

SUPREME COURT OF IOWA

State of Iowa v. Dean Lester Donaldson

663 N.W.2d 882 (Iowa 2003) · No. No. 02-0366 · Decided June 11, 2003

SUMMARY

The Supreme Court of Iowa considered whether a defendant completed theft by entering a van, dismantling its steering column, and activating electrical systems without starting or moving the vehicle. The court held that Iowa Code section 714.1(1) requires unauthorized possession or control, not operation or movement, and affirmed the defendant's second-degree theft conviction. The court also rejected the ineffective-assistance claim because trial counsel sufficiently preserved the issue for appeal.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Streit, Justice
JURISDICTION	Iowa
DECIDED	June 11, 2003
DOCKET	No. 02-0366
DISPOSITION	affirmed
PROCEDURAL POSTURE	Donaldson appealed his conviction for second-degree theft and the denial of his motion for judgment of acquittal, arguing the evidence was insufficient to prove that he possessed or controlled the van. He also raised an ineffective-assistance claim concerning preservation of the sufficiency issue.
STANDARD OF REVIEW	The sufficiency challenge and denial of the motion for judgment of acquittal were reviewed for correction of errors at law. The ineffective-assistance claim was reviewed de novo.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Dean Lester Donaldson v. State of Iowa

TOPICS

- statutory interpretation
- criminal procedure
- ineffective assistance
- standard of review
- preservation of error

PRACTICE AREAS

criminal law

criminal procedure

statutory interpretation

ineffective assistance of counsel

appellate procedure

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to establish that Donaldson took possession or control of another person's van with intent to deprive the owner, as required for theft under Iowa Code section 714.1(1).
2. Whether movement or operation of the van was required to establish completed theft rather than attempted theft.
3. Whether trial counsel was ineffective for failing to articulate a specific legal test concerning the ability to move or remove the van.

HOLDINGS

1. Trial counsel's repeated arguments that the facts supported, at most, attempted theft were sufficiently specific to preserve the issue for appeal; counsel therefore did not fail in an essential duty or prejudice Donaldson.
2. Under Iowa Code section 714.1(1), theft is completed when the defendant secures dominion over another's property or uses it in a manner beyond his authority; movement, operation, or actual starting of a vehicle is not required.

KEY QUOTATIONS

"possession or control" begins and a theft is completed when the actor secures dominion over the object or uses it in a manner beyond his authority." (663 N.W.2d at 886)

"Because we have abandoned the common law asportation requirement, movement or motion of the car is not essential to finding a defendant had possession or control of the car." (663 N.W.2d at 887)

"Under a plain reading of our theft statute, such conduct surpasses an attempt and accomplishes a completed theft offense." (663 N.W.2d at 888)

FACTUAL BACKGROUND

At approximately 1:30 or 1:50 a.m., Donaldson entered a van owned by Combined Pool & Spa without permission. He forcibly dismantled the steering column, removed the ignition switch, manipulated the wires, and engaged the van's electrical systems, causing the radio to operate, the check-engine light to illuminate, and the brake lights to flash. When a police officer approached, Donaldson exited the driver's side and fled. The engine had not been started and the van had not moved.

PROCEDURAL HISTORY

Donaldson was charged with second-degree theft as a habitual offender after he entered and tampered with a company van. The district court denied his pretrial motion to adjudicate law points, renewed motions, and

motion for judgment of acquittal. After a jury convicted him, the court sentenced him, and he appealed. The Supreme Court of Iowa affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Button, 622 N.W.2d 480, 483 (Iowa 2001)
- State v. Polly, 657 N.W.2d 462, 465 (Iowa 2003)
- State v. Rohm, 609 N.W.2d 504, 509 (Iowa 2000)
- State v. Victor, 368 So. 2d 711, 714 (La. 1979)
- People v. Alamo, 34 N.Y.2d 453, 358 N.Y.S.2d 375, 315 N.E.2d 446 (1974)
- United States v. Fusco, 398 F.2d 32, 35 (7th Cir. 1968)