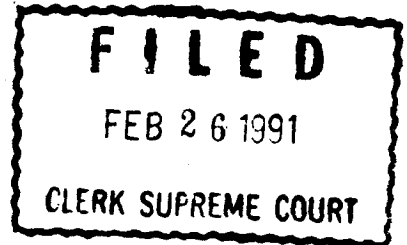


IN THE COURT OF APPEALS OF IOWA

No. 0-699 / 90-43



STATE OF IOWA,

Appellee,

vs.

TRACY D. MILES,

Appellant.

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Appeal from the Iowa District Court for Wapello County,
Robert Bates and Dan F. Morrison, Judges.

The defendant appeals her conviction, following a jury
trial, for robbery in the first degree. **AFFIRMED.**

Linda Del Gallo, Acting State Appellate Defender, and
Brian K. Sissel, Assistant State Appellate Defender, for
appellant.

Bonnie J. Campbell, Attorney General; Sheryl Soich,
Assistant Attorney General; William H. Appel, County
Attorney; and Ron Kelly, Assistant County Attorney, for
Appellee.

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

DONIELSON, P.J.

Tracy Miles and her husband, Ronnie, were accused of robbing a gas station. Ronnie assaulted and injured the station attendant, took money from the cash register, and handed it to Tracy. Tracy did not personally touch or injure the station attendant.

Tracy was charged with robbery in the first degree, on a theory that she had aided and abetted Ronnie. Tracy presented a defense of compulsion, alleging Ronnie had threatened to harm her unless she participated in the robbery.

A jury found Tracy guilty of robbery in the first degree. She appeals the resulting conviction.

Tracy contends the district court gave an erroneous instruction on the defense of compulsion. She complains because the instruction included the following language: "This defense does not apply if a person intentionally or recklessly causes physical injury to another." Tracy acknowledges the quoted language is based on Iowa Code section 704.10;¹ however, she contends the jury instruction given improperly allowed the jury to disregard the compulsion defense if the principal to the crime caused

1. No act, other than an act by which one intentionally or recklessly causes physical injury to another, is a public offense if the person so acting is compelled to do so by another's threat or menace of serious injury, provided that the person reasonably believes that such an injury is imminent and can be averted only by the person doing such an act. (Emphasis added.)

the injury to the victim. Tracy argues section 704.10 only disallows the compulsion defense where the coerced actor (i.e., the aider and abettor) "intentionally or recklessly causes physical injury to another."

In State v. LeCompte, 327 N.W.2d 221 (Iowa 1982), our supreme court rejected the identical argument. The LeCompte court noted that an aider and abettor's use of the compulsion defense is subject to the same limitations as is a principal's, pursuant to Iowa Code section 703.1.² Id. at 224. Consequently, if the principal intentionally or recklessly caused physical injury during the commission of an offense, one found guilty of the offense on the theory of aiding or abetting, can not benefit from the compulsion defense. Tracy does not argue LeCompte is not controlling. Instead, she argues LeCompte was wrongly decided. This court is bound by LeCompte, however, and we therefore affirm defendant's conviction.

AFFIRMED.

2. Section 703.1 provides in part "All persons concerned in the commission of a public offense, whether they directly commit the act constituting the offense or aid and abet its commission, shall be charged, tried and punished as principals."