

IN THE COURT OF APPEALS OF IOWA

No. 16-1221
Filed July 6, 2017

STATE OF IOWA,
Plaintiff-Appellee,

vs.

EDWARD N. SHORTER,
Defendant-Appellant.

Appeal from the Iowa District Court for Jasper County, Steven J. Holwerda, District Associate Judge.

A defendant appeals his conviction for escape from custody claiming insufficient evidence to support his conviction. **AFFIRMED.**

Jesse A. Macro Jr. of Macro & Kozlowski, L.L.P., West Des Moines, for appellant.

Thomas J. Miller, Attorney General, and Darrel Mullins, Assistant Attorney General, for appellee.

Considered by Vogel, P.J., and Doyle and McDonald, JJ.

VOGEL, Presiding Judge.

Edward Shorter appeals from his conviction following a bench trial for the crime of escape from custody, in violation of Iowa Code section 719.4(1) (2016). He claims there was insufficient evidence to support his conviction.

A challenge to the sufficiency of the evidence supporting a conviction is reviewed for the correction of errors at law. *State v. Huser*, 894 N.W.2d 472, 490 (Iowa 2017).

We consider the evidence in the record “in the light most favorable to the State, including all reasonable inferences that may be fairly drawn from the evidence.” We will, however, consider all evidence in the record, including evidence that does not support the verdict. Evidence raising only “suspicion, speculation, or conjecture is not substantial.”

Id. (citations omitted).

Iowa Code section 719.4(1) provides:

A person convicted of a felony, or charged with or arrested for the commission of a felony, who intentionally escapes, or attempts to escape, from a detention facility, community-based correctional facility, or institution to which the person has been committed by reason of the conviction, charge, or arrest, or from the custody of any public officer, public employee, or any other person to whom the person has been entrusted, commits a class “D” felony.

Shorter admits he was committed by the director of the Iowa Department of Corrections to the Newton Correctional Release Center. Shorter notes the Correctional Release Center is a minimum security facility without locked doors or fences and the inmates are permitted to go outside of the building to the exercise yard. On appeal, he claims this facility cannot be classified as “a detention facility, community-based correctional facility, or institution” because of the lack of physical barriers preventing inmates from leaving.

In rejecting this argument, the district court stated:

The defendant was committed to the Correctional Release Center based on his felony conviction. The Release Center is unquestionably part of an “institution” or “correctional facility,” as defined by Iowa Code [section] 904.206. Although the Correctional Release Center does not have the “constraints” of the Newton Correctional Facility, the defendant was committed to its custody or confined to its location. The defendant was still committed to the facility even if he was not physically constrained or restrained because he was still subject to its rules and regulations. The defendant intentionally departed the facility without authority and without any temporary release or limited liberty for work release, furlough program, or trustee status.

Iowa Code section 904.102 provides the Iowa Department of Corrections is “responsible for the control, treatment, and rehabilitation of offenders committed under law to the following *institutions*: . . . 8. Newton correctional facility.” (Emphasis added.) Section 904.206 provides: “The correctional facility at Newton shall be utilized as a correctional facility. The facility may include minimum security facilities and violator facilities pursuant to section 904.207.”

The Correctional Release Center is the minimum security portion of the Newton Correctional Facility, which is an institution with the department of corrections. The physical barriers surrounding a facility have no impact on the classification of the facility. When Shorter left the facility without permission, he committed the crime of escape from custody. We affirm Shorter’s conviction.

AFFIRMED.