

IN THE COURT OF APPEALS OF IOWA

No. 2-888 / 11-1172
Filed December 12, 2012

**IN RE THE DETENTION OF
JEFFREY ANDERSON,**

JEFFREY ANDERSON,
Respondent-Appellant.

Appeal from the Iowa District Court for Polk County, Donna Paulsen,
Judge.

Respondent appeals a jury's verdict finding he was a sexually violent
predator. **AFFIRMED.**

Michael D. Adams, Local Public Defender, and Amy Kepes, Assistant
Public Defender, Special Defense Unit, Des Moines, for appellant.

Thomas J. Miller, Attorney General, and John McCormally, Assistant
Attorney General, for appellee.

Considered by Eisenhauer, C.J., and Vaitheswaran, J., and Sackett, S.J.*

*Senior judge assigned by order pursuant to Iowa Code section 602.9206 (2011).

SACKETT, S.J.

Jeffrey Anderson appeals the jury's verdict finding he was a sexually violent predator, pursuant to Iowa Code chapter 229A (2011). He claims there is insufficient evidence in the record to show he was more likely than not to engage in acts of a sexually violent nature in the future. We affirm the jury's verdict.

Anderson has a long history of sexually violent offenses.¹ On March 24, 2011, the State filed a petition alleging Anderson was a sexually violent predator as defined in chapter 229A. He was then in prison for a 1995 conviction.

Dr. Harry Hoberman, a psychologist, testified at the detention hearing. Dr. Hoberman examined Anderson and determined he had two mental abnormalities, antisocial personality disorder and paraphilia. Actuarial tests, the Static-99, the Minnesota Sex Offender Screening Tool, and the Sex Offense Risk Appraisal Guide, all showed Anderson was in the high risk category to reoffend. After engaging in a clinical evaluation, Dr. Hoberman came to the conclusion that Anderson "has characteristics of a person who is more likely than not to commit another sex offense in his remaining lifetime."

In his defense, Anderson presented the testimony of Dr. Richard Wollert. Dr. Wollert testified Anderson did not suffer from any mental abnormalities, and was not more likely to reoffend than not reoffend. The jury returned a verdict finding Anderson was a sexually violent predator.

¹ In 1982 Anderson was convicted of assault with intent to commit sexual abuse. In 1984 he was convicted of third-degree sexual abuse and sentenced to five years in prison for forcibly having sex with a disabled woman and beating her. In 1994 he was charged with sexual assault for choking a lover, but was ultimately convicted of assault. Also, in 1995 Anderson was convicted of first-degree burglary and third-degree sexual abuse when he forced his way into a woman's home and raped her.

Anderson now appeals, claiming there is insufficient evidence to support the jury's verdict. Our review is for the correction of errors at law. *In re Detention of Altman*, 723 N.W.2d 181, 184 (Iowa 2006). We affirm when the jury's verdict is supported by substantial evidence. *Id.* "Evidence is substantial when a reasonable mind would accept it as adequate to reach a conclusion." *Id.* We view the evidence in the light most favorable to the State. *Id.*

Anderson contends there is insufficient evidence in the record to show that he was more likely than not to engage in acts of a sexually violent nature. He states that he has not engaged in any sexually violent crimes during the entire seventeen years he has been in prison for his most recent offense. He claims this shows that he does not continue to be dangerous.

We conclude there is sufficient evidence in the record to support the jury's verdict. Dr. Hoberman testified extensively concerning Anderson's test scores that showed he had a high risk to reoffend. Furthermore, Dr. Hoberman testified about other risk factors and his clinical evaluation of Anderson. *See In re Detention of Holtz*, 653 N.W.2d 613, 619 (Iowa Ct. App. 2002) (noting actuarial risk assessment instruments should be used in conjunction with a full clinical evaluation). The weight to be given to the evidence was for the fact finder to determine. *See In re Detention of Pierce*, 748 N.W.2d 509, 514 (Iowa 2008).

We affirm the decision in the district court finding Anderson was a sexually violent predator within the meaning of chapter 229A.

AFFIRMED.