

IN THE IOWA DISTRICT COURT IN AND FOR POLK COUNTY

STATE OF IOWA, Plaintiff,	CRIMINAL NO. SRCR376781
v.	
MICHEAL CASSIDY Defendant.	RESISTANCE TO DEFENDANT'S MOTION TO DISMISS

COMES NOW, the State of Iowa, by Riley K. Noble, Assistant Polk County Attorney, and in resistance to the Defendant's Motion to Dismiss states to the Court as follows:

FACTS

Facts are as outlined in the Minutes of Testimony.

ARGUMENT

I. The Satanic Temple of Iowa qualifies as a person under 729A.2 and the definition of person in Iowa Code § 4.1

Under Iowa Code § 4.1, titled Construction of Statutes, a "person" is defined as an "individual, corporation, limited liability company, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity."¹ This definition applies to statutes where the term is not defined "*unless* such construction would be inconsistent with the manifest intent of the general assembly, or repugnant to the context of the statute."²

¹ Iowa Code § 4.1 (2024).

² *Id.* (emphasis added).

A. A religious organization should be treated similarly to a corporation, LLC, or other legal entity under this definition

Courts in Iowa have held that a range of organizations, including religious buildings, companies, and even the State of Iowa qualify as a ‘person’ under the above definition.³ In 2019, in *Struve v. Struve*, the Iowa Supreme Court applied this definition of “person” when considering whether a corporation could constitute “[a] person [who] stands in a position of trust or confidence with the vulnerable elder . . .” for the purposes of committing elder abuse.⁴ While the district court held the LLC did not count as a “person” in the context of the elder abuse statute,⁵ the Iowa Supreme Court reversed this decision, determining that:

Defining “person” to include LLCs for purposes of section 235F.1(8) is consistent with both the legislative intent and the context of chapter 235F [elder abuse statute]. That chapter was designed to protect vulnerable elders from abuse. The exclusion of LLCs from the definition of “person” would allow individuals to use LLCs as shields behind which they could commit abuse. There is no reason to exclude LLCs from the operation of the statute.⁶

Similar to the elder abuse statute, Iowa Code § 729A.2, and the related statutes, do not expressly define “person(s).” In *State v. Modlin*, the defendant was charged with criminal mischief in violation of individual rights for damaging property belonging to St. Paul’s United

³ *State v. Mollo*, 928 NW2d 899 (IA. Ct. Ap. 2019); *Arends v. Iowa Select Farms, L.P.*, 556 N.W.2d 812, (Iowa 1996) (See generally for discussion on applicability on definition of person)

⁴ *Struve v. Struve*, 930 N.W.2d 368, 372 (Iowa 2019).

⁵ *Id.*

⁶ *Id.* at 376 (internal citations omitted).

Methodist Church, and several other organizations.⁷ The defendant entered an Alford Plea and the Iowa Supreme Court affirmed the conviction, but did so without a published opinion.⁸

Not only is person defined as including “corporations, limited liability company, government or governmental subdivision or agency, business trust, estate, trust, partnership or association”, the definition also includes “any other legal entity” to expand beyond these examples to include comparable legal entities. Religious organizations are recognized legal entities through multiple facets. (*see State v. Hagen*, where the Court held that the State of Iowa was a victim under the 4.1 definition of person as it applied to Iowa Code Section 910.)⁹

B. A finding that a religious organization falls outside of 729A.2’s protection would be inconsistent with the intent of the statute.

Because Chapter 729A does not define “person,” the definition of a person from § 4.1 would apply, as it is not “inconsistent with the manifest intent of the general assembly, or repugnant to the context of the statute.”¹⁰ It would be “inconsistent with the manifest intent of the general assembly, or repugnant to the context of the statute” in 729A.2 for a court to find that a religious organization could not be the victim of a hate crime under this statute as it falls outside of the definition of “person”. As indicated in *State v. Geddes*, the exclusion of them from the definition would allow individuals to use this as a shield to commit hate crimes.¹¹ If religious organizations as a whole were to be left out of this statute’s protection, each church, synagogue,

⁷ *State v. Modlin*, 1999 WL 1299310, No. 99-0104 (Iowa 1999); *see State v. Modlin* (Appellee’s Brief), 1999 WL 34685665.

⁸ *Id.*

⁹ *State v. Hagen*, 840 N.W.2d 140, 146 (Iowa 2013)

¹⁰ *See Iowa Code* § 4.1 (2024).

¹¹ *State v. Geddes*, 998 N.W.2d 166 (Iowa 2023).

or place of worship; and any items owned by the religious organizations would not be protected from damage or crime which was directed at them based on their religious affiliation.

II. **The Satanic Temple of Iowa qualifies as a religion**

While the Iowa Supreme Court has not yet heard a case specifically defining religion for the purposes of a hate crime under Iowa Code § 729A.2, it has analyzed the term “religion” for other purposes, such as the Free Exercise clause of the Iowa Constitution, as well as the Iowa Civil Rights Act. The Iowa Supreme Court, reviewing a religious discrimination claim in *King v. Iowa Civil Rights Comm’n*, found the Federal Civil Rights Act to be “materially the same” as the Iowa Civil Rights Act for such purposes.¹² This analysis included reference to the definitional section of the Federal Civil Rights Act which defines the term “religion” as: “all aspects of religious observance and practice, as well as belief. . . .”¹³ The court noted this analysis, though based on the federal act, maintained the “spirit of [the Iowa] statute.”¹⁴ Thus, even though the Iowa Civil Rights Act does not include a definition of the term religion, the Iowa Supreme Court found the federal definition to be sufficient for its purposes.¹⁵

The Iowa Supreme Court has further analyzed the term religion in relation to the Free Exercise clause of the Iowa Constitution. While determining whether the State had violated a defendant’s right to exercise his religious beliefs by prohibiting possession of marijuana, the Court deduced:

[T]he free exercise clause prohibits the making of a law which in any way interferes with the free exercise of religion. The prohibition

¹² *King v. Iowa Civil Rights Comm’n*, 334 N.W.2d 598, 601 (Iowa 1983).

¹³ *Id.* at 602.

¹⁴ *Id.* at 601.

¹⁵ *Id.*

extends to *unorthodox as well as orthodox religious beliefs and practices*. It extends to religious organizations and individuals.¹⁶

The Iowa Supreme Court noted that it has, in prior decisions, advocated for a broad definition of religion for purposes of the Free Exercise clause.¹⁷ The court continued to apply this broad definition, reasoning:

Clearly, the notion of religion in the Free Exercise clause must be expanded beyond limits of theism to account for the multiplying forms of recognizably legitimate religious exercise. All that is “arguably religious” should be considered in a free exercise analysis. When free exercise issues are raised, religious claims are to be examined not in terms of the majority’s concept of religion but in terms of the *social function of the group*, or in terms of the role the beliefs assume in the individual’s life.¹⁸

The Satanic Temple of Iowa functions as a religion in part for social purposes.¹⁹ While the national Satanic Temple’s website notes “[t]he Satanic Temple is the only Satanic religious organization recognized as a church by the IRS and the Federal Court System” the Satanic Temple of Iowa is recognized on this same website as a “congregation” of the Satanic Temple.²⁰ For the purposes of disseminating information, recruiting members, soliciting donations and so

¹⁶ *Rudd v. Ray*, 248 N.W.2d 125, 128 (Iowa 1976)(citing *School District of Abington Township v. Schempp*, 374 U.S. 203, 83 S.Ct.1560, 10 L.Ed.2d 844 (1963); *Sherbert v. Verner*, 374 U.S. 398, 83 S.Ct. 1790, 10 L.Ed.2d 965 (1963).

¹⁷ *See id.*

¹⁸ *State v. Olsen*, 315 N.W.2d 1, 8 (Iowa 1982) (citing Laurence H. Tribe, *American Constitutional Law*, 827, 828, 831 (The Foundation Press, Inc. 1978)) (emphasis added).

¹⁹ *See id.*

²⁰ The Satanic Temple. <https://thesatanictemple.com/> (last visited March 18, 2024).

forth, the Satanic Temple of Iowa holds itself out socially to be a religion, and functions as such.²¹

III. The language of 729A.2 is not ambiguous and the rule of lenity should not be applied to unreasonably narrow the language of the statute

The Defendant cites the rule of lenity as applied in *State v. Hearn*. Here, the Defendant is asking the court to read a nonexistent narrowing requirement into the statute. This is the same argument the defendant made in *Hearn*; however, the Court was unwilling “to confine the reach of [a] statute in . . . a narrow fashion” where the legislature fail[ed] to use “words of limitation”.

²²

Statutory construction requires application of the rule of lenity when and where ambiguities exist.²³ Iowa Code § 729A.2 is devoid of ambiguities and clearly states the legislature’s manifest intent with clear, plain wording. The court in *State v. Peck*, held that although we resolve ambiguities in favor of the accused, criminal statutes nevertheless “must be construed reasonably and in such a way as to not defeat their plain purpose.”²⁴ The Court elaborated that the legislature’s definitions must remain the foundation of the analysis when applying the rule of lenity to a statute in question.²⁵

A. The rule of lenity does not provide the defendant with an ignorance defense

The Defendant claims the rule of lenity serves to provide fair notice that conduct is subject to criminal sanction and applies here as the defendant was not on notice that the Satanic

²¹ *Id.*

²² *State v. Hearn*, 797 NW2d 577 (Iowa 2011).

²³ *Hagen* 840 N.W.2d 140, 146 (Iowa 2013)

²⁴ *State v. Peck*, 539 N.W.2d 170, 173 (Iowa 1995).

²⁵ *Hagen* 840 N.W.2d 140, 146 (Iowa 2013); *Zimmer v. Vander Waal*, 780 N.W.2d 730, 733 (Iowa 2010)

Temple of Iowa's Baphomet Alter would qualify as property of a religious entity as it sat in the Iowa State Capital amongst a collection of religious holiday displays, which the defendant had traveled to visit after having seen these displays on the news.

“It is a fundamental maxim of the United States’ legal system that ignorance of the law or a mistake of law is not a defense to criminal prosecution.”²⁶ A person who engaged in conduct constituting a crime would not be acquitted just because he believed that his conduct was not criminal. Many have claimed ignorance of the law when confronted with criminal charges in a state of desperation, however, the courts have long rejected this excuse without a specific finding that the defendants lacked the required *mens rea*, otherwise a criminal defendant could free themselves from nearly any criminal charge by claiming ignorance.²⁷

IV. The Statute is not Unconstitutional as it is not prohibiting freedom of speech

In *State v. Hennings*, the Iowa Supreme Court stated “It is the causal connection between prejudice and a prohibited action that protects hate-crime statutes from constitutional challenge under the First Amendment; criminalizing prejudice only, and therefore thoughts, would violate the First Amendment.”²⁸ The structure of Iowa Code Section 729A.2 is premised on this causal connection. The Violation of Individual Rights code section can only be applied to enhance the penalty for some other underlying offense and cannot be used independent of such, therefore criminalizing the connection between intent and conduct. Both the Iowa Supreme Court and the

²⁶ Stephen E. Arthur & Robert S. Hunter, *Federal Trial Handbook: Criminal* § 12:34 (2023-2024 ed.)

²⁷ Jens D. Ohlin, *Mistake of law*, in 1 *Wharton's Criminal Law* § 13:3 (16th ed.)

²⁸ *State v. Hennings*, 791 N.W.2d 828 (Iowa 2010)

United States Supreme Court have upheld the constitutionality of this type enhancement statute for Hate Crimes.²⁹

The Iowa Supreme Court has recently revisited this decision in *State v. Geddes*, holding 729A.2 did not violate of the First Amendment as it punishes conduct with a specific intent or motive.³⁰ *Geddes* uses ‘motive’ and ‘intent’ interchangeably as motive is often used to prove a persons intent, however, both illustrate the reason for a persons actions, whether it was to achieve a specific outcome or done for a specific reason regardless of the outcome, both a persons motive and intent can be criminalized when paired with otherwise criminal conduct.³¹

SUMMARY

Under 4.1, the Satanic Temple of Iowa, and all other religions, qualify as a “person” as applied to 729A.2. 729A.2 prohibits criminal acts against a person based on their religion, which includes the Satanic Temple of Iowa. The Iowa Supreme Court has long adopted a broad definition of religion to include orthodox and unorthodox religious practices. The courts continue to reject suggestions to narrow this definition as it would violate the freedom of exercise clause. The exclusion of the Satanic Temple of Iowa from the definition of “person” would allow individuals to commit criminal acts against minority religious organizations with the specific intent to do so based on their beliefs, as would the finding that criminal behavior is permitted if its intent is to convey a motive or intent. The Iowa Supreme Court has already held that 729A.2 is not a First Amendment violation when a person’s intent or motive is paired with a criminal act.

²⁹ *State v. McKnight*, 511 N.W.2d 389, 394-396 (Iowa 1994); *Wisconsin v. Mitchell* (Mitchell II), 508 U.S. 476, 482 (1993).

³⁰ *Geddes*, 998 N.W.2d 166 (Iowa 2023).

³¹ *Id.* at 178.

CONCLUSION

WHEREFORE, the State respectfully requests this Court deny the Defendant's Motion to Dismiss in its entirety for the reasons set forth above.

Respectfully Submitted,

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