

SUPREME COURT OF IOWA

State of Iowa v. Carolee Philpott

702 N.W.2d 500 (Iowa 2005) · No. No. 04-0060 · Decided August 19, 2005

SUMMARY

The Supreme Court of Iowa affirmed Carolee Philpott's conviction for mechanical eavesdropping under Iowa Code section 727.8. The court rejected her constitutional, sufficiency-of-the-evidence, jury-instruction, and evidentiary challenges, concluding that substantial evidence supported the conviction based on recordings made by a tape recorder left operating in her workplace.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Iowa
DECIDED	August 19, 2005
DOCKET	No. 04-0060
DISPOSITION	affirmed
PROCEDURAL POSTURE	Philpott appealed her jury-trial conviction for mechanical eavesdropping under Iowa Code section 727.8. The Iowa Court of Appeals affirmed, and the Supreme Court of Iowa reviewed and affirmed the court of appeals' decision and the district court judgment.
STANDARD OF REVIEW	A jury's findings are binding on appeal if supported by substantial evidence. Evidence is substantial when it would convince a rational jury of the defendant's guilt beyond a reasonable doubt. Challenges to jury instructions are reviewed for legal correctness and prejudice, and inadequately specified evidentiary claims may be declined for review.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Iowa
PARTIES	Carolee Philpott v. State of Iowa

TOPICS

- criminal procedure
- due process
- equal protection
- void for vagueness
- evidence

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Iowa Code section 727.8 violates equal protection or due process because it does not define the phrase "right or authority to do so" or expressly incorporate an expectation-of-privacy requirement.
2. Whether section 727.8 is unconstitutionally vague as applied to Philpott.
3. Whether section 727.8 violates due process because it could permit conviction for accidental recording.
4. Whether the evidence was sufficient to support the conviction despite the loss of the tape.
5. Whether the district court erred by giving Uniform Criminal Jury Instruction No. 100.6 concerning direct and circumstantial evidence.
6. Whether the district court erred in admitting evidence challenged generally as irrelevant, lacking foundation, or unfairly prejudicial.

HOLDINGS

1. The equal-protection challenge fails because Philpott identified no similarly situated class treated more favorably under the statute.
2. The court declined to decide whether an expectation of privacy is constitutionally required because the jury was instructed that the recorded matter had to be uttered by persons exhibiting a subjective expectation of privacy that was reasonable by societal standards.
3. The phrase "right or authority to do so" was not vague as applied to Philpott's conduct. Because no fundamental right was involved, she could not bring a facial due-process challenge.
4. The court rejected Philpott's due-process challenge without deciding whether the statute reaches accidental recordings or whether such coverage would be unconstitutional, because the jury was instructed that the State had to prove she intended the recording conduct.
5. The evidence was sufficient to support the conviction even though the tape was lost. Circumstantial evidence supported recording on October 7 and 8, and the district judge's testimony provided direct evidence of recording on October 9; the October 9 event alone could support the single-count conviction.
6. The district court did not err in giving Uniform Criminal Jury Instruction No. 100.6 because the instruction correctly stated the law and did not prejudice Philpott.
7. Philpott's evidentiary arguments were too vague and indefinite to support relief because she did not identify specific questions and objections whose overruling constituted error.

KEY QUOTATIONS

"There was only one count in the information, so the October 9 event, standing alone, was sufficient to convict." (at 504)

"We will decline to consider arguments that do not pinpoint specific questions and objections the overruling of which is alleged to be error." (at 504)

FACTUAL BACKGROUND

Carolee Philpott worked in the Franklin County clerk of court's office and had ongoing disputes with coworkers. After union officials advised her that recording conversations could protect her if she was present and participating in or listening, she brought a tape recorder to work. On October 7, 8, and 9, 2002, coworkers observed the recorder operating while Philpott was absent, and a district judge testified that on October 9 he heard a recorded conversation and a test whistle from the device. The tape was later lost, but the State prosecuted Philpott for mechanical eavesdropping.

PROCEDURAL HISTORY

The State filed a trial information on August 4, 2003, charging Philpott with violating Iowa Code section 727.8. A jury found her guilty, and the district court entered judgment. The court of appeals affirmed; the Supreme Court of Iowa separately considered Philpott's constitutional, sufficiency-of-the-evidence, jury-instruction, and evidentiary challenges and affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Reed, 618 N.W.2d 327, 332 (Iowa 2000)
- State v. Weatherly, 679 N.W.2d 13, 16 (Iowa 2004)
- State v. Speicher, 625 N.W.2d 738, 740 (Iowa 2001)
- Miller v. Griffith, 246 Iowa 476, 480, 66 N.W.2d 505, 507 (1954)