

**IN THE COURT OF APPEALS OF IOWA**

No. 7-818 / 06-0932  
Filed December 28, 2007

**IN RE THE DETENTION OF  
RAYMOND NEAL REINLASODER,**

**RAYMOND NEAL REINLASODER,**  
Respondent-Appellant.

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Appeal from the Iowa District Court for Fayette County, Alan L. Pearson,  
Judge.

Respondent appeals from a jury determination that he was a sexually  
violent predator. **AFFIRMED.**

Mark C. Smith, State Appellate Defender, and Matthew S. Sheeley,  
Assistant State Public Defender, for appellant.

Thomas J. Miller, Attorney General, Robert Glaser and Linda Hines,  
Assistant Attorneys General, for appellee State.

Considered by Vogel, P.J., and Mahan, J., and Robinson, S.J.\*

\*Senior judge assigned by order pursuant to Iowa Code section 602.9206 (2007).

**ROBINSON, S.J.****I. Background Facts & Proceedings**

Raymond Reinlasoder was convicted of contributing to the sexual delinquency of a minor in 1982 when he performed oral sex on his fourteen-year-old step-daughter. In 1996, he was convicted of aggravated criminal sexual assault for performing oral sex on two girls, ages nine and ten. In 2004, he was convicted of indecent contact with a child, after he placed his hand over the crotch of an eleven-year-old girl. Reinlasoder was fifty-six years old at the time of the most recent incident.

Dr. Raymond Quackenbush, a psychologist, assessed whether Reinlasoder met the criteria for commitment as a sexually violent predator under Iowa Code chapter 229A (2005). Dr. Quackenbush diagnosed Reinlasoder with pedophilia, paraphilia (not otherwise specified), and a personality disorder. Dr. Quackenbush applied the Rapid Risk Assessment of Sex Offender Recidivism (RRASOR), the Static-99, and the Minnesota Sex Offender Screening Tool, Revised (MnSOST-R). He also performed a clinical interview. Dr. Quackenbush gave the opinion Reinlasoder was likely to commit future acts of a sexually violent nature.

The State filed a petition seeking to have Reinlasoder committed as a sexually violent predator. During the trial, Dr. Quackenbush testified:

In my opinion based on the actuarial risk assessments, based also on my clinical interview and his history, I think that he is very likely to commit future acts of sexual violence. He has in the past, over a 22-year period, sexually molested children. He most recently offended three years ago so it's not – it's not behavior that is far in his past, and he has been incarcerated during that period,

say, as he had access to children. He has had some sex offender treatment and this did not stop him from continuing his behavior. He continued with it after he had the treatment. In my opinion, he is very likely to continue this behavior.

The defense presented the testimony of Dr. Richard Wollert, who testified Reinlasoder was not likely to reoffend during the next five years. A jury found Reinlasoder was a sexually violent predator. He now appeals.

## **II. Standard of Review**

We review challenges to the sufficiency of the evidence for the correction of errors of law. *In re Detention of Betsworth*, 711 N.W.2d 280, 286 (Iowa 2006). We are bound by the findings in the district court if the findings are supported by substantial evidence upon which a rational trier of fact could find the respondent is a sexually violent predator beyond a reasonable doubt. *In re Detention of Swanson*, 668 N.W.2d 570, 574 (Iowa 2003).

## **III. Sufficiency of the Evidence**

**A.** Section 229A.2(11) defines a “sexually violent predator” as a person “who has been convicted of or charged with a sexually violent offense and who suffers from a mental abnormality which makes the person likely to engage in predatory acts constituting sexually violent offenses, if not confined in a secure facility.” The phrase “likely to engage in predatory acts of sexual violence” means a person “more likely than not will engage in acts of a sexually violent nature.” Iowa Code § 229A.2(4).

Reinlasoder contends there is not sufficient evidence in the record to show he is more likely than not to reoffend. Dr. Quackenbush testified he used guided clinical judgment, which was a clinical interview plus consideration of actuarial

instruments, to reach the conclusion Reinlasoder was very likely to reoffend. On cross-examination, Dr. Quackenbush testified:

Q. And when I asked you how reliable guided clinical judgment was you testified that you would assume that guided clinical judgment was better than chance. Do you recall giving that testimony? A. Well, yes. Unaided clinical judgment has been shown to be slightly better than chance, and adding actuarials to that has been shown to be even better.

Reinlasoder asserts Dr. Quackenbush's opinion is not entitled to any weight because his method of assessment was only "slightly better than chance."

Contrary to Reinlasoder's assertion, Dr. Quackenbush did not state his method was only "slightly better than chance." He stated unaided clinical judgment alone was slightly better than chance, and by adding actuarial instruments, his assessment was even better. Dr. Quackenbush also stated that his method was the best method available. We determine Dr. Quackenbush's opinion provides substantial evidence to show Reinlasoder was more likely than not to reoffend.

**B.** Reinlasoder also contends the State did not present sufficient evidence to show he was likely to engage in sexually violent predatory acts at the time of commitment. Reinlasoder relies on this statement:

The language of chapter 229A clearly indicates by its use of the present tense that an individual must be both dangerous and possess a mental abnormality that makes the individual likely to engage in sexually violent predatory acts at the time of commitment.

*In re Detention of Selby*, 710 N.W.2d 249, 253 (Iowa Ct. App. 2005). He asserts the State was required to show he was likely to reoffend at the time of commitment.

In *Selby*, the respondent complained that his lifetime risk to reoffend should not be presented at trial, and the court of appeals specifically stated it would not address that issue. *Selby*, 710 N.W.2d at 253-54. We conclude *Selby* does not support Reinlasoder's claim the State is required to present evidence he was likely to reoffend at the time of commitment.

The Iowa Supreme Court has stated that section 229A.2(4) does not include a time frame as to when future acts of a sexually violent nature should be expected to occur. *In re Detention of Ewoldt*, 634 N.W.2d 622, 624 (Iowa 2001). The court stated, "we are convinced that the legislature did not intend to impose a burden upon the State to prove that alleged sexual predators are expected to reoffend within a specific time period, particularly a relatively short, one-year time period." *Id.* We conclude the State was not required to show Reinlasoder was more likely than not to engage in acts of a sexually violent nature at the time of commitment. The State sufficiently showed Reinlasoder was likely to engage in such acts in the future.

We affirm the determination Reinlasoder was a sexually violent predator.

**AFFIRMED.**