parsons, 401 N.W.2d 205, 208 (Iowa Ct. App. 1986)
- State v. Thompson, 836 N.W.2d 470, 476 (Iowa 2013)
- State v. Plain, 898 N.W.2d 801, 811 (Iowa 2017)
- State v. Rogerson, 855 N.W.2d 495, 498 (Iowa 2014)
- Alcala v. Marriott Int'l, Inc., 880 N.W.2d 699, 707 (Iowa 2016)
- Anderson v. State, 692 N.W.2d 360, 363 (Iowa 2005)
- State v. Coleman, 907 N.W.2d 124, 138 (Iowa 2018)
- State v. Hanes, 790 N.W.2d 545, 551 (Iowa 2010)
- State v. Kelso-Christy, 911 N.W.2d 663, 666 (Iowa 2018)
- State v. Tipton, 897 N.W.2d 653, 692 (Iowa 2017)
- State v. Williams, 695 N.W.2d 23, 27 (Iowa 2005)
- State v. Meyers, 799 N.W.2d 132, 138, 146 (Iowa 2011)
- State v. Hildreth, 582 N.W.2d 167, 170 (Iowa 1998)
- State v. Walker, 935 N.W.2d 874, 881-82 (Iowa 2019)
- State v. Rankin, 181 N.W.2d 169, 172 (Iowa 1970)
- State v. Bauer, 324 N.W.2d 320, 322 (Iowa 1982)

