

In the Iowa Supreme Court

No. 23–1468

Submitted September 9, 2025—Filed November 14, 2025
Amended January 13, 2026

State of Iowa,

Appellee,

vs.

Frederick Lee Hawkins III,

Appellant.

On review from the Iowa Court of Appeals.

Appeal from the Iowa District Court for Story County, Steven P. Van Marel, district associate judge.

Challenge to the sufficiency of the evidence supporting convictions for assault with intent to commit sexual abuse. **Decision of Court of Appeals Affirmed; District Court Judgment Affirmed in Part, Reversed in Part, and Case Remanded.**

McDonald, J., delivered the opinion of the court, in which Christensen, C.J., and Waterman, Oxley, and May, JJ., joined. Mansfield, J., filed an opinion concurring in part and dissenting in part. McDermott, J., filed a dissenting opinion.

Martha J. Lucey, State Appellate Defender, and Vidhya K. Reddy (argued), Assistant Appellate Defender, for appellant.

Brenna Bird, Attorney General, and Zachary Miller (argued), Assistant Attorney General, for appellee.

McDonald, Justice.

In a rapid burst of criminal activity spanning minutes, Frederick Hawkins III brazenly assaulted three women in a church. For this conduct, he was charged with and convicted of three counts of assault with intent to commit sexual abuse. The district court sentenced Hawkins to three consecutive two-year terms of incarceration for a total term of incarceration not to exceed six years. In this appeal, Hawkins concedes there was sufficient evidence to establish he had the specific intent to sexually abuse one of the women, but he challenges the sufficiency of the evidence establishing his intent to sexually abuse the other two.

I.

Food at First is a nonprofit organization that offers free daily meals and perishable food distribution services to people in Ames. The organization serves meals out of the basement of the First Christian Church.

On a Friday evening, seventy-eight-year-old M.B. was at the church. While M.B. frequently volunteered for Food at First, she was at the church that night just to visit with people. After dinner had been served, M.B. left to go to work. Carrying two bags of food and a to-go coffee, M.B. walked to the stairs leading from the basement to the first floor. Upon arriving at the enclosed stairwell, M.B. saw a person, later identified as Hawkins, close behind her. She offered Hawkins to go ahead of her, but he declined. When M.B. entered the stairwell and started up the stairs, Hawkins followed “way close.” When M.B. reached the top stair before the landing, Hawkins falsely, as a pretext to touch M.B., told M.B. she had “chocolate or something on [her] pants.” He began “brushing [her] rear end” with his hand. M.B. said it was “very uncomfortable.” She testified that Hawkins then grabbed her “around the waist extremely tight.” She said, “Don’t. Don’t.

Stop. Stop.” But the more she tried to get away, the more “his hands were clenching [her] around the waist.” Hawkins, while still tightly grasping M.B., started humping her from behind. M.B. testified that she “felt his genitals” against her buttocks and that “he had a hard on.” She screamed, but “the more [she] screamed, the more aggressive [Hawkins] got.” He kept repeating, “Please.” Then he forced his hand into her pants, under her underwear, and down to her pubic hairline. M.B. “was afraid [Hawkins] was going to throw [her] on the floor and rape [her].”

Nicholas Vanderhayden, a young man who had walked to the church with Hawkins that night and on several other occasions, then entered the stairwell from the basement. He heard a woman yelling for help. He went up the stairs and found Hawkins “thrusting against” M.B. According to M.B., Vanderhayden said, “Stop it,” but Hawkins “kept right on going.” M.B. testified Hawkins only “backed off” when C.C., another Food at First volunteer, also came up the stairs and told Hawkins to stop.

C.C.’s recollection of events was slightly different than M.B.’s. As mentioned, C.C. was a volunteer at Food at First. At the time of trial she was sixty-four years old. C.C. testified that when she heard the commotion she went to the stairwell. As she opened the stairwell door from the basement, C.C. saw M.B. descending the stairs. M.B. was “agitated or kind of scared.” M.B. stated someone had attacked her. C.C. told M.B. she would escort M.B. to her car. The two women began to ascend the stairs toward the first-floor exit. As they did so, they passed Hawkins on the staircase. C.C. testified that as they passed by Hawkins “slapped” her on her “butt” with his hand. Vanderhayden testified that Hawkins “grabbed” C.C.’s “butt.” In either case, C.C. told Hawkins to “stop it.”

She and M.B. then ascended the remainder of the stairs, exited the building, and walked to M.B.'s car.

Patricia Yoder, the program director of Food at First, heard the commotion coming from the stairwell. In particular, she heard C.C. yelling. According to Yoder, C.C. never yelled, so Yoder knew it was important. Yoder went up the stairs and saw Hawkins and Vanderhayden at the top of the stairs. She saw M.B. and C.C. outside the main doors of the church "looking quite upset." Yoder went outside to see what had happened. M.B. told her she had just been attacked, and C.C. told her that Hawkins "had slapped her very hard on the behind." Yoder then reentered the church to look for Hawkins.

At around the same time, E.M., another female volunteer who was also in her sixties, reentered the church after taking out the garbage. E.M. rolled the empty garbage can onto an elevator to go from the first floor down to the basement. Hawkins pursued her into the elevator. Yoder saw Hawkins trail E.M. onto the elevator. In her gut, she did not want Hawkins alone with another volunteer, so she headed toward the elevator. As Yoder reached the elevator, she put her arm out to prevent the door from closing. She asked Hawkins to leave. Hawkins told Yoder he had to retrieve his phone from the basement. Yoder then boarded the elevator with Hawkins and E.M. While they were in the elevator, Hawkins ran his hand "from the bottom of [E.M.'s] bottom to the top." E.M. testified that Hawkins's hand went from the top of her legs, up her buttocks, and to the small of her back. While Hawkins was touching E.M.'s buttocks, he said, "Help me. Help me," while holding his "crotch." E.M. found the touching offensive. Yoder started yelling, "Stop that. That's inappropriate. You may not do that." Hawkins then stopped touching E.M. Yoder asked Hawkins to leave the premises.

Hawkins did not leave the premises—instead, he went up the stairs and concealed himself behind a door. Yoder asked an unidentified male volunteer to watch Hawkins while she stepped outside to call the police. Shortly after she called the police, an Ames police officer—Officer Phanchantraurai—arrived at the church. The male volunteer led the officer to Hawkins’s hiding spot. The male volunteer summoned Hawkins out from behind the door, saying, “Come out. Come here.” The officer then told Hawkins to “sit down. Sit down, sir.” Hawkins complied and sat on a nearby bench. The officer told Hawkins he had received a call about Hawkins touching females inappropriately and asked him to explain what happened. Hawkins denied everything. After a second officer arrived at the scene, the officers placed Hawkins under arrest.

Hawkins was charged with three counts of assault with intent to commit sexual abuse for assaulting M.B., C.C., and E.M., in violation of Iowa Code sections 709.1, 709.11(3), and 903B.2 (2022).

Hawkins waived his right to a jury trial, and the case was tried to the district court. At trial, Hawkins did not deny physically assaulting the three women. Instead, he contested whether he had the specific intent to commit sexual abuse at the time of the assaults. First, Hawkins asserted a diminished responsibility defense, claiming that he had a mental health condition that prevented him from forming specific intent. Second, even if he had the capacity to form specific intent, Hawkins contended that there was insufficient evidence to establish he had the intent to commit sexual abuse at the time he assaulted C.C. in the stairwell and E.M. in the elevator.

The district court rejected both of Hawkins’s arguments and found him guilty as charged. The district court announced its findings and verdict from the

bench. After correctly reciting the elements of the offenses, the district court found and concluded as follows:

On Ms. [M.B.], the evidence here is that Mr. Hawkins did follow her up the stairs, he grabbed her buttocks on the way up the stairs. Once they reached the top of the stairs or the landing, he then grabbed her by the waist, pulled her towards him, and rubbed his erect penis against her buttocks, and then put his hand down her pants to her hairline, to her pubic hairline. I think that that was sexual abuse. It was an attempt to commit a sex act.

On Ms. [C.C.], there the evidence is that he grabbed her butt, and the same thing with Ms. [E.M.], is that he grabbed their buttocks. He didn't go to the extent of rubbing himself against the other two women, didn't put his hand down their pants, but I think the evidence here is that that was an act done with the intent to commit a sex act, and it would be sexual abuse.

What it all comes down to in the final analysis here is whether or not when Mr. Hawkins did those acts he had the specific intent to commit sexual abuse, commit a sex act against the will of another person. Obviously we've had a lot of testimony here from psychiatrists and psychologists about whether or not Mr. Hawkins was suffering from a psychotic disorder that would prevent him from forming that specific intent.

First of all, just because he has an -- if he has -- just because somebody has a psychotic disorder, even if Mr. Hawkins has one, doesn't mean you still can't form specific intent. They're not mutually exclusive. Having a psychotic disorder means at times you can't form that specific intent, but it doesn't mean you never can, and here the evidence is pretty thin as to whether or not Mr. Hawkins has a psychotic disorder, especially back in May of 2022, a long time before he was examined by any experts. What I think is telling here is that Mr. Hawkins followed Ms. [M.B.] up the stairs, he first grabbed her on the buttocks, and then he pulled her towards himself and rubbed his erect penis on her buttocks. I think that's pretty clear evidence that he had the specific intent to commit an assault with the intent to commit sex abuse.

And I think on the other two women, if there hadn't been other people around, if he hadn't given up on Ms. [M.B.], that things would have escalated, and he was attempting to assault those two women hoping to commit a sex act against their will, which would be sexual abuse. So, Mr. Hawkins, I do find you guilty of all three counts of assault with intent to commit sexual abuse.

Hawkins timely filed a notice of appeal, and we transferred the case to the court of appeals. The court of appeals affirmed a pretrial ruling denying a motion to suppress Hawkins's statements to the responding officers; affirmed Hawkins's convictions, concluding that substantial evidence supported the findings that Hawkins had the capacity to form specific intent and that Hawkins in fact had the specific intent to commit sexual abuse when he physically assaulted these woman; and remanded the case for resentencing due to a conceded sentencing error.

We granted Hawkins's application for further review. "On further review, we have the discretion to review any issue raised on appeal." *State v. Allen*, 965 N.W.2d 909, 911 (Iowa 2021) (quoting *Burton v. Hilltop Care Ctr.*, 813 N.W.2d 250, 255 (Iowa 2012)). We exercise that discretion in this case to address only Hawkins's claims regarding the sufficiency of the evidence establishing that he in fact had the specific intent to commit sexual abuse when he physically assaulted these women. The court of appeals decision is final as to the pretrial suppression ruling and Hawkins's capacity to form specific intent.

II.

The standard of review in a challenge to the sufficiency of the evidence is well established. We review the district court's verdict in a criminal case for the correction of errors at law. *See Iowa R. App. P. 6.907*. The district court's findings of fact have the effect of a special verdict, *id.*, and those findings are binding on us if supported by substantial evidence, *State v. Mumford*, 14 N.W.3d 346, 356 (Iowa 2024). Substantial evidence means that quantum and quality of evidence that would convince a rational factfinder the defendant is guilty beyond a reasonable doubt. *See State v. Dible*, 538 N.W.2d 267, 270 (Iowa 1995). In determining whether the district court's verdict is supported by substantial

evidence, we view the evidence in the light most favorable to the verdict. *Id.* This includes all inferences and presumptions fairly drawn from and supported by the evidence. *State v. Fordyce*, 940 N.W.2d 419, 425 (Iowa 2020). “Direct and circumstantial evidence are equally probative” in this regard. *Dible*, 538 N.W.2d at 270. In the end, our review of the district court’s verdict is highly deferential: all “[f]indings of the [district] court are to be broadly and liberally construed, rather than narrowly or technically, . . . to uphold, rather than defeat, the judgment.” *Id.* We will affirm the judgment of the district court when, “after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.” *State v. Casady*, 491 N.W.2d 782, 787 (Iowa 1992) (en banc) (quoting *Jackson v. Virginia*, 443 U.S. 307, 319 (1979)).

III.

Hawkins’s challenge in this appeal is limited. He does not challenge the sufficiency of the evidence proving that he physically assaulted M.B., C.C., or E.M. Nor does Hawkins challenge the sufficiency of the evidence supporting his conviction for assault with intent to commit sexual abuse as to M.B., the woman he isolated and humped in the stairwell while forcing his hand down her underwear to her pubic hairline. Instead, he challenges only the sufficiency of the evidence establishing his specific intent to commit sexual abuse against C.C. and E.M. at the time he physically assaulted them.

To convict Hawkins of assault with the intent to commit sexual abuse, in violation of Iowa Code sections 709.1, 709.11(3), and 903B.2, the State was required to prove that Hawkins committed an assault, as defined in Iowa Code section 708.1, with the intent to commit sexual abuse. *See id.* § 709.11. The Code defines “sexual abuse” as any “sex act” done “by force or against the will

of” another. *Id.* § 709.1(1). The Code specifies six forms of sexual contact that constitute a “sex act”:

1. Penetration of the penis into the vagina or anus.
2. Contact between the mouth and genitalia or mouth and anus or by contact between the genitalia of one person and the genitalia or anus of another person.
3. Contact between the finger, hand, or other body part of one person and the genitalia or anus of another person
4. Ejaculation onto the person of another.
5. By use of artificial sexual organs or substitutes therefor in contact with the genitalia or anus.
6. The touching of a person’s own genitals or anus with a finger, hand, or artificial sexual organ or other similar device at the direction of another person.

Id. § 702.17.

It is insufficient to show only that the defendant’s assault “was for some sex-oriented purpose.” *State v. Baldwin*, 291 N.W.2d 337, 340 (Iowa 1980). Instead, the State is required to prove the defendant’s assault was committed with the further intent “to achieve a sex act specifically described in section 702.17.” *Id.* However, this is not an inchoate offense. The State is not required to prove that the defendant engaged in an overt act toward the commission of sexual abuse beyond the act of assault. Nor is the State required to prove the existence of some intervening force or reason that the defendant did not actually commit the act of sexual abuse after committing the assault.

There is no direct evidence establishing Hawkins’s specific intent at the time he physically assaulted C.C. and E.M., but that should come as no surprise. “Specific intent is seldom capable of direct proof.” *State v. Ernst*, 954 N.W.2d 50, 55 (Iowa 2021) (quoting *State v. Walker*, 574 N.W.2d 280, 289 (Iowa 1998)). It is the rare case in which a criminal defendant openly proclaims his further intent

while committing his crime. Thus, in the typical case, specific intent must be proved by the totality of “circumstantial evidence and the reasonable inferences drawn from [the totality of the] evidence.” *Walker*, 574 N.W.2d at 289; *see also Ernst*, 954 N.W.2d at 53 (“We have long recognized that specific intent crimes are seldom proved by direct evidence of the defendant’s intent, leaving the State to rely on inferences to be drawn from the surrounding circumstances”); *State v. Robinson*, 859 N.W.2d 464, 481 (Iowa 2015) (“In the end, the [sufficiency-of-the-evidence] question calls for an exercise of our judgment as to whether, on the totality of the circumstances, the State offered sufficient evidence that a jury could find beyond a reasonable doubt that the” elements of the crime were satisfied.); *State v. Radeke*, 444 N.W.2d 476, 478–79 (Iowa 1989) (stating the defendant “will generally not admit later to having the intention which the crime requires . . . his thoughts must be gathered from his words (if any) and actions in light of surrounding circumstances” (omission in original) (quoting Wayne R. LaFare & Austin W. Scott, Jr., *Handbook on Criminal Law* § 3.5(f), at 226 (2d ed. 1986))).

With respect to circumstantial evidence probative of specific intent to commit sexual abuse, we may consider the “facts surrounding the assault.” *Casady*, 491 N.W.2d at 787 (“One could infer from Casady’s behavior that he harbored a wrongful intent of some kind when he assaulted S.O.”). We have explained that evidence of intent to commit sexual abuse could be shown by an “overt act” towards the accomplishment of that objective. *Radeke*, 444 N.W.2d at 478 (quoting *State v. Maynard*, 379 N.W.2d 382, 383 (Iowa Ct. App. 1985)). However, the commission of an overt act is only one of many facts and circumstances that could be relevant to establishing intent. As noted above, the commission of an overt act is not an element of assault with intent to commit

sexual abuse. A defendant can commit the offense without evidence of any overt act beyond an assault. For example, in this case, if Hawkins had admitted to the officers that at the time he assaulted C.C., he also had the further intent to touch her genitalia or anus with his hand, that would be sufficient to prove the offense.

Of course, Hawkins did not make such an admission in this case, so we must look at all of the other facts and circumstances surrounding this entire criminal episode. Particularly relevant here is the relationship between the three assaults. When a criminal defendant commits similar acts close in time and place, the defendant's intent as to one victim may be probative of the defendant's intent with respect to the other victims. *See State v. Cox*, 781 N.W.2d 757, 771 (Iowa 2010) (stating “[t]here are numerous ways in which prior sexual abuse of one other than the victim may become relevant to motive or intent” in resolving a challenge under Iowa Rule of Evidence 5.404(b)); *State v. Spargo*, 364 N.W.2d 203, 210 (Iowa 1985) (“Inasmuch as [another victim’s] testimony was properly admissible, such evidence of defendant’s pattern of prior acts with young boys that resulted in sex acts when coupled with defendant’s acts toward John including running his hand over John’s chest and groin area and telling him he loved him, cause us to conclude that there is sufficient evidence in the record to support a finding that defendant’s intent on the night of January 8 was to engage in a sex act with John.”).

For example, in the very similar case of *State v. Vickers*, the defendant was convicted of sexually assaulting two women shopping in a store. 326 A.3d 287, 291 (Conn. App. Ct. 2024). As to the first woman, the defendant “pinned her against a shoe rack with one hand while using his other hand to attempt to take her purse. After [the woman] dropped her purse, the defendant lifted her dress, pulled down the shorts she was wearing underneath, and touched her buttocks,

vaginal area, and breast.” *Id.* at 292. After a shopper intervened, the defendant ceased the assault and “briskly walked toward another area of the store.” *Id.* A few moments later, the defendant walked behind a different woman and “reached out and grabbed her buttocks.” *Id.* The court affirmed the convictions with respect to each woman. *Id.* at 291. The court explained that sexual assault was a specific-intent crime and that the circumstances surrounding both assaults “was relevant to establish the defendant’s intent with respect to each sexual assault.” *Id.* at 299. “[E]vidence of the assault of [one victim] further demonstrated that the defendant possessed the necessary intent with respect to [the other victim].” *Id.* at 300. Stated differently, the evidence relating to both assaults, together, “had the tendency to make it more probable that the defendant committed the crimes against each victim.” *Id.*

In *State v. Diaz*, the defendant waited outside the same bar on consecutive weekends. 349 P.3d 1220, 1124 (Idaho Ct. App. 2015). On the first weekend, he followed an intoxicated woman walking home from the bar. *Id.* After following the woman for a period of time, the defendant “chased the victim, tackled her to the ground, straddled her, and pinned down her arms. [He] began manipulating his waistband area and the victim screamed for help, drawing the attention of at least one resident in the area.” *Id.* The defendant then punched the victim and fled. *Id.* On the second weekend, the defendant again followed an intoxicated woman leaving the bar. *Id.* The woman began to run, and the defendant chased her, “grabbing her just as she reached her sister’s house. She shoved him, breaking free from his grip, and ran to the door. She rang the doorbell and [the defendant] fled.” *Id.* The defendant was charged with and convicted of battery with intent to commit rape and assault with intent to commit rape. *Id.* The court concluded that the circumstances surrounding “the battery count [were] ‘very

important' to establishing the necessary element of specific intent in the assault case." *Id.* at 1227. The defendant's "conduct during the battery—poking the victim's genitals, tackling her, straddling her, and manipulating his waistband area—is potent evidence of his specific intent to commit the serious felony of rape not only during that incident, but also during the assault." *Id.* The court reasoned that "the two crimes were very similar. Not only were the crimes committed just days apart and in the same location, but the similarity in their manner of commission was striking." *Id.*

In light of the foregoing, we conclude there was substantial evidence for the district court to conclude that Hawkins had the specific intent to commit sexual abuse when he assaulted M.B. and E.M. Hawkins isolated M.B. in a stairwell, grabbed her, humped her, rubbed his erection against her buttocks, touched her genitalia with his fingers under her underwear, and stopped only when C.C. intervened. *See Baldwin*, 291 N.W.2d at 340 (defining genitalia as the reproductive organs); *State v. Martens*, 569 N.W.2d 482, 486 (Iowa 1997) ("[P]ubic hair is included in the term 'genitalia' and is a part of the 'genitalia area' "). With respect to E.M., Hawkins rubbed his hand from the top of her legs, up her buttocks, to the small of her back. He uttered, "Help me. Help me," while touching his crotch, which a reasonable finder of fact could infer was a request to help Hawkins satisfy his further sexual urges.

Sandwiched only a few moments before and after these two assaults was Hawkins's physical assault of C.C. Given that the evidence of Hawkins's three assaults considered together was relevant to Hawkins's intent as to each assault, we conclude the totality of the evidence supported an inference that Hawkins acted under the same impulse and with the same specific intent when he assaulted C.C. as when he assaulted M.B. moments before and E.M. only a few

minutes later. See *Cox*, 781 N.W.2d at 771; *Vickers*, 326 A.3d at 300; *Diaz*, 349 P.3d at 1227; *People v. Demetrulias*, 137 P.3d 229, 240–41 (Cal. 2006) (holding that a jury could rationally infer a defendant “harbored the same criminal intent” with respect to two separate victims where the assaults occurred on the same night). The three assaults constituted a single criminal episode. They occurred in rapid succession over only a few minutes. Each was perpetrated in an enclosed, relatively isolated area of the same church building. Each was committed against the same type of victim. And Hawkins implausibly denied committing any of the offenses when interviewed by the officers at the church. See *State v. Cox*, 500 N.W.2d 23, 25 (Iowa 1993) (noting the implausibility of the defendant’s story along with false statements to officers supports an inference of guilt). Hawkins’s specific intent as to each was probative of his specific intent as to all.

The dissent argues that there is insufficient evidence to sustain the convictions because the State failed to prove that Hawkins committed an overt act intended to complete the act of sexual abuse that was thwarted by an external interruption. Hawkins does not advance this argument, most likely because it is a misstatement of the controlling law. The dissent misapprehends the elements of the offense. Assault with intent to commit sexual abuse is not an inchoate offense. The plain text of Iowa Code section 709.11 requires only two elements: (1) an assault, and (2) the specific intent to commit sexual abuse at the time of the assault. The Code does not require proof that the defendant took a substantial step toward committing sexual abuse or proof that the defendant was interrupted before committing sexual abuse. Our caselaw discussing a defendant’s overt act toward committing sexual abuse describes only one powerful form of circumstantial evidence from which specific intent can be

inferred. Our caselaw does not preclude the use of other evidence to establish specific intent. The ultimate question is simply whether the totality of the circumstantial evidence is sufficient for a rational factfinder to find specific intent beyond a reasonable doubt. There is sufficient evidence in this case.

While it is true that a reasonable finder of fact may have reached a different conclusion with respect to the assaults against C.C. and E.M., that is not material to the question before us. It is well-established that “[e]vidence is not insubstantial merely because we may draw different conclusions from it; the ultimate question is whether it supports the finding actually made, not whether the evidence would support a different finding.” *State v. Lacey*, 968 N.W.2d 792, 800–01 (Iowa 2021) (quoting *Brokaw v. Winfield–Mt. Union Cmty. Sch. Dist.*, 788 N.W.2d 386, 393 (Iowa 2010)).

IV.

For these reasons, we affirm the defendant’s convictions for assault with intent to commit sexual abuse. The defendant contends the district court abused its discretion in failing to provide its reasons for imposing the sentences consecutive to each other. The State concedes the error. We thus vacate the defendant’s sentence. Because this sentencing error involves a carceral sentence, we remand this matter for a plenary sentencing hearing. *See State v. Duffield*, 16 N.W.3d 298, 304 (Iowa 2025).

Decision of Court of Appeals Affirmed; District Court Judgment Affirmed in Part, Reversed in Part, and Case Remanded.

Christensen, C.J., and Waterman, Oxley, and May, JJ., join this opinion. Mansfield, J., files an opinion concurring in part and dissenting in part. McDermott, J., files a dissenting opinion.