FILED
FEB 2 2 1990
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

No. 0-30 / 89-446

STATE OF IOWA,

Plaintiff-Appellee,

vs.

JOSEPH PAUL SOBOLIK,

Defendant-Appellant.

407

Appeal from the Iowa District Court for Scott County, John A. Nahra, Judge.

Defendant appeals his convictions, following a jury trial, for first-degree kidnapping and first-degree robbery. **AFFIRMED.**

Gary D. McKenrick of Gomez, May, McKenrick & Kelly, Davenport, for the appellant.

Thomas J. Miller, Attorney General, Sheryl A. Soich, Assistant Attorney General, William Davis, County Attorney, and James L. Ottesen, Assistant County Attorney, for the appellee.

Heard by Donielson, P.J., and Sackett and Habhab, JJ.

PER CURIAM

Defendant-appellant Joseph Paul Sobolik was convicted of kidnapping in the first degree, two counts of sexual abuse in the second degree, and robbery in the first degree. He was sentenced on the first-degree kidnapping and first-degree robbery charges. The only question on appeal is whether there was substantial evidence to support submission of the first-degree kidnapping charge to the jury. Defendant contends the evidence did not support that charge. He argues there was no evidence of confinement or removal of the victim in excess of the confinement or removal inherent in the sexual abuse and robbery.

Confinement or removal that is an inherent incident of commission of sexual abuse is not sufficient to constitute kidnapping under Iowa Code section 710.1. State v. Rich, 305 N.W.2d 739, 745 (Iowa 1981). Confinement or removal sufficient to engender a kidnapping charge may substantially increase the risk of harm to the victim, significantly lessen the risk of the defendant's detection, or significantly facilitate the defendant's escape following the commission of the offense. Id.

We find the defendant's actions here were not necessary to the commission of the sexual abuse offense and were not a normal incident of such an offense. See Rich, 305 N.W.2d at 745-46. His actions both increased the risk of harm to the victim and facilitated defendant's escape.

We find there was substantial evidence to support the kidnapping charge and that a jury question was engendered. The decision of the trial court is affirmed.

AFFIRMED.