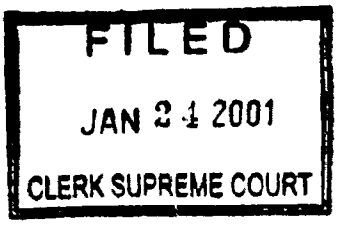
IN THE COURT OF APPEALS OF IOWA

No. 0-740 / 00-261
Filed January 24, 2001



STATE OF IOWA,
Plaintiff-Appellee,

vs.

SHIRLEY ANN HENLEY,
Defendant-Appellant.

Appeal from the Iowa District Court for Black Hawk County, James D. Coil, Judge.

On appeal from her conviction for interference with official acts, defendant maintains the court erred in finding sufficient evidence supported the conviction. **REVERSED.**

Linda Del Gallo, State Appellate Defender, and David Arthur Adams, Assistant State Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Denise A. Timmins, Assistant Attorney General, Thomas J. Ferguson, County Attorney, and Danielle Davis, Assistant County Attorney, for appellee.

Considered by Huitink, P.J., and Mahan and Vaitheswaran, JJ.

PER CURIAM

Shirley Ann Henley appeals her conviction for interference with official acts, in violation of Iowa Code section 719.1 (1997). She claims there is insufficient evidence in the record to support her conviction. We reverse Henley's conviction.

On June 28, 1999, officer Rob Camarata of the Waterloo Police Department was patrolling an area known for prostitution. He noticed a woman standing in the area and asked her name. She replied, "Linda Williams." Officer Camarata asked the woman to move along. He then drove away.

A short time later, officer Camarata saw the woman driving very slowly in the portion of the road where vehicles usually parked. He ran a license plate check on the vehicle and found it was registered to Shirley Henley. This check also revealed Henley's date of birth, social security number, and address. A computer check using Henley's social security number showed she had no driver's license. A description of Henley matched the woman driving the car.

Officer Camarata stopped the car and asked the driver her name. She said her name was Linda Williams. Officer Camarata asked the woman for her social security number. She then admitted her name was Shirley Henley. Henley was arrested and charged with interference with official acts for giving a false name to a police officer.[1]

The case was tried to the court based on a stipulated record, which included the minutes of testimony. The court found Henley guilty of interference

[1] Henley was not charged with giving a false report to a public safety entity under section 718.6.

with official acts. She was sentenced to thirty days in jail and ordered to pay a fine. The jail sentence was suspended and she was placed on probation. Henley appealed, claiming there was insufficient evidence in the record to support her conviction.

We review challenges to the sufficiency of the evidence for errors at law. *State v. Rohm,* 609 N.W.2d 504, 509 (Iowa 2000). We will uphold a finding of guilt if substantial evidence supports the verdict. *Id.* Substantial evidence is evidence upon which a rational finder of fact could find a defendant guilty beyond a reasonable doubt. *Id.* We view the evidence in the light most favorable to the State, but consider all of the evidence, not just the evidence which supports the verdict. *State v. Jacobs,* 607 N.W.2d 679, 682 (Iowa 2000).

As noted above, Henley claims there is insufficient evidence in the record to support her conviction for interference with official acts. She asserts her actions did not actually hinder officer Camarata from performing any official duties. The State contends Henley's act of providing false information to officer Camarata during their first encounter constituted obstruction of the official act of running a check on her car and immediately identifying the driver. The State agrees the second act of providing a false name, standing alone, does not constitute interference with official acts, because the deception was immediately rectified.

Section 719.1(1) provides:

> A person who knowingly resists or obstructs anyone known by the person to be a peace officer, . . . in the performance of any act which is within the scope of the lawful duty or authority of that officer, . . . or who knowingly resists or obstructs the service or execution by any authorized person of any civil or criminal process or order of any court, commits a serious misdemeanor.

Our supreme court has noted the language of section 719.1 was chosen because it conveys the idea of active interference. *State v. Smithson,* 594 N.W.2d 1, 2 (Iowa 1999) (citing John L. Yeager & Ronald L. Carlson, *Criminal Law and Procedure* § 422 (Supp. 1998)). Passive conduct, such as failure to cooperate, is the subject of another code section, section 719.2. *Id.*

"Resist" has been interpreted to mean the "person charged engaged in actual opposition to the officer through the use of actual or constructive force making it reasonably necessary for the officer to use force to carry out his duty." *State v. Donner,* 243 N.W.2d 850, 854 (Iowa 1976). The term "obstruct" is more broad, and includes conduct which constitutes a hindrance of official duties. *State v. Hauan,* 361 N.W.2d 336, 339 (Iowa App. 1984). The terms "resist" and "obstruct" do not include verbal harassment, unless the verbal harassment is accompanied by the ability and apparent intention to execute the threat physically. *See* § 719.1(3).

The purpose of criminalizing conduct that interferes with official police action is to enable officers to execute their peace-keeping duties calmly, efficiently, and without hindrance. *State v. Buchanan,* 549 N.W.2d 291, 294 (Iowa 1996). Our primary question is "whether the officer's acts were hindered." *Id.*

After reviewing all of the evidence in the record, we find there is insufficient evidence to show Henley's actions hindered officer Camarata from performing his official duties. Office Camarata used the license plate number of defendant's car to check the registration. This checked provided Henley's social security number, which officer Camarata used to check the status of Henley's

driver's license. The false name given by Henley did not hinder officer Camarata from checking the car's registration or the status of Henley's driver's license. The evidence does not show the officer used the false name given by Henley in any of his official duties.

In the present case, Henley did not physically resist the officer, or even engage in verbal harassment. The facts in this case are similar to those in *Hauan,* where a patron of a private bar who was present during the execution of a search warrant refused to give police officers his name. Hauan himself was not under suspicion, except for his inopportune presence at the lounge. We held his conduct did not interfere with the duties of police officers and reversed his conviction for interference with official acts. *Hauan,* 361 N.W.2d at 340-41. We also note that in a recent case, our supreme court determined a person's failure to turn down music at an officer's request did not constitute interference with official acts because there was no active interference with the officer's duties. *Smithson,* 594 N.W.2d at 3.

Under the particular facts of this case, we find there is insufficient evidence in the record to show Henley actively interfered with official police duties. For this reason, we reverse Henley's conviction for interference with official acts. The case is remanded for the entry of a judgment of acquittal.

REVERSED.