

IN THE COURT OF APPEALS OF IOWA

No. 7-470 / 06-0976
Filed February 13, 2008

**IN RE THE DETENTION OF
JAMES J. STURTZ,**

JAMES J. STURTZ,
Respondent-Appellant.

Appeal from the Iowa District Court for Linn County, Marsha M. Beckelman, Judge.

Respondent appeals his commitment as a sexually violent predator.

AFFIRMED.

Mark Smith, State Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Linda J. Hines and Denise Timmins,
Assistant Attorneys General, for appellee-State.

Considered en banc.

PER CURIAM

The State filed a petition alleging James Sturtz a was sexually violent predator and requested a jury trial pursuant to Iowa Code section 229A.7(4) (2005). Sturtz objected to the State's request for a jury trial, claiming section 229A.7(4) was unconstitutional on due process and equal protection grounds. The district court denied his request to strike the State's jury demand. A jury returned a verdict finding Sturtz was a sexually violent predator under chapter 229A. On appeal, Sturtz claims the district court erred in denying his motion to strike the State's jury demand. We affirm the decision of the district court based on a recent decision of the supreme court upholding section 229A.7(4) against due process and equal protection challenges. See *In re Detention of Hennings*, ___ N.W.2d ___, ___ (Iowa 2008).

AFFIRMED.