

IN THE SUPREME COURT OF IOWA  
Supreme Court No. 22-1234

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STATE OF IOWA,  
Plaintiff-Appellant,

vs.

CHASE ROBERT GRIFFIN  
Defendant-Appellee.

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ON DISCRETIONARY REVIEW FROM THE  
IOWA DISTRICT COURT FOR WARREN COUNTY  
THE HONORABLE MARK F. SCHLENKER, JUDGE

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**APPELLANT'S BRIEF**

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FINAL

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## STATEMENT OF THE ISSUE PRESENTED FOR REVIEW

- I. Whether it is a mistake of law for an officer to stop a vehicle for having a heavily tinted cover over a registration plate that both obstruct the view of the numerals and letters and renders the contents of the plate illegible.**

### Authorities

*Heien v. North Carolina*, 135 S. Ct. 530 (2014)  
*United States v. Cade-Gilson*, No. CR14-2035, 2014 WL 4277244 (N.D. Iowa Aug. 29, 2014)  
*United States v. Gilson*, 654 F. App'x 247 (8th Cir. 2016)  
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Iowa Code § 321.37(3)  
Iowa Code § 321.38

*Random House Unabridged Dict. (2d ed. 1993)*  
*Webster's 9th New Collegiate Dict. (1987)*

## **ROUTING STATEMENT**

Retention is appropriate as this case involves substantial questions of changing legal principles. Iowa R. App. P. 6.1101(2)(f). This Court recently granted further review on a similar issue involving the same statutes on obstructing the view of registration plates on vehicles. *State v. Paye*, Sup. Ct. No. 19-1760. This case, combined with the analogous issue in *Paye*, will provide clarity to the bench, bar, and law enforcement.

## **STATEMENT OF THE CASE**

### **Nature of the Case**

The State seeks review of a district court order granting suppression of a traffic stop based on an alleged mistake of law. The stop was justified by a violation of two code sections, and suppression was erroneous. Reversal of the order granting suppression is warranted.

### **Course of Proceedings**

On March 3, 2022, the State filed a trial information charging Chase Robert Griffin with the offenses of operating while intoxicated and two counts of child endangerment, in violation of Iowa Code sections 321J.2 and 726.6. Trial Info.; App. 6–8. It was alleged that Griffin had operated a vehicle occupied by two young children with a

.113 blood alcohol content. *See* Complaint; Minutes; App. 4–5; Conf. App. 4–14.

On April 13, 2022, Griffin moved to suppress the stop of his vehicle. Mot. Supp.; App. 9–10. His motion asserted the troopers “committed a mistake of law when [they] illegally stopped [Griffin]’s vehicle for a tinted plate cover.” Mot. Supp. at ¶ 4; App. 9. Following a hearing, the court granted Griffin’s motion concluding “that tinted covers over license plates are not prohibited under current Iowa law,” citing *State v. Tyler*, 830 N.W.2d 288, 294 (Iowa 2013). Ruling Granting Supp.; App. 17–24.

The State moved for reconsideration emphasizing *Tyler* was both legally and factually distinguishable and that the troopers had mainly been relying on a code section not litigated in the district court in *Tyler*. Mot. Reconsider; App. 25–29. The district court denied the State’s motion. Ruling Denying Reconsideration; App. 30–31. Following this denial, the State sought, and the Supreme Court granted, discretionary review.

### **Facts**

In the ruling on the motion to suppress, the district court made these findings of fact:



On or about February 19, 2022, the defendant was observed operating a Chevrolet Suburban in Warren County, Iowa, on Highway 5, driving east as it approached the Fleur Drive exit. He was observed by two Iowa State Troopers, Sgt. Wade Major, who was sitting in the passenger seat of the patrol car, and Trooper Binh Nguyen, a new Trooper, having begun duty in July 2021, was driving the car. Both are certified peace officers and graduates of the Iowa Department of Public Safety Academy and were at all times relevant hereto. Sgt. Major has served the State of Iowa since May 2005. He was giving Trooper N[g]uyen a “check ride” as part of the new troopers training.

Both troopers observed the vehicle driven by the defendant as they approached it from behind and, as Troop[er] Nguyen stated, they observed the license plate of the vehicle driven by the defendant could not be seen “from afar.” Both troopers testified that the license plate of the defendant’s vehicle was covered by a plastic film or sheet, the plate being encased in a frame, and that it can only be seen within 1 to 1 1/2 car lengths to be able to read the numbers and letters on the plate. State’s Exhibit 1 shows the plate to be very dark and not legible until the Troopers’ car was parked close behind the defendant’s vehicle. Defendant’s own Exhibit B was taken three days later, on February 22, by Defendant from his iPhone, at a distance of 15 to 20 feet from behind the vehicle. He agreed that the photo he introduced was not taken on the date and time of the stop and subsequent arrest of the defendant and that he was not trying to re-create the same conditions at that time.

Defendant took the Fleur Drive exit, and was followed by the two Troopers in the Dodge police car. The Troopers pulled up in back of the vehicle driven by the defendant, turned on the police car's lights, and the defendant pulled over to the shoulder, followed by the Troopers who did likewise. The Troopers exited the vehicle and after talking to the defendant observed the conditions which ultimately led to his arrest.

Ruling Granting Supp. at pp.1–3; App. 17–19.

Yet the district court's findings of fact were partially incomplete and erroneous.

When the troopers first observed Griffin's vehicle, the tinted cover on the registration plate was so dark they at first were unsure if the vehicle had a registration plate displayed at all:

Q. ... [W]as there ever a question about whether or not [Griffin] had a plate on the vehicle at all? A. Yes. Based on how dark it was.

...

As we [drove closer to Griffin], I observed to the rear of the vehicle everything was black. I was unable to view the registration plate of any type.

Supp. Tr. 11:22–12:1. The troopers could not read the registration numerals or letters on the plate until after they stopped Griffin's vehicle and approached. *See* Supp. Tr. 19:25–21:17. Even then, these trained law enforcement officers still could not legibly read the

registration numerals or letters, nor could they read the plate's state, county, or see the registration sticker. *See* Supp. Tr. 12:2–11, 20:3–4, 20:22–21:7, 22:22–23:2, 26:25–27:2.

“I could not see the plate. It was not clearly legible. I was unable to provide letters or numbers to Trooper Nguyen,” Sgt. Major testified. Supp. Tr. 20:3–4. “It was very, very difficult just to see the big letters and numbers to the point where we couldn't even read it legibly.” Supp. Tr. 26:25–27:2. And when Trooper Nguyen finally thought he could read the registration numerals and letters, Sgt. Major noted Nguyen was still unable to read it correctly. Supp. Tr. 20:22–21:7.

## **ARGUMENT**

### **I. The District Court Erred by Granting Griffin's Suppression Motion.**

#### **Preservation of Error**

Griffin moved to suppress the traffic stop of his vehicle and the State resisted arguing the stop was lawful for the same reasons as addressed in this appeal. *See* Mot. Supp.; Resistance to Supp.; Mot. Reconsider; App. 9–10, 12–16, 25–29. The district court granted Griffin's motion and rejected the State's request for reconsideration. Ruling Granting Supp.; Ruling Denying Reconsideration; App. 17–24,

30–31. Error is preserved. *Meier v. Senecaut*, 641 N.W.2d 532, 537 (Iowa 2002).

### **Standard of Review**

Appellate review is de novo when a constitutional error is alleged. *State v. Tague*, 676 N.W.2d 197, 201 (Iowa 2004) (citing *State v. Naujoks*, 637 N.W.2d 101, 106 (Iowa 2001)). “The court makes an ‘independent evaluation of the totality of the circumstances as shown by the entire record.’” *Id.* (quoting *State v. Turner*, 630 N.W.2d 601, 606 (Iowa 2001)). The court grants “considerable deference to the trial court’s findings regarding the credibility of the witnesses, but [is] not bound by them.” *Id.* (citing *Turner*, 630 N.W.2d at 606; *State v. Liggins*, 524 N.W.2d 181, 186 (Iowa 1994)). A ruling on a motion to suppress based on a court’s statutory interpretations is reviewed for correction of errors at law. *See State v. Fischer*, 785 N.W.2d 697, 699 (Iowa 2010) (citing *State v. Stratmeier*, 672 N.W.2d 817, 820 (Iowa 2003)).

### **Merits**

Griffin moved to suppress the stop of his vehicle arguing the troopers did not have probable cause or reasonable suspicion to conduct a stop. His sole ground for suppression was that the officers

made a mistake of law when they stopped his vehicle for having a tinted registration plate cover. Mot. Supp.; App. 9–10. The district court agreed and suppressed the stop. Ruling Granting Supp.; Ruling Denying Reconsideration; App. 17–24, 30–31. But the court erred to conclude a mistake of law occurred in the first place.

“Our precedent is clear that a mistake of fact may justify a traffic stop.” *Tyler*, 830 N.W.2d at 294 (citations omitted). “However, we have elected not to extend this permissiveness to mistakes of law, holding a mistake of law is not sufficient to justify a stop.” *Id.* (citing *State v. Louwrens*, 792 N.W.2d 649, 650 (Iowa 2010)).<sup>1</sup> “Evidence derived from a stop based on a law enforcement officer’s mistake of law must be suppressed.” *Id.* (quoting *Louwrens*, 792 N.W.2d at 650).

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<sup>1</sup> After *Tyler*, the United States Supreme Court ruled that the Fourth Amendment does not invalidate a traffic stop if the officer acted on a reasonable mistake of law. *Heien v. North Carolina*, 135 S. Ct. 530, 540 (2014). However, the Iowa Supreme Court has since commented it would decline to follow *Heien* under the Iowa Constitution. *State v. Scheffert*, 910 N.W.2d 577, 585 n.2 (Iowa 2018); *State v. Coleman*, 890 N.W.2d 284, 298 n.2 (Iowa 2017). Although the State believes *Heien* should be adopted, because this case can be resolved by correcting the district court’s incorrect interpretation of sections 321.37 and 321.38, it appears unnecessary to reach that question in this case. See *Simmons v. State Pub. Def.*, 791 N.W.2d 69, 73–74 (Iowa 2010).

The rules governing statutory interpretation are well established:

When the text of a statute is plain and its meaning clear, the court should not search for a meaning beyond the express terms of the statute. However, where the language of a statute is ambiguous, so that reasonable minds would differ on the meaning, we turn to our rules of interpretation. The polestar of statutory interpretation is to give effect to the legislative intent of a statute. We consider the objects sought to be accomplished and the evils and mischiefs sought to be remedied, seeking a result that will advance, rather than defeat, the statute's purpose.

Our goal is to look at what the legislature said, not what it might or should have said. In looking at the language used, we will not construe a statute in a way which creates an impractical or absurd result, nor will we speculate as to the probable legislative intent beyond what the language clearly states. Finally, we are mindful that criminal statutes are to be strictly construed with doubts resolved in favor of the accused.

*State v. Schultz*, 604 N.W.2d 60, 62 (Iowa 1999) (cleaned up & internal citations omitted).

The district court here erred in determining the troopers made a mistake of law because the court incorrectly interpreted sections 321.37 and 321.38. The court's interpretation below relied mostly on *State v. Tyler*, 830 N.W.2d 288 (Iowa 2013) for the proposition that

tinted registration plate covers are not illegal to place over a registration plate. *See* Ruling Granting Supp. at pp.3–4; App. 19–20. And the district court specifically interpreted *Tyler* as holding tinted covers are not illegal no matter how dark or opaque the cover is. “The degree of tinting is not relevant under the *Tyler* decision.” Ruling Granting Supp. at p.4; App. 20.

But *Tyler* does not hold, as the district court found, that registration plate covers do not violate any law no matter how darkly tinted or opaque they may be. Thus, the troopers conducted a lawful stop of Griffin’s vehicle. Alternatively, to the extent *Tyler* can be interpreted as holding covers that render registration plates fully obscured or illegible are not unlawful, *Tyler* should be clarified or abrogated. The order granting suppression should be reversed.

The two statutes at issue here are Iowa Code sections 321.37 and 321.38. They provide, in relevant part:

It is unlawful for the owner of a vehicle to place any frame around or over the registration plate which does not permit full view of all numerals and letters printed on the registration plate.

Iowa Code § 321.37(3). And:

Every registration plate shall at all times be ... in a place and position to be clearly visible and

shall be maintained free from foreign materials and in a condition to be clearly legible.

Iowa Code § 321.38. Griffin violated both sections when he placed a darkly tinted cover over his registration plate because the cover both (1) failed to permit full view of all numerals and letters printed on the registration plate and (2) was a foreign material that caused the plate to not be in a condition that was clearly legible.

The district court's ruling correctly noted that in the dash camera video of the traffic stop, Sgt. Major stated that "321.37 indicates the plate has to be clearly legible, free from any type of... Anything on the plate that makes it not legible." State's Ex. 1 (Dash Camera Video) at 00:50–1:05. But although Major specifically cited section "321.37," his subsequent recitation of the law aligns with section 321.38, which again requires that a registration plate "be maintained free from foreign materials and in a condition to be clearly legible." Major's testimony at the hearing was consistent with the conclusion that the purpose of the stop was mostly because of a violation of section 321.38:

Q. All right. Was Mr. Griffin pulled over because he had the [registration plate] cover on? A. No.



Q. Then why was he pulled over? A. Because the [registration] plate was not legible.

Supp. Tr. 23:7–:11. In any event, the State relied on both section 321.37 and 321.38 in resisting Griffin’s motion below. *See* Resistance to Supp.; Mot. Reconsider; App. 12–16, 25–29.

As to section 321.38, the “very, very dark” tinted cover constituted a foreign material that left the registration plate in a condition that rendered it illegible. *See* Supp. Tr. 20:22. Because the plate was illegible, Griffin had violated Iowa Code section 321.38. “[I]f the license plate is not ‘clearly legible’ for any reason, it violates § 321.38.” *United States v. Cade-Gilson*, No. CR14-2035, 2014 WL 4277244, at \*6 (N.D. Iowa Aug. 29, 2014), *aff’d sub nom. United States v. Gilson*, 654 F. App’x 247 (8th Cir. 2016). “[W]e conclude the obscured license plate alone furnished probable cause for the vehicle stop. ... Iowa Code section 321.38 does not specify a distance from which the plate must be legible.” *State v. Miller*, No. 02-0965, 2003 WL 22015974, at \*1 (Iowa Ct. App. Aug. 27, 2003) (citations omitted).

And because the numerals and letters were not visible through the heavily tinted cover that Griffin had placed over the registration plate, he had also violated section 321.37. *See* Supp. Tr. 11:22–12:1 (noting the cover was so dark the troopers could not initially

determine whether Griffin’s vehicle had a registration plate at all). Because Griffin had violated both provisions, the stop of his vehicle was lawful and suppression of the stop was unwarranted.

In granting suppression, the district court relied mostly on *Tyler* for the proposition that tinted registration plate covers are not unlawful, no matter the degree of tinting. *See* Ruling Granting Supp. at pp.3–4; App. 19–20. In fact, the district court even found that “[t]he degree of tinting is not relevant under the *Tyler* decision,” and thus any tinted cover is lawful. Ruling Granting Supp. at p.4; App. 20. But *Tyler* is distinguishable both factually and legally.

First, *Tyler* is distinguishable on the law because the decision mainly addressed the applicability of section 321.37. Section 321.38 had not been raised or litigated in the underlying proceedings in *Tyler*. In contrast, the State here specifically provided evidence and argument below that Griffin’s registration plate cover violated section 321.38 because the very dark cover left the registration plate in a condition that was clearly illegible. *See* Resistance to Supp.; Mot. Reconsider; App. 12–16, 25–29.

Second, the case is factually distinguishable. In *Tyler*, the Supreme Court found the officer could legibly read the registration

plate when he was close: “[W]hen Tyler pulled over in a parking lot, Officer Lowe was able to read the license plate accurately and completely to the dispatcher without hesitation. ... The videotape of the stop confirms he was able to read the plate without difficulty.” *Id.* at 296. In contrast, here the troopers were not able to legibly read or view the numerals and letters on the registration plate, even after Griffin was stopped, and the video of the traffic stop corroborates their testimony because the tinted cover obscures the entire plate. *See* State’s Ex. 1 (Dash Camera Video) at 1:21 (showing the registration plate is unreadable); Mot. Reconsider at ¶ 5 (including a still frame from the dash camera video showing the numerals and letters on the plate are obscured and unreadable); App. 27. The district court also acknowledged the dash camera video corroborated that the plate’s cover rendered “the plate to be very dark and not legible until the Troopers’ car was parked close behind the defendant’s vehicle.” Ruling Granting Supp. at p.2; App. 18. Thus, because *Tyler* did not truly address the applicability of section 312.38, and because the degree of tinting was much higher here, the district court erred in finding the decision controlled the outcome.

Additionally, even on the question of section 321.37, *Tyler* remains distinguishable. The problem in *Tyler* was that the letters and numerals on the registration plate were not actually obstructed from the officer's view. The apparently minimal or light tinting did not prevent the "full view of all numerals and letters printed on the registration plate." Iowa Code § 321.37. But that holding should not be read as permitting all other registration plate covers, such as the one here, that are so heavily tinted or nearly opaque they not only prevent the reading of the registration numerals and letters up close, but from a distance they obscure the displayed letters, numerals, state, county, and registration sticker together with obscuring the fact there is a registration plate at all.

*Tyler* makes sense to the extent it finds lightly tinted, unobstructive plate covers do not violate section 321.37. It should not mean all plate covers are lawful, no matter how dark or obstructive they are. *Tyler* should not be interpreted as holding that all tinted registration plate covers are lawful, no matter how opaque or obstructive they are, which is effectively how the district court applied the decision below. See Ruling Granting Supp.; Order Denying Reconsideration; App. 17–24, 30–31. The district court's reading of

*Tyler* leads to absurd results where even a cover tinted to 99% opacity would be lawful despite the contents being shielded from view. Such a result defies the legislative intent for requiring properly maintained and displayed registration plates: “[T]he legislature intended that all information to be displayed on a license plate must remain readable.” *State v. Harrison*, 846 N.W.2d 362, 368 (Iowa 2014). Heavily tinted covers defy this intended purpose. To the extent *Tyler* suggests otherwise, the Court should clarify or abrogate it.

Authorities elsewhere confirm a statute such as section 321.38 would prohibit heavily tinted, obstructive plate covers such as Griffin’s. The phrase “clearly legible” as used in section 321.38 and similar statutes is unambiguous. *See Parks v. State*, 247 P.3d 857, 859–60 (Wyo. 2011) (interpreting an indistinguishable statutory provision that registration plates must be “[m]aintained free from foreign materials and in a condition to be clearly legible.”). “The term ‘clearly’ means ‘free from obscurity ... unmistakable ... unhampered by restriction or limitation, unmistakable.” *People v. White*, 93 Cal. App. 4th 1022, 1026 (Cal. Ct. App. 4 Dist. 2001) (citing *Webster’s 9th New Collegiate Dict.* (1987) p. 247). It can also mean “without equivocation; decidedly.” *People v. Duncan*, 160 Cal. App. 4th 1014,

1019 (Cal. Ct. App. 4 Dist. 2008) (citing *Random House Unabridged Dict.* (2d ed. 1993) p. 384). “ ‘Legible is defined as ‘capable of being read or deciphered, esp. with ease ... easily readable.’ ” *Id.* (citing *Random House* p. 1099). A plain language interpretation of “[e]very registration plate ... shall be maintained free from foreign materials and in a condition to be clearly legible” requires that the information on the plate “be read with ease and without doubt or mistake.” *Id.*; see *State v. Peden*, No. 08-1039, 2009 WL 606236, at \*1 (Iowa Ct. App. Mar. 11, 2009) (“The statutes plainly state that the license plate must be in full view, clearly visible, and clearly legible. A license plate that is legible only from certain angles does not comply with these requirements.”).

Griffin’s heavily tinted, obstructive registration plate cover rendered the text on the plate illegible, unable to be read with ease and without mistake. Thus, the troopers had probable cause to stop Griffin’s vehicle because he had violated section 321.38. Additionally, because even when the troopers got close to the vehicle they still could not read the state, county, or see the registration sticker, Griffin had violated section 321.37 because the tinted frame did “not permit full view of all numerals and letters printed on the registration plate.”

Based on these violations, this Court should find the stop was lawful. The district court erred in granting suppression. The Court should reverse.

### **CONCLUSION**

This Court should reverse the district court's grant of Griffin's motion to suppress evidence.

### **REQUEST FOR ORAL SUBMISSION**

The State requests oral submission.

Respectfully submitted,

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## CERTIFICATE OF COMPLIANCE

This brief complies with the typeface requirements and type-volume limitation of Iowa Rs. App. P. 6.903(1)(d) and 6.903(1)(g)(1) or (2) because:

- This brief has been prepared in a proportionally spaced typeface using Georgia in size 14 and contains **3,517** words, excluding the parts of the brief exempted by Iowa R. App. P. 6.903(1)(g)(1).

Dated: January 11, 2023



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