

IN THE SUPREME COURT OF IOWA

STATE OF IOWA,

Plaintiff-Appellee,

v.

ISAIAH CECIL HAKEEM
DUFFIELD,

Defendant-Appellant.

SUPREME CT. NO. 23-0786

APPEAL FROM THE IOWA DISTRICT COURT
FOR FAYETTE COUNTY
HONORABLE RICHARD D. STOCHL, JUDGE

APPELLANT'S REPLY BRIEF AND ARGUMENT

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STATEMENT OF THE ISSUE PRESENTED FOR REVIEW

The appropriate remedy for the District Court's failure to give reasons for its consecutive sentence is resentencing.

Authorities

State v. Hill, 878 N.W.2d 269, 275 (Iowa 2016)

State v. Jacobs, 607 N.W.2d 679, 690 (Iowa 2000)

STATEMENT OF THE CASE

COMES NOW Defendant-Appellant Isaiah Duffield, pursuant to Iowa R. App. P. 6.903(4), and hereby submits the following argument in reply to the State's brief filed on December 13, 2023.

While the defendant's brief adequately addresses the issues presented for review, a short reply is necessary to address the appropriate remedy.

ARGUMENT

The appropriate remedy for the District Court's failure to give reasons for its consecutive sentence is resentencing.

The State correctly concedes error on the District Court's failure to explain the reasons for its consecutive sentence. State's Brief pp. 9-11. Even so, the State appears to suggest that the appropriate remedy is a remand solely for the purpose of allowing the court to justify its consecutive sentence. State's Brief pp. 11, 17. This remedy is inconsistent with case law.

When a district court fails to provide reasons for a consecutive sentence, the remedy is to vacate the sentence and remand for resentencing. State v. Hill, 878 N.W.2d 269, 275 (Iowa 2016); State v. Jacobs, 607 N.W.2d 679, 690(Iowa 2000). The remedy is *not* to simply allow the district court a second attempt at justifying its sentence.

Accordingly, Duffield reasserts his request for resentencing.

CONCLUSION

For all of the reasons discussed above and in his Brief and Argument Defendant-Appellant Isaiah Duffield respectfully requests this Court vacate his conviction, sentence and judgment and remand his case to the District Court for resentencing.

ATTORNEY'S COST CERTIFICATE

The undersigned hereby certifies that the true cost of producing the necessary copies of the foregoing Brief and Argument was \$1.00, and that amount has been paid in full by the Office of the Appellate Defender.

CERTIFICATE OF COMPLIANCE WITH TYPEFACE REQUIREMENTS AND TYPE-VOLUME LIMITATION FOR BRIEFS

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) because:

[X] this brief has been prepared in a proportionally spaced typeface Bookman Old Style, font 14 point and contains 234 words, excluding the parts of the brief exempted by Iowa R. App. P. 6.903(1)(g)(1).

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