

## **Iowa Court Reverses Fraud Conviction for W&L Client**

Des Moines, IA (May 1, 2015) – The Iowa Supreme Court today issued a unanimous ruling reversing the conviction of Weinhardt & Logan’s client John Hoyman for fraudulent practices in the first degree. Mr. Hoyman, the long-time City Attorney for the City of Indianola, Iowa, had been prosecuted by the Iowa Attorney General on charges of first degree theft, first degree fraudulent practices, and felonious misconduct in office. The charges arose from alleged irregularities in the way he billed the City for his services. Following a jury trial defended by Mark Weinhardt and Todd Lantz, Mr. Hoyman was acquitted on the theft and misconduct charges, but he was convicted of fraudulent practices and sentenced to ten years in prison.

On appeal, Messrs. Weinhardt and Lantz contended that the trial court gave erroneous instructions to the jury in two different respects. (Mr. Hoyman was free on bond pending the appeal.) Agreeing with all of the Firm’s arguments, the court held that Mr. Hoyman could only be found guilty of fraudulent practices if the State could show he possessed a specific “intent to deceive” the City. The district court had instructed that the State needed only to prove that Mr. Hoyman submitted legal bills to the City that he knew contained incorrect information. Holding that the statute requires more, Justice Edward Mansfield wrote, “Any trivial misstatement in a record would become a crime, so long as the person making the entry knew it was incorrect. For example, under the State’s interpretive theory, Hoyman could be prosecuted for using old stationery for his billing that had an incorrect address.”

The Firm also contended on appeal that the district judge should have recused herself based upon a personal friendship between her husband and the Assistant Attorney General who prosecuted the case. While not directly resolving that issue on the merits, the court ordered that a different judge hear the case on remand.

In a statement, Mark Weinhardt said that Mr. Hoyman and his family were “thrilled” by the Court’s ruling. “Mr. Hoyman has always maintained that he worked at least as many hours for the City as he ever billed,” Weinhardt said. “He has always denied that he intended to deceive the City. Today’s ruling will allow

Mr. Hoyman to present his defenses in a fair trial before a properly-instructed jury.”

Press coverage of this case is here:

<http://www.desmoinesregister.com/story/news/local/indianola/2015/05/05/hoyman-conviction-overturned-case-heads-back-to-district-court/26920423/>.

The Iowa Supreme Court opinion is available here:

[http://www.iowacourts.gov/About\\_the\\_Courts/Supreme\\_Court/Supreme\\_Court\\_Opinions/Recent\\_Opinions/20150501/14-0262.pdf](http://www.iowacourts.gov/About_the_Courts/Supreme_Court/Supreme_Court_Opinions/Recent_Opinions/20150501/14-0262.pdf).

### **About Weinhardt & Logan**

Weinhardt & Logan is a boutique law firm that specializes in the litigation of complex civil and criminal cases. The firm has extensive experience in all types of civil and criminal matters, but its attorneys concentrate their practices in complex business disputes and the defense of white collar criminal matters.

The firm practices in federal and state courts in Iowa and across the United States.

Weinhardt & Logan is located at 2600 Grand Avenue, Suite 450, Des Moines, less than ten minutes from the U.S. Courthouse and the Polk County Courthouse, and eight minutes from the Des Moines International Airport.

To learn more, visit [www.WeinhardtLogan.com](http://www.WeinhardtLogan.com) or call (515) 244-3100.