

IN THE SUPREME COURT OF IOWA
Supreme Court No. 23-0786
Fayette County No. FECR071613

STATE OF IOWA,
Plaintiff-Appellee,

vs.

ISAIAH CECIL HAKEEM DUFFIELD,
Defendant-Appellant.

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

APPELLEE'S BRIEF

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STATEMENT OF THE ISSUES PRESENTED FOR REVIEW

- I. Whether the district court provided an independent explanation for why it was ordering consecutive sentences under *State v. Hill*, 878 N.W.2d 269 (Iowa 2016).**

Authorities

State v. Alloway, 707 N.W.2d 582 (Iowa 2006)
State v. Damme, 944 N.W.2d 98 (Iowa 2020)
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Iowa R. App. P. 6.806, 6.807
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II. Whether the district court abused its discretion when it ordered and suspended a \$1,025 fine within the statutory authorization for an aggravated misdemeanor.

ROUTING STATEMENT

This is a routine sentencing appeal in which the State concedes in part that remand is necessary. The case can be decided based on existing legal principles and should be transferred to the Court of Appeals. Iowa R. App. P. 6.1101(3).

STATEMENT OF THE CASE

Nature of the Case

Isaiah Cecil Hakeem Duffield appeals the district court's sentence after he entered a guilty plea to the crime of failing to register as a sex offender in violation of Iowa Code sections 692A.104, 632A.111(1).

Course of Proceedings

The State accepts Duffield's course of proceedings as adequate and essentially correct. Appellant's Br. 8–11; Iowa R. App. P. 6.903(3).

Facts

Although he needed to register as a sex offender, Duffield provided his supervising officer an address he had never lived at and only used to get mail. D0017, Minutes of Test. at 35, 84–85. When he met with police about a different investigation, “Isaiah quickly confessed to the violation of the registry law.” *Id.* at 5.

ARGUMENT

- I. **Because the sentencing hearing was not reported, the record contains no explanation for why the district court entered its sentence to run consecutive to another judgment. It does not prove the district court believed it was sentencing Duffield for a felony.**

Jurisdiction

In both of his appellate claims Duffield challenges the court's discretionary sentence. Because he does not attack his plea and because the court issued a sentence that was neither mandatory or agreed to, the State does not contest the good-cause requirement of section 814.6. *See State v. Damme*, 944 N.W.2d 98, 104 (Iowa 2020) (“A sentencing error invariably arises after the court has accepted the guilty plea. This timing provides a legally sufficient reason to appeal notwithstanding the guilty plea.”).

Preservation of Error

The State cannot contest error preservation. *See State v. Gordon*, 921 N.W.2d 19, 25 (Iowa 2018).

Standard of Review

Appellate courts review sentencing decisions for corrections of errors at law. *Damme*, 944 N.W.2d at 103. On review, courts will not vacate a sentence unless the defendant demonstrates an abuse of trial court discretion or a defect in the sentencing procedure. *See, e.g.*,

State v. Lovell, 857 N.W.2d 241, 242–43 (Iowa 2014). Generally, an appellate court will not find an abuse of discretion where the sentencing decision has some support in the record. *State v. Gibb*, 303 N.W.2d 673, 683 (Iowa 1981).

Merits

Duffield presents two challenges in this appeal. The first requires remand, the second does not. The State addresses each in turn.

A. The district court did not provide an explanation why it ordered Duffield’s sentence to run consecutive. Resentencing is necessary.

Duffield first attacks the district court’s decision to order this case to run consecutive to another casefile; it “simply does not disclose the District Court’s reasoning for consecutive sentences” Appellant’s Br. 20. Duffield is correct and the State concedes error. *See State v. Hill*, 878 N.W.2d 269, 273–74 (Iowa 2016) (“[T]he district court had discretion when sentencing Hill for the sex-offender-registry charge to impose the prison sentence to run concurrent or consecutive to the prison sentence for his parole revocation. . . . We hold that rule 2.23(3)(d) applies to require the district court to state the reasons for its sentence, notwithstanding the

statutory presumption for consecutive sentences in section 908.10A.”).

The sentencing court must “state on the record its reason for selecting the particular sentence.” Iowa R. Cr. P. 2.23(3)(d). An abuse of discretion occurs when the court fails to comply with this rule. *See State v. Thompson*, 856 N.W.2d 915, 920 (Iowa 2014) (applying abuse of discretion standard where defendant waived reporting of the sentencing and the court’s written sentencing order cited no reasons for the sentence). Here, the district court had the discretion to impose the sentence concurrently or consecutively to another casefile but the record only contains its written order on this point—an order which contains no explanation on why the court exercised its discretion in the manner it did. D0085, Order of Disposition at 2 (5/1/2023) (“Consecutive to FECR071634”). This minor error occurs from time to time. *See State v. Parker*, No. 21-1761, 2022 WL 3440301, at *1–2 (Iowa Ct. App. Aug. 17, 2022); *cf. State v. Luke*, No. 22-1367, 2023 WL 5601799, at *3–4 (Iowa Ct. App. Aug. 30, 2023) (affirming sentence “by the slimmest of margins” where district court tethered reason for consecutive sentences to “the reasons set forth above and/or stated on the record, the sentence shall be served

CONSECUTIVELY to the sentence(s) imposed in [the probation revocation matter]” and those reasons were contained earlier in the sentencing order). The case should be remanded for the district court to explain why it ordered Duffield to serve his sentences consecutively. *See Hill*, 878 N.W.2d at 273–74.

B. The district court imposed a lawful sentence based on the “nature of the offense,” “plea agreement,” and Duffield’s criminal history. It should not be disturbed.

Duffield’s second claim attacks the district court’s decision to impose and suspend a \$1,025 fine.

A sentencing court’s decision to impose a specific sentence that falls within the statutory limits “is cloaked with a strong presumption in its favor, and will only be overturned for an abuse of discretion or the consideration of inappropriate matters.” *State v. Formaro*, 638 N.W.2d 720, 724 (Iowa 2002). The appellate court’s role is not to second-guess the sentence, it need only determine whether the lower court’s decision “was exercised on grounds or for reasons that were clearly untenable or unreasonable.” *Id.* at 724. Sentencing judges are afforded a significant amount of latitude because of the “discretionary nature of judging and the source of respect afforded by the appellate process.” *Id.* at 725. And so long as appellate review is not impeded,

even a “terse and succinct” statement of reasons is sufficient. *State v. Thacker*, 862 N.W.2d 402, 408 (Iowa 2015) (quoting *State v. Johnson*, 445 N.W.2d 337, 343 (Iowa 1989)). It is the defendant’s burden to prove the district court abused its discretion. *See, e.g., State v. Wickes*, 910 N.W.2d 554, 572 (Iowa 2018) (“A defendant must affirmatively show that the sentencing court relied on improper evidence to overcome this presumption of validity.”); *State v. Hopkins*, 860 N.W.2d 550, 554 (Iowa 2015) (same).

Duffield attacks the district court’s decision to impose a suspended \$1,025 dollar fine. Appellant’s Br. 21–24. This Court should affirm. The district court’s sentence was within the statutory limits for imposing a fine and Duffield has not proven the court abused its discretion. His claim requires indulging in speculation and accordingly, he has not shown the district court abused its discretion.

The parties agreed that sentencing was open with each side able to argue for any legal sentence. Doo84, Written Plea at 3 (5/1/2023). This meant that Duffield pleaded guilty with the knowledge the district court could sentence him to up to two years’ incarceration and a fine between \$8,540 and \$855. *Id.* at 3–4; Iowa Code § 903.1(2). Duffield asked the court to sentence him outside his presence and the

parties later waived formal reporting of the sentencing hearing. Doo84, Written Plea at 6, 8 (5/1/2023); Doo85, Order of Disposition at 1–3 (5/10/2023).

The district court ordered him to serve an indeterminate two-year-sentence and pay a fine of \$1,250—both within the lawful range of punishment—and then suspended the fine obligation. *See* Doo85, Order of Disposition at 1–3 (5/10/2023). It explained it selected its sentence due to the nature of Duffield’s offense, the parties’ plea agreement, and Duffield’s prior criminal record. Doo85, Order of Disposition at 3 (5/10/22023). This explanation was enough to permit appellate review. *See Thacker*, 862 N.W.2d at 408 (“While the rule requires a statement of reasons on the record, a ‘terse and succinct’ statement may be sufficient, ‘so long as the brevity of the court’s statement does not prevent review of the exercise of the trial court’s sentencing discretion’” considering the record before the court); *accord. State v. Mai*, 572 N.W.2d 168, 170 (Iowa Ct. App. 1997) (affirming where district court provided the following reasons for sentence: “The nature of the crime committed, age, past record, recommendations in the substance abuse evaluation, your blood-alcohol test result and the recommendations and facts included in the

presentence investigation.”). Duffield was a person subject to registration requirements—which is to say he was previously adjudicated for committing a sex offense. *See* D0017, Minutes of Test. at 2, 15–16, 84–85. He had violated his registration requirements when he lied about where his residence was. *See* D0017, Minutes of Test. at 5, 13–16; D0084, Written Plea at 2 (5/1/2023). The record supports the district court’s stated reasons.

These reasons when coupled with the presumption of validity mean Duffield’s attack on this part of his sentence falls short. As the appellant, it is his burden to overcome the deference granted to the district court’s sentence. *See, e.g., Damme*, 944 N.W.2d at 106 (citing cases). Although means to recreate the necessary record exist, from the State’s review Duffield has not utilized¹ them. *See, e.g., Iowa Rs.*

¹ To be clear, the State is not arguing that Duffield’s claim was waived due to his failure to utilize rule 6.806 to satisfy his obligation “to provide us with a record affirmatively disclosing the error relied upon.” The Iowa Supreme Court foreclosed this when it overruled *State v. Mudra*, 532 N.W.2d 765 (Iowa 1995) and *State v. Alloway*, 707 N.W.2d 582 (Iowa 2006). *See Thompson*, 856 N.W.2d at 919–21; *c.f. State v. Moreno*, No. 14-0985, 2015 WL 576380, at *2 (Iowa Ct. App. Feb. 11, 2015). What the State urges here is nothing more than Iowa’s ordinary presumption of validity—which stands until the appellant rebuts it. *Damme*, 944 N.W.2d 98, 106; *see also State v. McFarland*, 287 N.W.2d 162, 163–64 (Iowa 1980) (rejecting defendant’s contention that automatic reversal was warranted where there was no transcript of the underlying hearing). Because the

App. P. 6.806, 6.807; *see generally State v. Ritchie*, No. 20-1181, 2021 WL 3074495, at *2–3 (Iowa Ct. App. July 21, 2021) (defendant filed a statement of evidence and proceedings of sentencing hearing under Rule 6.806 where the hearing was not recorded, finding that where a conflict existed between the defendant’s statement of facts and the written sentencing order, the latter would prevail given the presumption of regularity). His theory that the district court believed it was sentencing him for a “D” felony rather than an aggravated misdemeanor is just that—a guess based upon the fine the court selected. Appellant’s Br. 24 (“[I]t appears the District Court was under the mistaken impression that \$1,025 was the minimum fine.”). There is no statement in our record that suggests the district court mistakenly believed it intended to select the minimum fine or believed it was sentencing Duffield for a felony. *See* D0085, Order of Disposition at 1 (5/10/2023) (“The defendant entered a plea of guilty to the above listed charge(s). Count 1 SEX OFFENDER REGISTRATION VIOLATION , in violation of Section(s) 692A.104

district court’s sentencing order provided reasons for its sentence, Duffield’s failure to reconstruct the record of the sentencing hearing means his questions about the reasoning behind the court’s *stated* reasons for its suspended fine must go unanswered and do not support reversal.

a(n) aggravated misdemeanor.”); *cf. State v. Davison*, 973 N.W.2d 276, 289 (Iowa 2022) (vacating and remanding for resentencing where parties suggested to district court that defendant was guilty of a forcible felony and district court made statements consistent with this erroneous belief); *State v. Triervieler*, No. 22-0024, 2023 WL 1811802, at *1–2 (Iowa Ct. App. Feb. 8, 2023) (district court’s questions at plea hearing coupled with the statement “this is a forcible felony” at the sentencing hearing “convinces us that the court mistakenly believed it had no discretion to suspend the felony sentences”). With a presumptively valid sentence and nothing in the record that undercuts the presumption, Duffield’s theory does not satisfy his burden.

In sum, the district court complied with its duty and provided reasons for its sentence capable to permit appellate review. Speculation cannot alone overcome the presumption in favor of that sentence. Duffield is not entitled to resentencing on his suspended fine.

CONCLUSION

Because formal sentencing was waived, the record in this appeal is limited. The district court was required to provide a statement why

it ordered Duffield's sentence to run consecutively to that in
FECR071613. That explanation's omission from the written
sentencing order requires remand. But the district court's fine was
lawful and absent a record demonstrating the court abused its
discretion, this Court ought not speculate it did. This Court should
remand the matter to the district court for an explanation of why it
ordered the sentences to run consecutively and nothing more.

REQUEST FOR NONORAL SUBMISSION

The State does not request oral submission. The State agrees
with Duffield that additional argument is unlikely to help the Court
resolve the appeal. Appellant's Br. 25.

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:

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