

Taquala Monique Howse Acquitted By Iowa Appeals Court Of Her Stun Gun Being Dangerous Weapon

The Iowa Court of Appeals [acquitted](#) Taquala Monique Howse on March 11, 2015 of carrying a dangerous weapon for having a small stun gun in her purse.

On June 23, 2013 Waterloo, Iowa Police Officer Kyle Jurgensen responded to a call that a suspected shoplifter had been detained at the local Walmart store. The detained person was 23-year-old Taquala Monique Howse.

Howse was arrested, handcuffed, escorted to a squad car, and searched. Jurgensen found a “small hand-held stun gun” in Howse’s purse, which she stated she had purchased. [She stated](#) she “carried it to clubs and whatnot.” When asked if she had a permit to carry the stun gun she said “no.”



Sabre pink hand-held stun gun sold by Walmart

Howse was charged with misdemeanor fifth-degree theft, and the aggravated misdemeanor of carrying a concealed dangerous weapon.

Howse pled guilty to the theft (shoplifting) charge, and she was sentenced to make restitution to Walmart.

She pled not guilty to carrying a dangerous weapon. During Howse’s bench trial in Black Hawk County District Court, Jurgensen testified he didn’t test the device he found in Howse’s purse to see if it worked. Police Officer Greg Erie testified that he was a taser instructor with the Waterloo Police Department. He said he distinguished a taser from a stun gun, [stating](#) “a taser will immobilize a person” while he described “a stun gun as a “compliance tool” that will make a shocked person “jump back.” Erie “also testified he did not “have any background with this one,” did not know how many volts this device emitted, and “couldn’t get [this device] to work.””

There was no testimony during the trial that Walmart sells a variety of hand-held stun guns to the general public for less than \$30, including ones that are small enough to fit on a person’s keychain and others that look



Taquala Monique Howse (Myspace.com)

like a tube of lipstick. Although the prosecution didn’t introduce any evidence the stun gun in Howse’s possession actually worked or how it might affect a person if it did work, Howse was convicted on December 5, 2013 of carrying a dangerous weapon.

Howse appealed her conviction, [arguing that](#) “as a matter of law or fact the stun gun found in her purse does not qualify as a “dangerous weapon” under Iowa law, and therefore “her conviction is not supported by substantial evidence.”

On March 11, 2015 the Iowa Court of Appeals reversed Howse’s conviction after determining it wasn’t supported by substantial evidence. In [Iowa v. Howse](#), No. 13-1997, the appeals court’s ruling stated in part:

Section 702.7 thus provides three paths by which a weapon may be deemed dangerous: (1) a device which is “designed primarily for use in inflicting death or injury upon a human being or animal, ...; ... and (3) devices listed that are statutorily determined to be dangerous weapons per se, one of which is “any portable device or weapon directing an electric current, impulse, wave, or beam that produces a high-voltage pulse designed to immobilize a person.”

Officer Jurgensen did not test the stun gun, and Officer Erie specifically stated he had no background with this particular small stun gun and he “couldn’t get it to work.” Without some evidence of the capabilities of this particular stun gun, there is not substantial evidence to support a finding that it was “designed primarily for use in inflicting . . . injury”

... we do conclude that to qualify under the *per se* dangerous weapons listing, there must be some evidence the device “produces a high-voltage pulse designed to immobilize a person.” Here, the State’s witnesses’ testimony related to stun guns in general not this specific device. Nothing in this record establishes, even



Lipstick tube stun gun sold by Walmart

in general terms, the voltage of the device at issue—high, low, or in-between, and if it had sufficient voltage to immobilize a person.

We conclude there is not substantial evidence in this record to sustain the conviction. We therefore reverse.



Keychain stun gun sold by Walmart

[Click here to read the ruling in](#) *State of Iowa v. Taquala Monique Howse*, No. 13-1997 (Iowa Ct. of Appeals, 3-11-2015).

Although exonerating Howse of criminal wrongdoing, the Court’s ruling leaves open that every person in Iowa who carries a small stun gun for self-protection without a permit potentially faces criminal prosecution if a police officer discovers the person is carrying it.

Source: [State of Iowa v. Taquala Monique Howse](#), No. 13-1997 (Iowa Ct. of Appeals, 3-11-2015) (Vacating conviction on the basis of insufficient evidence.) [Waterloo woman's weapons conviction](#) for stun gun overturned, By AP, WCF Courier, March 11, 2015

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