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IN THE COURT OF APPEALS OF IOWA

No. 25-0555
Filed August 19, 2026

State of Iowa,
Plaintiff–Appellee,
v.
Walter Leon Conkright,
Defendant–Appellant.

Appeal from the Iowa District Court for Linn County,
The Honorable Ian K. Thornhill, Judge.

AFFIRMED

Nathan M. Peterson of Keegan, Tindal, & Jaeger, PLC, Iowa City, attorney for appellant.

Brenna Bird, Attorney General, and Sheryl Soich, Assistant Attorney General, attorneys for appellee.

Considered without oral argument
by Greer, P.J., and Buller and Langholz, JJ.
Opinion by Buller, J.

BULLER, Judge.

This appeal presents a narrow question of statutory interpretation: Did the 2023 amendment to the enticing-a-minor statute to "includ[e]" undercover police officers simultaneously operate to exclude all other persons "reasonably believed to be under the age of sixteen?" 2023 Iowa Acts ch. 74, § 1 (codified at Iowa Code § 710.10 (2024)). We answer no: the statutory amendment clarified or expanded the scope of the statute; it did not narrow it. Any person reasonably believed to be a child under the age of sixteen, police officer or not, falls within the scope of the enticing statute.

In October 2023, twenty-seven-year-old Walter Conkright messaged a user on a dating app identified as "Emma." The "Emma" user told Conkright she was a thirteen-year-old girl. After acknowledging the age of consent was sixteen, Conkright asked "Emma" if she was on "the pill" and invited her to come to his hotel to "fuck."

"Emma" was actually a group of adults who were part of Bikers Against Predators, a civilian organization that uses dating apps to identify pedophiles and report them to law enforcement. The group met Conkright at the hotel where he thought he was meeting "Emma" and recorded their interactions. Conkright told the group that *he* was the one who was trying to catch pedophiles online. Police eventually responded and thought Conkright's story "did not make sense at all."

The Linn County Attorney charged Conkright with one count of enticing a minor, a class "D" felony in violation of Iowa Code section 710.10(2). Conkright moved to adjudicate law points, claiming the 2023 revision to the statute operated to exclude adult persons other than undercover officers, placing civilian members of Bikers Against Predators outside the statute. The State resisted, arguing that the 2023 amendment was

illustrative rather than restrictive and "only added to eliminate doubt about whether the statute reached law enforcement officers posing as minors." After a reported hearing, the district court adopted the State's position and concluded "the legislature was just making sure that among the included potential targets were law enforcement."

Conkright entered a conditional guilty plea reserving this issue on appeal, and the supreme court transferred the case to us for disposition. Our review is for correction of errors at law. *State v. Muhlenbruch*, 728 N.W.2d 212, 214 (Iowa 2007).

The statute reads as follows, with the 2023 amendment underlined:

> 1. A person commits a class "C" felony when, without authority and with the intent to commit sexual abuse or sexual exploitation upon a minor under the age of thirteen, the person entices or attempts to entice a person reasonably believed to be under the age of thirteen <u>including a law enforcement officer or agent posing as a minor under the age of thirteen</u>.
>
> 2. A person commits a class "D" felony when, without authority and with the intent to commit an illegal sex act upon or sexual exploitation of a minor under the age of sixteen, the person entices or attempts to entice a person reasonably believed to be under the age of sixteen <u>including a law enforcement officer or agent posing as a minor under the age of sixteen</u>.
>
> . . . .
>
> 5. A person shall not be convicted of a violation of this section unless the person commits an overt act evidencing a purpose to entice.

Iowa Code § 710.10.

When interpreting statutes, a threshold question is whether the provision is ambiguous. *E.g.*, *State v. McCullah*, 787 N.W.2d 90, 94 (Iowa 2010). Our supreme court has recognized the term "'including' can have different meanings depending on context." *Iowa Individual Health*

Benefit Reins. Ass'n v. State Univ. of Iowa, 999 N.W.2d 656, 665 (Iowa 2023). Based on context, it can mean either that the terms following are illustrative of the category, or it can be "an exhaustive (and restricted) list of the only types within a category." *Id.* (cleaned up). But, as a leading treatise notes, "[T]he word *include* does not ordinarily introduce an exhaustive list, while *comprise* . . . ordinarily does." Antonin Scalia & Bryan A. Garner, *Reading Law: The Interpretation of Legal Texts* 132 (2012).

We conclude section 710.10 is unambiguous in context here. The natural reading of section 710.10(2) criminalizes attempts to entice "a person reasonably believed to be under the age of sixteen" and such persons "includ[e]" but are not limited to "a law enforcement officer or agent posing as a minor under the age of sixteen." We reject Conkright's argument that the statutory language "including a law enforcement officer" creates an exclusive list. Because the full universe of covered persons under the statute is "a person reasonably believed to be under the age of sixteen" and the "including" language modifies that entire universe, Conkright's argument would place actual minor victims beyond the statute's reach. This is an absurd result the General Assembly did not intend. *See Brakke v. Iowa Dep't of Nat. Res.*, 897 N.W.2d 522, 534–40 (Iowa 2017) (generally discussing the absurdity doctrine in its multiple permutations). We see nothing in the statutory language that would exclude civilian members of Bikers Against Predators.

Even if the statute was ambiguous, we broadly agree with the State's observation that the statutory history of the section shows a trend toward expansion—from covering only actual minors to including those reasonably believed to be minors—rather than contraction. *See* 2001 Iowa Acts ch. 17, § 3.

We recognize our holding may invite questions as to whether the 2023 amendment was functionally surplusage. Perhaps. But the General Assembly could have reasonably wished to clarify the statute given the dearth of published authority directly on point. "[B]elt-and-suspenders caution" is a legitimate legislative endeavor to ensure an intended outcome. *Johnston v. Iowa Dep't of Transp.*, 958 N.W.2d 180, 186 (Iowa 2021) (citation omitted). And we are cognizant that legislation is sometimes prompted by adverse district-court rulings we never see. We also think the belt-and-suspenders approach makes sense given the context of the bill containing the 2023 amendment: it was part of a broader omnibus act amending multiple criminal offenses to ensure undercover officers posing as minors fell within the scope of those offenses. *See* 2023 Iowa Acts ch. 74, §§ 1–3. The General Assembly could have reasonably wanted to prevent courts drawing a negative inference from the amendment omitting section 710.10. *See State v. Lind*, 37 N.W.3d 23, 36 (Iowa 2026) (drawing such a negative implication from the same act).

In the end, we discern no error in the district court's ruling and affirm that section 710.10 reaches persons reasonably believed to be under the age of sixteen even if those persons are not undercover officers. The statute reaches the civilian members of Bikers Against Predators pretending to be "Emma" on this record.

AFFIRMED.



IOWA APPELLATE COURTS

State of Iowa Courts

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