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IN THE SUPREME COURT OF IOWA
Supreme Court No. 23-1285
Johnson County No. FECR137573

STATE OF IOWA,
Plaintiff–Appellee,

vs.

ERIC LAMONT HARRIS,
Defendant–Appellant.

APPEAL FROM THE IOWA DISTRICT COURT
FOR JOHNSON COUNTY
THE HONORABLE BRANDON SCHROCK, JUDGE

BRIEF FOR APPELLEE

BRENNA BIRD
Attorney General of Iowa

AARON ROGERS
Assistant Attorney General
Hoover State Office Building, 2nd Floor
Des Moines, Iowa 50319
(515) 281-5976
aaron.rogers@ag.iowa.gov

RACHEL ZIMMERMANN SMITH
Johnson County Attorney

OUBONH P. WHITE
Assistant Johnson County Attorney

ATTORNEYS FOR PLAINTIFF–APPELLEE

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STATEMENT OF THE ISSUE PRESENTED FOR REVIEW

I. Did the district court correctly conclude that the trial information was timely filed under Iowa Rule of Criminal Procedure 2.33(2)(a) because *State v. Watson's* explanation of *State v. Williams* is, or should be, limited to situations involving citations?

ROUTING STATEMENT

Two minutes before midnight, law enforcement officers told Eric Lamont Harris he was under arrest because he had set a fire in his home with his spouse and children inside. Harris was booked into jail forty minutes later and had his initial appearance the same day as his booking. Harris's trial information came forty-five days following his booking and initial appearance. It was timely under recent Iowa Court of Appeals's decisions, *State v. Dobbe*, No. 19–0930, 2020 WL 6157785 (Iowa Ct. App. Oct. 21, 2020), and *Bol v. State*, No. 19–0225, 2020 WL 3571807, at *2 (Iowa Ct. App. July 1, 2020). Those decisions recognized *State v. Williams*, 895 N.W.2d 856, 860 (Iowa 2017) set Iowa Rule of Criminal Procedure 2.33(2)(a)'s speedy-indictment starting point at initial appearance. Yet, if the court applies the reading of *Williams* in *State v. Watson*, 970 N.W.2d 302, 308 (Iowa 2022), which involved a citation and an explicit statutory provision governing citations, the trial information here would have been, in a manner of speaking, two minutes late.

Retention would be appropriate because this case provides a companion to *State v. Teara Cole,* No. 24–0303 (Iowa 2024), a State's appeal with a retention request and awaiting the appellee defendant's brief. For speedy-indictment, this case marks the end of an era while *Cole* begins

the next. In *Cole*, the State asks the Court to interpret the recently amended Iowa Rule of Criminal Procedure 2.33(2)(a), known as the speedy-indictment rule, which governs all indictable cases. In the State's view, that amendment confirms what the *Williams* rule should be—the time for filing an indictment or trial information is both triggered by, and starts running at the time of, a criminal defendant's initial appearance before a magistrate. *Williams* confirms that a Rule 2.33(2)(a) "arrest" is a statutory arrest, which includes the initial appearance. So, because an arrest has not happened until initial appearance, after arrest should mean after initial appearance. Yet, *Watson* interprets *Williams* to say that an arrest-concluding initial appearance triggers the speedy-indictment period but that trigger does not start the period. Instead, the trigger springs the start of the period backward to the initiation of custody. *Williams* ought to mean statutory arrest, not Fourth Amendment arrest, is the trigger <u>and</u> the beginning of the speedy-indictment period.

The facts here demonstrate why *Williams* should mean statutory arrest is the start of both. If *Watson's* explanation of *Williams* prevails here, a continuing prosecution is separated from a dismissal by two witching-hour minutes embraced by an unnecessary backspring. The Iowa Supreme Court should thus limit *Watson's* explanation of *Williams* to cases in which

law enforcement issued a citation. *Watson's* reflections on *Williams* were unnecessary to its holding because Iowa Code section 805.1(4) explicitly controlled the decision.

Granted, reconsideration of an opinion two years after its issuance is—for good reason—unusual. Yet, the circumstances here are unusual. Rule 2.33(2)(a) has been amended to explicitly make a defendant's initial appearance before a magistrate the trigger and the starting point of the speedy-indictment period. This change brings the rule back to its pre-1978 origins and supersedes post-1978 case law addressing the starting point of the 45-day period to file an indictment or trial information. After *State v. Cole*, presuming that the appellate courts agree with the State's position, all speedy-indictment appellate court opinions between 1978 and 2024 will be subject to legal database red flags as superseded by the rule change. The Court has already reconsidered and changed the *Williams* rule.

An opinion tying *Williams's* rule to this change will effectively make the amended rule retroactive to pending cases. Many seasoned criminal defense lawyers, experienced assistant attorneys general, and learned judges already thought that *Williams* said what the amended rule says. Refusing to extend *Watson's* obiter dictum about the rule outside the realm of citations could not cause more confusion than already exists in the bar.

For cases applying the pre-July-1-2023 version of Rule 2.33(2)(a), the court should adopt the Iowa Court of Appeals's interpretation of *Williams* that the State relied upon here. *See, e.g., State v. Dobbe*, No. 19–0930, 2020 WL 6157785 (Iowa Ct. App. Oct. 21, 2020) (explaining that *Williams* set the speedy indictment starting point at initial appearance). Retention by the Iowa Supreme Court is appropriate. Iowa R. App. P. 6.1101(3).

NATURE OF THE CASE

Defendant-appellant Eric Harris brings this interlocutory appeal on discretionary review. He asserts the district court incorrectly denied his motion to dismiss a trial information he alleges was filed in violation of the speedy indictment rule, Iowa Rule of Criminal Procedure 2.33(2)(a).

At 11:58 p.m. on the 46th day before the trial information was filed, law enforcement officers told Harris he was under arrest. He was booked into custody forty minutes later—by then the 45th day before the trial information's filing. He had an initial appearance before a magistrate the same day. The district court concluded there was no speedy-indictment violation because the trial information was filed 45 days after arrest in compliance with Iowa Rule of Criminal Procedure 2.33(2)(a). It denied Harris's motion to dismiss.

This court should affirm the district court's ruling that Harris's prosecution may continue for child endangerment in violation of Iowa Code sections 726.6(1)(A), 726.6(4), and 726.6(8), an aggravated misdemeanor, reckless use of fire in violation of Iowa Code sections 712.5, a serious misdemeanor, and harassment in the second degree in violation of Iowa Code sections 708.7(1)(b), 708.7(3)(a), a serious misdemeanor.

STATEMENT OF THE FACTS

Law enforcement officers with the Iowa City Police Department received a report that defendant-appellant Eric Lamont Harris set a fire in his home while his children and significant other were present. D0012, Minutes Testimony at 1–2 (05/10/2023). Officers told him he was under arrest at 11:58 p.m. on Saturday, March 25, 2023. D0032, Ruling Denying Mot. Dismiss at 1–2 (07/14/23). Harris was transported to jail and booked at 12:36 a.m. on Sunday, March 26, 2023. *Id.* at 2. He had his initial appearance before a magistrate first thing that morning. *Id.*

Police also filed complaints and affidavits on March 26, 2023. The first charged arson in the first degree in violation of Iowa Code section 712.2, a Class B felony. D0001, Criminal Complaint — Arson at 1 (03/26/2023). The second and third each charged child endangerment in violation of Iowa Code section 726.6(8), aggravated misdemeanors. D0002, Criminal

Complaint — Child Endangerment at 1 (03/26/2023); D0003, Criminal Complaint — Child Endangerment at 1 (03/26/2023).

Forty-five days later, after taking time to get the charging decision right, the State filed a trial information alleging child endangerment in violation of Iowa Code sections 726.6(1)(A), 726.6(4), and 726.6(8), an aggravated misdemeanor, reckless use of fire in violation of Iowa Code section 712.5, a serious misdemeanor, and harassment in the second degree in violation of Iowa Code sections 708.7(1)(b), 708.7(3)(a), a serious misdemeanor. D0010, Trial Information at 1 (05/10/2023).

Harris moved to dismiss on May 15, 2023, arguing that the State filed the trial information forty-six days after initiation of his custody. D0013, Motion Dismiss – Speedy Indictment (05/15/2023). Harris alleged this violated Iowa Rule of Criminal Procedure 2.33(2)(a), which at the time of the motion provided:

> When an adult is arrested for the commission of a public offense, or, in the case of a child, when the juvenile court enters an order waiving jurisdiction pursuant to Iowa Code section 232.45, and an indictment is not found against the defendant within 45 days, the court must order the prosecution to be dismissed, unless good cause to the contrary is shown or the defendant waives the defendant's right thereto.

Iowa R. Crim. P. 2.33(2)(a). By the time the court ruled on the motion on July 23, 2023, the rule had been amended to add a sentence:

> For purposes of this rule, the 45-day period commences for an adult only after the defendant has been taken before a magistrate for an initial appearance or a waiver of the initial appearance is filed.

Iowa R. Crim. P. 2.33(2)(a) (effective July 1, 2023). The court did not purport to apply the new rule, nor did either party ask that it do so. D0032 at 2–5.

The district court concluded that *State v. Williams*, 895 N.W.2d 856, 865 (Iowa 2017), governed the dispute. It denied Harris's motion to dismiss because "the rights to a speedy indictment under Iowa Law become applicable, 'once the arrested person is before the magistrate," namely upon completion of the initial appearance." *Id.* at 3 (quoting *Williams*, 895 N.W.2d at 865). The court rejected Harris's contention that *State v. Watson*, 970 N.W.2d 302 (Iowa 2022), had anything to say because: 1) that case spoke to defendants issued citations; 2) Iowa Code section 805.1(4) controlled the issue there; and 3) Harris did not receive a citation. *Id.* at 3. The district court quoted *Williams's* concluding passage:

> Arrest for the purposes of the speedy indictment rule requires the person to be taken into custody in the manner authorized by law. The manner of arrest includes taking the arrested person to a magistrate.

> The rule is triggered from the time a person is taken into custody, but only when the arrest is completed by taking the person before a magistrate for an initial appearance.

Id. at 4–5 (quoting *Williams*, 895 N.W.2d at 867). The district court interpreted that language:

> The *Williams* decision clearly states that the date of speedy indictment begins to run from the date when the arrest is completed by being taken in front of the magistrate, and that is the date by which the speedy indictment requirement is to be measured against.

Id. at 4. Measuring the speedy-indictment time from Harris's March 26, 2023 initial appearance, the district court concluded that the May 10, 2023 trial information was timely filed 45 days after the conclusion of Harris's statutory arrest. *Id.*

ARGUMENT

I. The district court properly concluded that Iowa Rule of Criminal Procedure 2.33(2)(a) did not require dismissal of the trial information.

Preservation of Error

The State does not challenge error preservation. Harris moved to dismiss on speedy-indictment grounds below and secured an adverse ruling on the issue from the district court. D0032 at 2–5.

Standard of Review

A district court ruling on a motion to dismiss premised on the speedy-indictment rule is reviewed for correction of errors at law. *Watson*, 970 N.W.2d at 307. The appellate court is "bound by the findings of fact of the district court if they are supported by substantial evidence." *State v. Wing*, 791 N.W.2d 243, 246 (Iowa 2010), *overruled on other grounds by Williams*, 895 N.W.2d at 860.

Merits

Defendant Eric Harris's speedy indictment clock began ticking on March 26, 2023, when he appeared before a magistrate for an initial appearance. *See Dobbe*, 2020 WL 6157785 (explaining that *Williams*, 895 N.W.2d at 860, set the speedy-indictment starting point at initial appearance). The State filed a trial information May 10, 2023—forty-five days after Harris's initial appearance. D0010 at 1. An information is equivalent to an indictment for purposes of Rule 2.33(2)(a). Iowa R. Crim. P. 2.5(5). Forty-five days is the rule's deadline, so the trial information was timely. Iowa Rule Crim. P. 2.33(2)(a).

An arrest is not complete for speedy-indictment purposes unless and until the person is "brought into the court process to answer to a criminal charge pursuant to the rules of criminal procedure." *See Williams*, 895

N.W.2d at 862. *Williams* reviewed statutory provisions governing arrest, including Iowa Code sections 804.5 and 804.14, concluding that taking an individual into custody—a Fourth Amendment arrest—is not the arrest described in Rule 2.33(2)(a). To be arrested under Rule 2.33(2)(a), a detainee had to become a criminal defendant via an initial appearance before a magistrate. After that, "the arrest process is complete, the person is no longer under the control of the arresting officer, and all the rights under the law available to defendants become applicable, including the right to a probable-cause preliminary hearing and the right to a speedy indictment." *Williams*, 895 N.W.2d at 865.

The speedy-indictment rule effectuates the constitutional right to a speedy trial. *Williams*, 895 N.W.2d at 866. The rule "protect[s] against the pitfalls associated with a suspended prosecution." *State v. Penn-Kennedy*, 862 N.W.2d 384, 390 (Iowa 2015), *overruled by Williams*, 895 N.W.2d at 856. Pitfalls to be avoided include indefinite incarceration, loss of evidence, anxiety about a potential prosecution while on bail, and lack of a fair process. *Williams*, 895 N.W.2d at 866–67 (citing *State v. Allnutt*, 156 N.W.2d 266, 268 (Iowa 1968), *overruled on other grounds by State v. Gorham*, 206 N.W.2d 908, 913 (Iowa 1973)).

Iowa's public policy is stated in the speedy indictment rule: "that criminal prosecutions be concluded at the earliest possible time consistent with a fair trial to both parties." Iowa R. Crim. P. 2.33(2). In that connection, the rule provides for dismissals if an indictment is not found within 45 days of an arrest-concluding initial appearance. Iowa R. Crim. P. 2.33(2)(a). The amended rule, effective July 1, 2023, confirms what *Williams* should stand for—the starting point of the 45-day period to indict a defendant or file a trial information is initial appearance. *Id*. (July 1, 2023).

Williams meant to return the speedy indictment rule to its origins and should be read to take it all the way. Before 1978, the speedy indictment statute was triggered once the defendant was "held to answer" for a charge, meaning "the speedy indictment time period was tied to the fundamental probable-cause determination required under our law for the state to prosecute a person arrested and accused of a crime." *Williams*, 895 N.W.2d at 860. That meant a preliminary examination, *i.e.*, an initial appearance, before a magistrate. *State v. Mays*, 204 N.W.2d 862, 866–67 (Iowa 1973). Provisions governing being "held to answer," including the speedy-indictment requirement, dated back to Title XXII of the Code of 1851. *State v. Morningstar*, 207 N.W.2d 772, 774–75 (Iowa 1973). In 1978,

the speedy-indictment triggering language was changed from "held to answer" to "arrest," but the principal authors of the Iowa Code revisions "wrote that the speedy trial provisions did not express substantive changes . . . ." *Williams*, 895 N.W.2d at 862 (quoting 4 John L. Yeager & Ronald L. Carlson, *Iowa Practice: Criminal Law and Procedure* § 1242, at 298–99 (1979)). Nonetheless, in an early case following the 1978 revisions, the Court redefined the speedy-indictment provision "by using the moment a person is taken into custody as the only triggering event, even if the arrested person is not subsequently brought into the court process to answer to a criminal charge pursuant to the rules of criminal procedure." *Id.* (citing *State v. Schmitt*, 290 N.W.2d 24, 27 (Iowa 1980)). Over the next three decades, the Court dealt with the "various collateral circumstances that can accompany an arrest," but later said it "never looked back to confront the obvious shortcoming in [its] analysis used in deciding to take the path followed in *Schmitt*." *Id.* at 863–65. That path ultimately led to the Court saying the speedy-indictment period began when "a reasonable person of the defendant's position would have believed an arrest occurred . . . ." *Wing*, 791 N.W.2d at 249, *overruled by Williams*, 895 N.W.2d at 867. *Schmitt* took the speedy-indictment rule far from its held-to-answer origins.

Williams seemingly returned a measure of clarity to the start of the speedy-indictment period by acknowledging that taking a defendant into custody, though meaningful under Fourth Amendment precedent, did not equate to an arrest under Iowa statutory law. 895 N.W.2d at 865. Under *Williams*, an arrest triggering the speedy-indictment period had two components: the defendant being taken into physical custody and an initial appearance. *Id*. This apparent return to the "held to answer" regime—never meant to be abandoned—prevented all but the shortest detachments between custody and prosecution from leading to speedy-indictment problems. *Id.* at 866.

Yet, according to *Watson's* reading of *Williams*, *Watson*, 970 N.W.2d at 309, instead of beginning the speedy-indictment period at the conclusion of the statutory arrest—the initial appearance—*Williams* maintained a measure of detachment from being held to answer. *Id*. at 867 ("The rule is triggered from the time a person is taken into custody, but only when the arrest is completed by taking the person before a magistrate for an initial appearance.") *Watson* addresses a defendant issued a citation at the time of the initiation of custody. 970 N.W.2d at 308. Harris relies heavily on *Watson's* discussion of *Williams*. Law enforcement here did not issue Harris a citation, so *Watson* does not apply. Despite the district court's view

that there is only one reasonable interpretation of *Williams*, however, *Watson's* explanation of *Williams* is impossible to ignore even outside the context of a citation.

Williams's rationale and analysis all builds up to the conclusion that the speedy-indictment period starts when a criminal defendant is held to answer—*i.e.*, when they become a criminal defendant after an initial appearance. Yet, *Williams's* description of its rule succumbs to the gravity of the Fourth Amendment's so-familiar definition of arrest and away from its principled held-to-answer basis for setting the starting point at statutory arrest. Initiation of custody is, after all, the beginning of the statutory-arrest process. But as *Williams* showed—as did many of the cases *Williams* overruled—what initiates a statutory arrest does not always lead to a completed statutory arrest, which is completed only upon initial appearance. *Williams*, as interpreted by *Watson*, does not provide a "bright line" for the speedy indictment clock's starting point. *But see Williams*, 895 N.W.2d at 869 (Mansfield, J., concurring specially) (describing the decision as providing a "bright line" for speedy indictment).

There is no principled reason to allow the speedy-indictment period to start sometimes at initiation of custody but sometimes not. With statutory arrest as the trigger <u>and</u> the starting point, the speedy indictment

period can always start when that process is complete. By amending Rule 2.33(2)(a) to explicitly say just that, this Court recognized it is the better rule—an actual bright line. Stare decisis does not weigh against a reconsideration of *Williams* because the Court already abandoned *Watson's* view of *Williams*. *See State v. Iowa District Court for Jones Cnty.*, 902 N.W.2d 811, 817 (Iowa 2017) (detailing the principles underlying stare decisis, including predictability and stability). After July 1, 2023, Rule 2.33(2)(a) explicitly makes a defendant's initial appearance before a magistrate the trigger <u>and</u> the starting point of the speedy-indictment period. Changing *Williams's* rule is the opposite of legislative acquiescence. *See id*. (noting that if the legislature fails to change language of an interpreted statute, the presumption is that it acquiesces in the court's interpretation). And the Court acted as rulemaker in amending Rule 2.33(2)(a), the General Assembly simply didn't object to *Watson's* view. *See* Iowa Code § 602.4202 (providing that the supreme court may submit rule changes that will be effective if the legislative council does not object within 60 days). The amendment to Rule 2.33(2)(a) brings the rule back to its pre-1978 origins and supersedes post-1978 case law addressing the starting point of the 45-day period to file an indictment or trial information. The Court has already reconsidered *Williams*.

The Court meant to have amended Rule 2.33(2)(a) in effect July 1, 2022, almost a year before the trial information here was filed, because it proposed that amendment by sending it and other rule changes to the General Assembly in January 2022. Iowa Judicial Branch, In the Matter of Adopting Revised Chapter 2 Iowa Rules of Criminal Procedure, Order (January 31, 2022), available at https://www.iowacourts.gov/collections/721/files/1482/embedDocument/. The pandemic-delayed process of updating the entire chapter of Iowa Rules of Criminal Procedure was extended further in 2022 by the Court allowing additional time for public input into responses to prior public input. Iowa Judicial Branch, In the Matter of Adopting Revised Chapter 2 Iowa Rules of Criminal Procedure, Order at 4 (October 14, 2022), available at https://www.iowacourts.gov/collections/762/files/1654/embedDocument. Alas, the amended rule does not apply here. Yet the Court can interpret *Williams* as did many judges and lawyers before (and, as here, after) *Watson*. *See* D0032 at 4–5 (holding in district court that Harris's trial information was timely); *Dobbe*, 2020 WL 6157785, at *2 (concluding speedy-indictment period begins at initial appearance); *Bol v. State*, No. 19–0225, 2020 WL 3571807, at *2 (Iowa Ct. App. July 1, 2020) (concluding speedy-indictment right was not triggered because the defendant had not initial appearance); *State v. Khan*, No. 20–

0869, 2021 WL 3661411, at *3–4 (Iowa Ct. App. Aug. 18, 2021) (Greer, J., dissenting) (concluding initial appearance is speedy-indictment clock's starting point).

The rationales for the two distinct "arrests" also justify a bright-line rule for speedy indictment. The Fourth Amendment protects against wrongful seizures of citizens, while the speedy-indictment rule protects against suspended prosecution. The Fourth Amendment protects a person's liberty interest from the moment of contact with police—and that is when we evaluate its protections. A Fourth Amendment arrest requires probable cause for seizure and triggers the rights to counsel and against self-incrimination. These interests exist after initiation of custody. Speedy-indictment interests, however, arise after initiation of adversarial proceedings, namely: 1) preventing harm to the accused's defense due to diminished memories and loss of exculpatory evidence; 2) preventing prolonged incarceration, 3) alleviating the anxiety of an impending indictment as rapidly as possible, 4) reducing impairments to liberty imposed by release on bail, and 5) avoiding a long period of disruption and derision in the community based on filed charges. *See Williams*, 895 N.W.2d at 866–67 (cataloguing principles behind the rule). *Williams* had all of the principles correct addressing a statutory arrest but when stating

its rule could not escape the too-familiar concept of a Fourth Amendment initiation-of-custody arrest.

Indeed, *Williams* spawned confusion. *See, e.g.*, *Swanson v. State*, No. 22–1997, 2024 WL 1552593, at *2 (Iowa Ct. App. Apr. 10, 2024) (describing disagreement about *Williams's* rule and *Watson's* attempt to clear up confusion); *Dobbe*, 2020 WL 6157785, at *2; *Bol*, 2020 WL 3571807, at *2; *Khan*, 2021 WL 3661411, at *2; *Id.* at * 3–4 (Greer, J., dissenting); *State v. Smith*, 957 N.W.2d 669, 675 (Iowa 2021) (holding that speedy-indictment clock did not begin because the defendant, though in custody due to other charges, had not had an initial appearance on the subject charge). The *Williams* opinion said that it was fixing the detachment of custody and charging that *Schmitt* caused. (It did fix a lot.) As evinced here, however, its rule still detaches initiation of custody from being held to account. *Williams* also said that its foundation was statutory arrest, not *Schmitt's* incorrect foundation—Fourth Amendment arrest. Yet, *Williams's* rule begins the clock at Fourth Amendment arrest and only "triggers" it with statutory arrest, at least if custody did not begin too long before initial appearance. Credit though where credit is due—*Wiliams* did do a lot of what it said it would. It gave prosecutors much better opportunities to avoid making rushed charging decisions. Here, however,

Watson's explanation of *Williams's* rule would penalize the State for the prosecutor taking the entire 45 days (plus two minutes according to *Watson*) to conclude that justice did not require the Class-B-felony first-degree-arson charge contained in law enforcement's initial complaint, D0001 at 1, and substituting instead two serious misdemeanors—reckless use of fire and second-degree harassment, D0010 at 1.

In response to confusion caused by *Williams's* rule's detachment from its rationale, *Watson* explained that initial appearance concluded a statutory arrest but bounced the beginning of the speedy-indictment period back to the start of physical custody. *Watson*, 970 N.W.2d at 309. The conclusion of the arrest might be the same day as the initiation of custody but sometimes might not be the same day. In different circumstances, like *State v. Teara Cole,* No. 24–0303 (Iowa 2024), a defendant could bond out for a later, more-convenient-for-everyone initial appearance, yet the period's beginning, if close enough to the initial appearance, might spring back to the initiation of custody once the initial appearance was held, but not if too remote, and not if the defendant was not re-arrested. *Watson* did not alleviate confusion. And the confusion continuing even after *Watson* is a reason to reconsider *Williams*.

The situation here approaches the worst-case scenario: Harris was taken into custody, booked, and seen by a magistrate all within about eight hours. Speedy. Yet, under *Watson's* explanation of *Williams,* initiation of custody can still be detached from being held to answer—here by one day, not more than 500 as in *Wiliams*. (It wouldn't even be late under *Watson* if tiny fractions of days did not count as whole days, but that is the applicable counting rule.) Under *Watson*, the prosecutor here, to determine how much time she had to bring appropriate charges, would have had to review body camera footage to find the moment Harris's custody began. D0033, Exhibit A: Body Camera Video (07/14/2023). *Watson's* reading of *Williams* preserved instability in speedy-indictment analysis and confirmed that *Williams* did not, as advertised, return the rule to the "held to answer" principle.

Watson, for the above reasons, should be limited to when law enforcement issues a citation. This will not cause increased confusion because as of July 1, 2023, *Watson* as well as *Williams* have been superseded by amended Rule 2.33(2)(a) in respect to the starting date of the speedy-indictment period. Prior Rule 2.33(2)(a) had no second sentence explaining that the clock begins for adults after initial appearance or its waiver. Iowa R. Crim. P. 2.33(2)(a) (2022). With the added second

sentence, there are only two starting points for adults—an initial appearance or its waiver. Iowa R. Crim. P. 2.33(2)(a) (2023). Reading *Williams* not as *Watson* does but as many other appellate jurists did, see *Dobbe*, 2020 WL 6157785, at *2; *Bol*, 2020 WL 3571807, at *2; *Khan*, 2021 WL 3661411, at *3–4 (Greer, J., dissenting), allows *Williams* to do what it said it was doing and return a bright line to the start of the speedy-indictment period—when a criminal defendant is held to answer.

The district court here did not err by beginning the speedy indictment period at Harris's initial appearance. So the trial information was timely filed and the motion to dismiss properly denied.

CONCLUSION

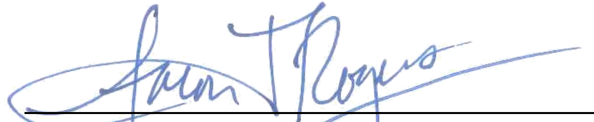
For the reasons above, the State requests that the Court affirm the district court's denial of Harris's motion to dismiss and remand for further proceedings.

REQUEST FOR NONORAL SUBMISSION

Neither party requests oral submission.

Respectfully submitted,

BRENNA BIRD
Attorney General of Iowa


____
AARON ROGERS
Assistant Attorney General
Hoover State Office Bldg., 2nd Fl.
Des Moines, Iowa 50319
(515) 281-5976
aaron.rogers@ag.iowa.gov

CERTIFICATE OF COMPLIANCE

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

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AARON ROGERS
Assistant Attorney General
Hoover State Office Bldg., 2nd Fl.
Des Moines, Iowa 50319
(515) 281-5976
aaron.rogers@ag.iowa.gov