

SUPREME COURT OF IOWA

State of Iowa v. Kongsavanh Keopasaeth

645 N.W.2d 637 (Iowa 2002) · No. No. 99-1960 · Decided June 12, 2002

SUMMARY

The Supreme Court of Iowa affirmed convictions for assault causing serious injury, burglary in the second degree, two counts of assault with intent to cause serious injury, and fourth-degree criminal mischief. The court held that substantial evidence supported the assault convictions and that the criminal-mischief challenge was waived. The burglary conviction was affirmed by operation of law because the court was equally divided, and the court upheld the consecutive sentences as adequately explained.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Carter, Justice; Chief Justice Lavorato; Justice Neuman; Justice Cady; Justice Streit; Justice Larson; Justice Carter; Justice Ternus
JURISDICTION	Iowa
DECIDED	June 12, 2002
DOCKET	No. 99-1960
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed convictions and consecutive sentences. The Iowa Court of Appeals upheld the convictions and sentence, and the Supreme Court of Iowa reviewed and affirmed.
STANDARD OF REVIEW	Sufficiency-of-the-evidence challenges are reviewed for errors at law. The evidence is viewed in the light most favorable to the State, including reasonable inferences, and a jury verdict is upheld if supported by substantial evidence. Sentencing decisions concerning consecutive sentences are reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published Iowa Supreme Court opinion; the burglary issue was affirmed by operation of law because of an equally divided court and therefore contains no majority resolution of the entry issue.
PARTIES	Kongsavanh Keopasaeth v. State of Iowa

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether substantial evidence supported Keopasaeth's assault convictions, including whether he personally participated in or aided and abetted the assaults and whether his conduct was justified.
2. Whether substantial evidence supported the second-degree burglary conviction by showing an entry into an occupied structure with intent to commit an assault.
3. Whether the challenge to the criminal-mischief conviction was waived because defendant provided no supporting argument.
4. Whether the district court abused its discretion by imposing consecutive sentences without adequately stating reasons.

HOLDINGS

1. The assault convictions were supported by substantial evidence because testimony showed that Keopasaeth actively participated in the altercations and threw beer bottles at the victims; the jury could also find that he aided and abetted his companions. The evidence supported rejection of his justification claim.
2. The second-degree burglary conviction remained affirmed by operation of law because the court was equally divided on whether the evidence established an entry into an occupied structure.
3. The challenge to the criminal-mischief conviction was waived because Keopasaeth made no argument supporting it.
4. The district court did not abuse its discretion because it provided sufficient reasons for imposing incarceration and ordering the sentences to run consecutively.

KEY QUOTATIONS

“This sentence is premised upon the Defendant's past criminal history, the seriousness of this offense, and the opportunity the Court had to listen to this evidence and the defense that Mr. Keopasaeth continues to maintain.” (642)

FACTUAL BACKGROUND

After sexually degrading comments were made to a companion of Keopasaeth's group at a liquor store, an altercation began involving Keopasaeth and three companions and three victims. The groups later encountered one another in a grocery-store parking lot, where beer bottles were thrown and the victims sustained serious injuries, including a severe laceration, knocked-out teeth, and stab wounds causing profound shock. Keopasaeth was also injured and was later convicted of several assault-related offenses, burglary, and criminal mischief.

PROCEDURAL HISTORY

Keopasa euth was convicted of assault causing serious injury, second-degree burglary, two counts of assault with intent to cause serious injury, and fourth-degree criminal mischief. The district court imposed consecutive terms of imprisonment. The court of appeals upheld the convictions and sentence, and the Supreme Court of Iowa affirmed the court of appeals decision and district court judgment.

DISPOSITION

affirmed

CASES CITED

- State v. Jacobs, 607 N.W.2d 679, 682 (Iowa 2000)
- State v. Doss, 355 N.W.2d 874, 877-78 (Iowa 1984)
- State v. Anderson, 517 N.W.2d 208, 211 (Iowa 1994)
- State v. Nichols, 572 N.W.2d 163, 164 (Iowa Ct. App. 1997)
- State v. Pace, 602 N.W.2d 764, 773 (Iowa 1999)
- Hollingsworth v. Schminkey, 553 N.W.2d 591, 596 (Iowa 1996)