IN THE SUPREME COURT OF IOWA
Supreme Court No. 23-0560
Story County No. SRCR062149

STATE OF IOWA,
Plaintiff-Appellee,

vs.

CHRISTOPHER JAMES WILSON,
Defendant-Appellant.

APPEAL FROM THE IOWA DISTRICT COURT
FOR STORY COUNTY
THE HONORABLE STEVEN P. VAN MAREL, JUDGE

APPELLEE'S BRIEF

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ROUTING STATEMENT

The State disagrees that retention is necessary. *See* Def.'s Br. at 10. Wilson's unit of prosecution claim can be resolved by applying existing legal principles. *See* Iowa R. App. P. 6.1101(3)(a). So transfer to the court of appeals is more appropriate. *See id.*

STATEMENT OF THE CASE

Nature of the Case

Wilson appeals following a jury's verdict finding him guilty of two counts of indecent exposure for masturbating in the presence of two others who are not children, serious misdemeanors under Iowa Code sections 709.9 and 709.9(2)(a). *See* D0060, Sent. Order (3/8/23); App. 18–21; D0055, Verdict Form (2/15/23); App. 14–17. The Honorable Steven P. Van Marel presided.

Course of Proceedings

The State accepts the defendant's course of proceedings as essentially correct. *See* Iowa R. App. P. 6.903(3).

Facts

On the night of November 28, 2022, Iowa State University students Emma Hansen and Tyler Anderson visited the Hy-Vee Gas Station to get ice cream and gummy worms after their sorority's weekly meeting. Trial Tr. Vol. I 25:24–26:16, 42:10–17. After

parking, Hansen exited the car to go inside, while Anderson stayed behind. Trial Tr. Vol. I 27:9–15. Once Hansen reached the door, she saw the store was already closed. Trial Tr. Vol. I 27:17–24, 42:24–43:1, 64:1–7. She then returned to her car intending to drive home. *Id.*

After sitting back down in her car, Hansen saw a man—later-identified as Wilson—walking toward them. *See* Trial Tr. Vol. I 27:23–24, 28:2–16, 43:5–7. While Wilson stared at them directly as he approached, Hansen and Anderson noticed he "was clearly masturbating" with his penis pulled through a hole in his pants. Trial Tr. Vol. I 30:7–21, 31:12–15, 48:25–49:11. This scared Hansen and Anderson, so they called 911. *See* Trial Tr. Vol. I 38:7–12, 66:10–13, 56:16–23.

Hansen and Anderson remained on the phone with the 911 dispatcher while they drove away and parked in the nearby Hobby Lobby parking lot on the other side of the convenience store. Trial Tr. Vol. I 32:8–13, 34:9–12. Once they were parked on the other side of the building, they believed that they "sort of lost" Wilson. *See* Trial Tr. Vol. I 32:17–22. But they were wrong. Wilson had followed them, coming "around the other side" of the building. *Id.*

During this second exposure, Wilson continued "watching [Hansen and Anderson] still." *Id.* He walked toward Hansen and Anderson, "weaving through other cars" in-and-out-of view. Trial Tr. Vol. I 33:19–34:6. He was still masturbating while he did so. *See* Trial Tr. Vol. I 34:19–35:1, 57:21–58:10.

Despite remaining on the phone with the dispatcher during this encounter, Hansen and Anderson were still scared of Wilson; they even screamed at times because Wilson kept watching them and masturbating as he weaved through the parked cars. *See* Trial Tr. Vol. I 33:19–35:1, 38:9–19, 58:11–21, 94:15–17.

A short time later, the police then arrived and arrested Wilson. Trial Tr. Vol. I 102:19–103:7. At that time, Ames Police Officer Nicholas Schieffer noticed the hole in Wilson's pants, which looked like it was "cut straight from underneath the crotch area, going down towards the inner part of his right knee." Trial Tr. Vol. I 101:10–18. "[Y]ou could have passed a football through the hole in [Wilson's] pants," Officer Schieffer said at trial, stating Wilson would "have been able to access his penis or groin area easily through th[e] hole." Trial Tr. Vol. I 101:19–102:2; *see also id.* at 112:11–20.

Wilson was ultimately charged with two counts of indecent exposure. *See* D0015, Am. Trial Info. (1/12/23); App. 9–11; D0009, Trial Info. (12/7/22); App. 4–6. After a jury trial, he was convicted as charged on both counts. *See* D0055, Verdict Form (2/15/23); App. 14-17; *see also* D0060, Sent. Order (3/8/23); App. 18–21.

ARGUMENT

I. The Unit of Prosecution for Indecent Exposure is the Number of Viewers, not the Number of Exposures.

Preservation of Error

The State does not contest error preservation. *State v. Crawford*, 972 N.W.2d 189, 202 (Iowa 2022); *State v. Zarate*, 908 N.W.2d 831, 840 (Iowa 2018).

Standard of Review

The Court reviews sufficiency claims for correction of errors at law. *Crawford*, 972 N.W.2d at 202 (quoting *State v. Buman*, 955 N.W.2d 215, 219 (Iowa 2021)). On review, the Court is "highly deferential to the jury's verdict. The jury's verdict binds th[e] court if the verdict is supported by substantial evidence." *State v. Mong*, 988 N.W.2d 305, 312 (Iowa 2023) (quoting *State v. Jones*, 967 N.W.2d 336, 339 (Iowa 2021)). "Substantial evidence is evidence sufficient to convince a rational trier of fact the defendant is guilty beyond a

reasonable doubt." *Jones*, 967 N.W.2d at 339. "Evidence is not insubstantial merely because [appellate courts] may draw different conclusions from it." *Id.*

When conducting its analysis, the Court considers "all evidence, not just the evidence supporting the conviction[.]" *State v. Ernst*, 954 N.W.2d 50, 54 (Iowa 2021) (quoting *State v. Tipton*, 897 N.W.2d 653, 692 (Iowa 2017)). And it "view[s] the evidence in the light most favorable to the State, including all legitimate inferences and presumptions that may fairly and reasonably be deduced from the record evidence." *State v. Booker*, 989 N.W.2d 621, 626 (Iowa 2023) (citations and quotations omitted).

Like sufficiency of the evidence claims, this Court reviews claims that a defendant's sentence is illegal for correction of errors at law. *State v. Davis*, 544 N.W.2d 453, 455 (Iowa 1996). And to the extent Wilson claims his sentence violates double jeopardy, the Court reviews constitutional claims de novo. *State v. Johnson*, 950 N.W.2d 21, 23 (Iowa 2020) ("We review constitutional double jeopardy claims de novo.").

Merits

At its roots, Wilson's argument is that he committed only one crime by exposing his genitals and masturbating in front of two victims. Wilson argues that the proper unit of prosecution for the crime of indecent exposure is each exposure, not the number of victims forced to view him publicly masturbating. *See* Def.'s Br. at 23–24. But because two victims endured Wilson's acts of indecent exposure, substantial evidence exists for both counts.

Between 2013 and 2015, the Iowa Supreme Court decided a series of "multiplicity," or unit of prosecution, cases addressing whether a defendant committed one or more criminal acts. *State v. Love*, 858 N.W.2d 721, 725–26 (Iowa 2015); *State v. Ross,* 845 N.W.2d 692, 698 (Iowa 2014); *State v. Copenhaver,* 844 N.W.2d 442, 447 (Iowa 2014); *State v. Gines,* 844 N.W.2d 437, 441 (Iowa 2014); *State v. Velez,* 829 N.W.2d 572, 577 (Iowa 2013). In so deciding, the Court held that the legislature has the "absolute right" to define the unit of prosecution: "Determining the unit of prosecution is another way of saying, what act did the general assembly criminalize?" *Ross*, 845 N.W.2d at 702, 704 (finding that the defendant committed two counts of intimidation with a dangerous

weapon with intent—defined by shooting, throwing, launching, or discharging a dangerous weapon "within an assembly of people"—after firing a series of shots into a group, separated by a pause and an intervening act before firing another round of shots).

In *State v. Velez*, the defendant challenged the factual basis for his pleas to two counts of willful injury. *See* 829 N.W.2d at 577. The question before the Court was whether Velez committed multiple, discrete acts during one prolonged attack on the victim. *Id.* In deciding the issue, the Court examined the legislature's intent to determine what it intended as the "unit of prosecution." *Id.* at 579.

The *Velez* court set forth three tests for determining when multiple acts support multiple counts: the separate acts test, the break in the action test, and the completed acts test. *Id.* at 581–83. The Court did not decide that any one test was dispositive over the others. *Id.* Instead, the Court found that, based on the minutes of testimony, the victim sustained multiple serious injuries that were sufficient to establish that Velez committed at least two completed acts of willful injury under either the break-in-the-action or the completed-acts tests. *Id.* at 583–84.

In *State v. Copenhaver*, the issue was the unit of prosecution for the defendant's robbery convictions. 844 N.W.2d at 446–47. In deciding the issue, our supreme court stated that

> the unit of prosecution for robbery requires the defendant to have the intent to commit a theft, coupled with any of the following – commits an assault upon another, threatens another with or purposely puts another in fear of immediate serious injury, or threatens to immediately commit any forcible felony.

Id. at 449. The Court held that the State was required to, and did, prove that the defendant intended to commit two distinct thefts when robbing a bank after he approached two tellers, with each theft accompanied by any of the actions set out in section 711.1. *Id.*

Applying these principles in the context of indecent exposure, the unit of prosecution should be the number of viewers forced to observe a defendant's exposed genitals and public masturbation.

Iowa Code section 709.9 provides:

> 1. A person who exposes the person's genitals or pubes to another not the person's spouse, or who commits a sex act in the presence of or view of a third person, commits a serious misdemeanor, if:
>
> a. The person does so to arouse or satisfy the sexual desires of either party.
>
> b. The person knows or reasonably should know that the act is offensive to the viewer.

> 2. a. A person who masturbates in public in the presence of another, not a child, commits a serious misdemeanor.
>
> b. A person who masturbates in public in the presence of a child commits an aggravated misdemeanor.
>
> c. For the purpose of this subsection, "masturbate" means physical stimulation of a person's own genitals or pubic area for the purpose of sexual gratification or arousal of the person, regardless of whether the genitals or pubic area is exposed or covered.

Iowa Code § 709.9.

In *State v. Bauer*, the court noted that the legislature's goal in drafting the indecent exposure statute was to "render indecent exposure 'essentially a visual assault crime.'" *State v. Bauer*, 337 N.W.2d 209, 211 (Iowa 1983) (en banc) (quoting Kermit L. Dunahoo, *The New Iowa Criminal Code: Part II*, 29 Drake L. Rev. 49, 541 (1979-80)); *see also State v. Lopez*, 907 N.W.2d 112, 118 (Iowa 2018) (using the "visual assault" language); *State v. Jorgensen*, 758 N.W.2d 830, 835 (Iowa 2008) ("Although the statute does not define the term 'expose,' we have held that indecent exposure is 'essentially a visual assault crime.'"); *State v. Isaac*, 756 N.W.2d 817, 819 (Iowa 2008) ("Because indecent exposure is 'essentially a visual assault crime' . . . the State needed to produce a victim who saw Isaac's exposed

genitals."). "It is only exposure with a sexual motivation, inflicted upon an unwilling viewer, which will constitute the offense." *Bauer*, 337 N.W.2d at 211 (quoting 4 John J. Yeager & Ronald L. Carlson, *Iowa Practice: Criminal Law and Procedure* § 217, at 63 (1979)) (emphasis omitted). For the exposure-of-the-genitals or sex act alternative, the State must establish that the viewer was offended and that the defendant knew, or reasonably should have known, that the act was offensive to the viewer. *Isaac*, 756 N.W.2d at 819.

The language of Iowa's indecent exposure statute and the caselaw interpreting it show that the gist of the offense is the visual assault suffered by the viewer of the exposure. The unit of prosecution should therefore be the number of victims, not the number of exposures. By way of analogy, consider whether a defendant swung a baseball bat and, in one fell swoop, hit two people standing side-by-side: Would they be guilty of two assaults, despite only committing one physical act (the single slugger swing)? Yes.

Here, two victims were visually assaulted by Wilson's conduct. *See* Trial Tr. Vol. I 29:8–31:12–15. Wilson's efficiency does not reduce his number of victims. Nor does his efficiency reduce the

number of crimes he committed while indecently exposing himself to those victims.

Under the completed-acts test, Wilson committed the crime of indecent exposure as soon as each victim viewed his genitals while he masturbated as long as he generally had the requisite sexual intent. The statute is phrased in the singular: "exposes . . . to another not the person's spouse," "in the presence of or view of a third party," "in the presence of another, not a child," or "in the presence of a child." *See* Iowa Code § 709.9(1), (2); *State v. Kidd*, 562 N.W.2d 764, 765 (Iowa 1997) (finding the defendant guilty of three counts of unauthorized possession of an offensive weapon by possessing three guns because the law uses the singular "possessed an offensive weapon").

In contrast, the defendant in *Ross* was not held responsible for shooting at each person in an assembly because the intimidation by a dangerous weapon statute provided that the crime was committed only when a person uses a weapon against "an assembly of people," not one individual. *Ross*, 845 N.W.2d at 701–05. As defined in the statute, the act of intimidation by a dangerous weapon is incomplete if there is only one victim, because the statute requires an "assembly" of at least two for the offense to be completed. *Id.*

Thus, the cases from other jurisdictions like those Wilson relies on are unpersuasive. *See* Def.'s Br. at 21–22. Courts that have held the unit of prosecution is per-exposure rather than per-victim involve notably different statutory language. For instance, California's indecent exposure statute prohibits a defendant from "[e]xposing his person, or the private parts thereof, in any public place, or in any place where there are other persons to be offended or annoyed thereby." *People v. Smith*, 147 Cal.Rptr.3d 314, 317 (Cal. Ct. App. 2012). "Requiring that the act occur in an open area suggests that the crime does *not* require specific victims. This is further supported by the fact that visual observation of the genitals is *not* an element of indecent exposure in California." *Id.* at 318 (emphasis added).

Similarly, Washington's statute prohibits "intentionally mak[ing] any open and obscene exposure of [their] person or the person of another knowing that such conduct is likely to cause reasonable affront or alarm." *State v. Vars*, 237 P.3d 378, 381 (Wash. Ct. App. 2010). Unlike Iowa's statute, the viewer's reaction is of no consequence in indecent exposure cases in the State of Washington:

> The offensive exhibition in the presence of another ... [is] not necessarily an assault or a personal offense against the individual in whose presence the exhibition takes place... It

> is sufficient if the acts are such that the common sense of society would regard the specific act performed as indecent and improper.

Id. (quoting *State v. Eisenshank*, 521 P.2d 239, 240–41 (Wash. Ct. App. 1974)). Washington's appellate court concluded that an indecent exposure is "'completed when the inappropriate exhibition takes place in the presence of another,' without any consideration of that person's response." *Id.*

Take, as another example, Texas's statute, which defines indecency with a child by exposure of the genitals or anus with the intent to arouse or gratify the sexual desire of any person while "knowing the child is present." *Harris v. State*, 359 S.W.3d 625, 630 (Tex. Crim. App. 2011). In interpreting that statute's unit of prosecution, that court noted "the child does not even have to be aware of the exposure:" The crime stresses the defendant's actions and mental state and not the viewer's reaction to the exposure. *Id.* Yet unlike Texas's statute, Iowa's exposure statute—including the more recently-minted masturbation alternative relevant here—is victim-focused and specifically requires a viewer. *See* Iowa Code § 709.9(1); *Isaac*, 756 N.W.2d at 819. That is, the statute's masturbation alternative requires the presence of a specific victim

instead of a public place to commit such a "visual assault," despite not expressly including the viewer's offense as an element. *See* Iowa Code § 709.9.

Thus, the units analyses from other jurisdictions with viewer-indifferent statutes are inapplicable here because the essence of the offenses are different. So this Court should affirm and conclude Wilson committed two counts of indecent exposure because two victims were present when he publicly masturbated.

A. Sufficient Evidence Exists to Convict Wilson of Both Counts of Indecent Exposure even if the Unit of Prosecution is the Number of Exposures.

Even if the Court decides that the proper gauge for committing indecent exposure is the number of exposures, sufficient evidence still exists for convicting Wilson of both counts. Wilson concedes that "if there are two separate and distinct occasions of prohibited conduct, then the defendant has committed two separate [counts of] indecent exposure." Def.'s Br. at 20. That is what happened here. At trial, the State argued during closing arguments that Wilson masturbated in front of the two victims "on two separate occasions" and that "[t]he State charged two counts, one for each victim in this case." Trial Tr. Vol. I 122:15–16; *see id.* at 114:13–18 (reflecting the State's argument

that Wilson masturbated in front of the two victims "on two separate occasions."). And during the defense's motion for a directed verdict, the district court noted that a reasonable factfinder could conclude that "the defendant exposed his penis and was masturbating in front of two young women" while making "eye contact with them[,] and [he] did it on more than one occasion." *Id.* at 115:1–9.

The State's substantial evidence argument was straightforward: Because Wilson masturbated in front of the victims after the moved their vehicle to avoid him, there was a sufficient "break in the action and a series of acts that would each constitute a completed act" of indecent exposure. *Velez*, 829 N.W.2d at 583–84. That brief period between when the victims "sort of lost" Wilson after moving their car and when he followed them, "weaving in and through cars," "in and out of sight." *Id.* at 584; *see* Trial Tr. Vol. I 34:9–35:1, 57:21–58:10. As in *Velez*, the record is enough to convict Wilson of two counts of indecent exposure even if the proper unit of prosecution were the number of exposures. *See Velez*, 829 N.W.2d 583–85. Wilson's argument should therefore fail.

B. Wilson's Convictions do not Amount to Illegal Sentences.

Next, Wilson argues that if his sufficiency challenge does not succeed, then his convictions "violate[] the Double Jeopardy protection against cumulative punishment and amounts to an illegal sentence." *See* Def.'s Br. at 24–29. Because Wilson's claim fails under either a per-victim or per-exposure analysis for the reasons stated above, this Court should reject this claim.

Generally, "an illegal sentence is a sentence that is not permitted by statute." *Copenhaver*, 844 N.W.2d at 447 (citing *State v. Woody*, 613 N.W.2d 215, 217 (Iowa 2000)). "If the legislature criminalizes two separate and distinct acts, separate sentences are not illegal." *Id.* (citing *State v. Jacobs*, 607 N.W.2d 679, 688 (Iowa 2000)). "It is well established in Iowa law that a single course of conduct can give rise to multiple charges and convictions." *Velez*, 829 N.W.2d at 584 (citation omitted).

Again, the proper unit of prosecution is the number of victims for the crime of indecent exposure. Because of this, Wilson was properly charged with two counts of indecent exposure and properly convicted of both because there were two victims. *Id.* And again, even under a per-exposure analysis, Wilson's criminal conduct was

enough to establish two distinct counts of indecent exposure under the break-in-the-action and the completed-acts tests. *See id.* at 584. Thus, because the legislature intended punish both of Wilson's criminal acts regardless of the analysis employed now, "double jeopardy is not violated." *Id.*

Accordingly, this Court should reject his request to "combine" his convictions. *See* Def.'s Br. at 28; *Copenhaver*, 844 N.W.2d at 447.

II. The Trial Court Sufficiently Stated Its Reasons on the Record for Imposing Consecutive Sentences for Each Count of Indecent Exposure.

Preservation of Error

The State does not contest error preservation on this issue. *See State v. Cooley*, 587 N.W.2d 752, 754 (Iowa 1998).

Standard of Review

When a defendant challenges a sentence that falls within the statutory parameters, the Court's review is for an abuse of discretion. *State v. Gordon*, 921 N.W.2d 19, 24 (Iowa 2018). A sentencing court abuses its discretion when its decision "rested on grounds or reasoning that were clearly untenable or clearly unreasonable." *State v. Plain*, 898 N.W.2d 801, 811 (Iowa 2017). "Grounds or reasons are untenable if they are 'based on an erroneous application of the law or

not supported by substantial evidence.'" *Id.* (quoting *State v. Dudley*, 856 N.W.2d 668, 675 (Iowa 2014)).

Because the district court enjoys broad discretion in sentencing matters, a defendant must overcome the presumption of regularity when challenging their sentence. *State v. Pappas*, 337 N.W.2d 490, 494 (Iowa 1983). The district court's sentencing decisions "are cloaked with a strong presumption in their favor . . . ." *State v. Wilbourn*, 974 N.W.2d 58, 67 (Iowa 2022) (omission in original) (quoting *State v. Davison*, 973 N.W.2d 276, 289 (Iowa 2022)).

Merits

Wilson claims that the trial court erred by imposing consecutive sentences and alleges that the court "failed to state reasons for sentencing [him] to a consecutive prison term." Def.'s Br. at 30. Because the district court sufficiently stated its reasons for imposing consecutive sentences, Wilson's claim fails.

When sentencing a defendant, the district court considers "all pertinent information, including the presentence investigation report and victim impact statements, if any." Iowa Code § 901.5. It weighs "the nature of the offense, attending circumstances, defendant's age, character, and propensities[,] and chances of his reform." *State v.*

Headley, 926 N.W.2d 545, 549 (Iowa 2019) (citation omitted). And it determines which statutory options are "authorized by law for the offense" and which of those options, in its discretion, "will provide maximum opportunity for the rehabilitation of the defendant, and for the protection of the community from further offenses by the defendant and others." Iowa Code § 901.5. The court must make these determinations on the record, and it cannot base its sentencing decision on any single factor alone. *State v. Dvorsky*, 322 N.W.2d 62, 67 (Iowa 1982) (citation omitted).

Iowa Rule of Criminal Procedure 2.23(3)(d) requires the district court to "state on the record its reason for selecting a particular sentence." "Rule 2.23(3)(d) applies to the district court's decision to impose consecutive sentences." *State v. Hill*, 878 N.W.2d 269, 273 (Iowa 2016) (citing *Jacobs*, 607 N.W.2d at 690).

True, sentencing courts are required to state on the record the reasons for imposing a particular sentence. Iowa R. Crim. P. 2.23(3)(d); *see* Iowa Code § 901.5. But that requirement may be satisfied with a "terse and succinct" statement, as long as it enables appellate review. *See State v. Thacker*, 862 N.W.2d 402, 408 (Iowa 2015) (citation omitted). And the reasons for consecutive sentences

may be the same reasons relied on for the imposition of incarceration. *See Hill*, 878 N.W.2d at 275.

Here, the district court provided sufficient reasons for imposing consecutive sentences for each count of indecent exposure that Wilson committed. At sentencing, the district court stated as follows:

> Well, Mr. Wilson, the purpose of sentencing is to do two things. It's meant to rehabilitate you and to protect our community from further offenses from you. The record shows that you have a relatively long prior criminal record. Most disturbingly, you have prior convictions for this very same offense, including one that you were sentenced on just before you committed these two offenses.
>
> Mr. Wilson, at this point in time, I think really the only appropriate sentence here is to send you to prison for as long of a period of time as I can, which still won't be all that long. But hopefully it's enough time that'll give you an opportunity to get some treatment. It'll give you an opportunity to take a step back and look at yourself, look at your life, make some decisions about what kind of a future you want to be and what kind of a person you want to be.
>
> And if you use that time productively, Mr. Wilson, then there's no reason why, when you get out of prison, you can't go out there and work towards accomplishing your goals. But that's obviously only going to happen if you change the way you make decisions. And hopefully when you're in prison, you can do that. You can change the way you make decisions and you can get appropriate

> treatment. But I think at this stage, you just need to go to prison for the maximum penalty, because I don't think you'll stop committing this offense until you serve a significant amount of time in custody.

Sent. Tr. (3/8/23) at 11:12–12:14.

The record thus shows that the court imposed a sentence of incarceration and consecutive terms for Wilson's crimes because of his "prior convictions for this very same offense," to protect the community from further offenses committed by Wilson, and to ensure that he obtains the treatment he needs to help him stop masturbating in public. *Id.* These considerations were properly evaluated and weighed by the court. *See* Iowa Code § 901.5; *Headley*, 926 N.W.2d at 549 (citation omitted). And the court's "terse and succinct statement" was enough to withstand scrutiny now. *Thacker*, 862 N.W.2d at 408.

Ultimately, the district court considered several factors and came to the reasonable conclusion that consecutive terms of incarceration were the proper sentences for Wilson, while concurrent sentences were not. The strong presumption favoring sentences within statutory limits should therefore prevail.

CONCLUSION

This Court should affirm Wilson's convictions and sentences.

REQUEST FOR NONORAL SUBMISSION

Oral argument is unnecessary for this case. But if Wilson is granted oral argument, the State requests to also be heard.

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 **4,310** words, excluding the parts of the brief exempted by Iowa R. App. P. 6.903(1)(g)(1).

Dated: December 20, 2023

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