

SUPREME COURT OF IOWA

State v. Cashen

666 N.W.2d 566 (Iowa 2003) · No. No. 01-1655 · Decided July 16, 2003

SUMMARY

The Supreme Court of Iowa held that the evidence was insufficient to establish Ross Cashen's constructive possession of marijuana found in the rear seat of a vehicle occupied by six people. Although Cashen's statements could support an inference that he knew the marijuana was present, his proximity to the marijuana, possession of rolling papers and a lighter, and other circumstances did not establish dominion and control beyond a reasonable doubt. The court vacated the Iowa Court of Appeals decision and reversed the district court's conviction and sentence.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Streit, Justice
JURISDICTION	Iowa
DECIDED	July 16, 2003
DOCKET	No. 01-1655
DISPOSITION	reversed
PROCEDURAL POSTURE	Cashen sought further review after the Iowa Court of Appeals affirmed his conviction for possession of marijuana. The Supreme Court of Iowa reviewed the sufficiency of the evidence supporting constructive possession.
STANDARD OF REVIEW	Sufficiency-of-the-evidence challenges are reviewed for correction of errors at law. The court upholds a jury verdict if substantial evidence supports it, viewing the record in the light most favorable to the State and considering legitimate inferences and presumptions.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Ross Ian Rivers Cashen v. State of Iowa

TOPICS

- criminal procedure
- burden of proof
- reasonable doubt
- appellate procedure
- standard of review

PRACTICE AREAS

criminal law

criminal procedure

evidence

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to prove beyond a reasonable doubt that Cashen constructively possessed the marijuana.
2. Whether Cashen's trial counsel was ineffective for failing to move for a new trial on the ground that the verdict was contrary to the weight of the evidence.

HOLDINGS

1. The evidence was insufficient as a matter of law to establish that Cashen had dominion and control over the marijuana. Mere proximity to contraband in a vehicle jointly occupied by several people does not establish constructive possession.
2. The court did not decide the ineffective-assistance claim because reversal of the conviction on sufficiency-of-the-evidence grounds made the claim unnecessary to address.

KEY QUOTATIONS

"A defendant's mere proximity to contraband is insufficient to support a finding of constructive possession."
(666 N.W.2d at 572)

"Our possession statute does not criminalize mere proximity to contraband." (666 N.W.2d at 573)

"Therefore, we vacate the decision of the court of appeals and reverse the district court's judgment of conviction and sentence on the charge." (666 N.W.2d at 573)

FACTUAL BACKGROUND

Cashen was a back-seat passenger in a vehicle occupied by six people when police stopped it for a traffic violation. After the occupants exited, officers found a baggie of marijuana wedged in the rear seat near where Cashen and his girlfriend had been sitting; the marijuana was not found on Cashen or among his personal effects. Cashen initially denied knowledge of the marijuana, later stated that his girlfriend owned it, and she admitted ownership, while the State presented no fingerprint, ownership, or other evidence directly connecting Cashen to control of the marijuana.

PROCEDURAL HISTORY

A jury convicted Cashen of possession of marijuana, and the district court denied his motion for judgment of acquittal. The Iowa Court of Appeals affirmed, concluding that Cashen's proximity to the marijuana, his possession of rolling papers and a lighter, and his statements about ownership sufficiently supported constructive possession. The Supreme Court of Iowa granted further review, vacated the court of appeals decision, and reversed the district court judgment and sentence.

DISPOSITION

reversed

CASES CITED

- State v. Yeo, 659 N.W.2d 544, 547 (Iowa 2003)
- State v. Webb, 648 N.W.2d 72, 76-81 (Iowa 2002)
- State v. Hamilton, 309 N.W.2d 471, 479 (Iowa 1981)
- State v. Maghee, 573 N.W.2d 1, 10 (Iowa 1997)
- State v. Reeves, 209 N.W.2d 18, 21-23 (Iowa 1973)
- State v. Rudd, 454 N.W.2d 570, 572 (Iowa 1990)
- State v. Simpson, 528 N.W.2d 627, 636-37 (Iowa 1995)
- State v. McDowell, 622 N.W.2d 305, 308 (Iowa 2001)
- State v. Atkinson, 620 N.W.2d 1, 3-4 (Iowa 2000)
- Pena v. State, 465 So. 2d 1386, 1388 (Fla. Dist. Ct. App. 1985)
- People v. Huth, 360 N.E.2d 408, 413 (Ill. App. Ct. 1977)
- Plotts v. State, 759 S.W.2d 793, 795 (Ark. 1988)
- Reid v. State, 442 S.E.2d 852, 853 (Ga. Ct. App. 1994)