



Iowa General Assembly

2006 Legal Updates

Legislative Services Agency – Legal Services Division

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Purpose. *Legal update briefings are prepared by the nonpartisan Legal Services Division of the Legislative Services Agency. A legal update briefing is intended to inform legislators, legislative staff, and other persons interested in legislative matters of recent court decisions, Attorney General Opinions, regulatory actions, federal actions, and other occurrences of a legal nature that may be pertinent to the General Assembly's consideration of a topic. Although a briefing may identify issues for consideration by the General Assembly, a briefing should not be interpreted as advocating any particular course of action.*

FELONY-MURDER RULE - UPDATE

Felony-Murder Rule—Update

Filed by the Iowa Supreme Court
September 25, 2006

State of Iowa vs. Rodney Heemstra
No. 18/04-0058

<http://www.judicial.state.ia.us/wfdata/frame3605-1022/File5.pdf>

Issue—Felony-Murder. Does a forcible felony need to be committed independent of the murder for the felony-murder rule to apply?

Analysis—Felony-Murder. The Supreme Court held that a forcible felony must be committed independent of the murder in order for the felony-murder rule to apply. The Court reasoned the commission of any forcible felony that immediately proceeds a murder could "bootstrap" any charge into a murder in the first degree and all the distinctions between murder in the first degree and murder in the second degree would disappear. The Court concluded a person pointing a gun at a person (willful injury) and then immediately murdering that person is all one action and the acts merge into just one crime. The Court essentially stated that if the forcible felony merges into the same actions as the murder (i.e., pointing the gun and then shooting the gun), then the prosecution must prove a forcible felony independent of the murder for the felony-murder rule to apply (i.e., robbing a store then shooting a clerk while leaving the store).

Opinion Amended by Order of Court. After the original opinion in this case was filed by the Supreme Court on August 25, 2006, a petition for rehearing was filed. The court amended the original opinion. The Supreme Court held that the rule of law announced in this case is applicable only to the Heemstra case and any other case not resolved on direct appeal in which the issue has been raised in district court. Rehearing was denied.

LSA Contact: Joe McEniry, Legal Services, (515) 281-3189