IN THE SUPREME COURT OF IOWA
No. 23-1063
Cass County No. FECR016406

STATE OF IOWA,

Plaintiff-Appellee,

v.

ALISON ELAINE DORSEY,

Defendant-Appellant.

ON APPEAL FROM THE IOWA DISTRICT COURT FOR CASS COUNTY
HONORABLE AMY ZACHARIAS, PRESIDING

APPLICATION OF THE APPELLANT TO THE SUPREME COURT FOR FURTHER REVIEW

(Date of Filing of the Decision of the Court of Appeals: June 5, 2024)

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QUESTIONS PRESENTED FOR REVIEW

1. Whether the district court's granting the State's venue change motion for the second trial, after the jury in the first trial in the original county of venue hung 10-2 in favor of acquittal, was error and based on an incorrect standard and factual showing?

2. Whether there was substantial evidence to support the second-degree murder and child endangerment resulting in death convictions in the second trial?

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STATEMENT SUPPORTING FURTHER REVIEW

For necessary background in support of this application and the questions presented, a brief summary of the travel of this criminal case is warranted. On February 26, 2020, the appellant Alison Dorsey was charged in a two-count trial information with first degree murder in violation of Iowa Code §§ 707.1 and 707.2(1)(e) and child endangerment resulting in death in violation of Iowa Code §§726.6(1)(a) and 726.6(4). (Trial Information of 02-26-2020; App. 70-72.) The State generally alleged that Dorsey's actions on October 7, 2019 resulted in L.H.'s (an infant of eleven weeks old) death at Dorsey's daycare facility (as the result of being violently shaken and/or his head impacting with a solid surface). (Id.) Dorsey's daycare was located in Massena, Cass County, Iowa. (Id.) Dorsey submitted her written arraignment and plea of not guilty on March 4, 2020. (Written arraignment of 03-04-2020; App. 73-74.) Following extensive pretrial motions practice, a seven-day jury trial commenced beginning on October 26, 2021 and concluded on November 3, 2021. (Court reporter certificate of 11-03-2021; App. 7.) The jury was hung on the conviction, standing at a 10-2 vote in favor of acquittal. (Order of 11-04-2021; App. 77-78.) The district court declared a mistrial and referred the matter to court administration for further scheduling. (Id.)

Extensive pretrial motion practice occurred before the second trial. (Docket sheet; App. 30 et seq.) Pertinent to this application is that the State on November 16, 2021 filed an orally resisted motion to change venue from Cass County to a different county. (Motion for Venue Change of 11-16-2021 with attachment; App. 79-191.) The State requested the trial be transferred to Pottawattamie County, and a hearing on the motion was held on April 19, 2022. (Order of 04-19-2022; App. 192-93.) On April 27, 2022, the court granted the motion and transferred venue of the case to that county. (Order of 04-27-2022; App. 194-200.)

The second trial occurred over a seven-day period commencing on May 1, 2023. (Court Reporter Certificate of 05-09-2023; App. 201-03.) On May 9, 2023, the jury returned a verdict of guilty on the lesser included offense charge of murder in the second degree and the original offense charge of child endangerment resulting in death. (Verdict of the Jury of 05-09-2023; App. 203.) Dorsey filed a resisted motion to dismiss and for new trial on June 21, 2023. (Motion to Dismiss and for New Trial of 06-21-2023; App. 204-16; Resistance to Motion of 06-21-2023; App. 217-22.)

The new trial hearing and sentencing was held on June 28, 2023; the court granted that part of the motion that contended Dorsey could not be separately sentenced on the child endangerment offense conviction as it had merged with the second-degree murder conviction under the "one homicide rule"; all other aspects of

the post-verdict motion were overruled. (Sentencing Order of 06-28-2023; App. 223-25; Sentencing Trans. of 06-28-2023 at 15:01-17:04.) Dorsey was sentenced to the 50-years' incarceration period with the mandatory 35-years' prison sentence minimum, the $150,000 restitution penalty, other fines and requirements. (Sentencing Order of 06-28-2023; App. 223-25.) Dorsey timely perfected her appeal on July 5, 2023. (Notice of Appeal of 07-05-2023; App. 226.)

The basis on which the Iowa supreme court should grant this application accordingly are predicated on Iowa Rs. of App. Proc. 6.1103(1)(*b*)(2) and (4)—an important question of law that should be decided by the Iowa supreme court is raised and this case presents a broad issue of public importance that the supreme court should ultimately determine. There is little to no case law from the Iowa supreme court that deals with the standard and analysis to employ when the State in a criminal case moves to change trial venue, and particularly where (as here), the State does so before a second trial where the jurors in the first trial (and located in the original county of venue) voted by a substantial majority for acquittal on all offense charges. Second, and combined with the first issue, in this case not only did the trial court change venue to the State's preferred venue, it also did so to the venue where the State's principal expert witnesses resided (or near where those experts resided). This was a case based in significant part on expert testimony—not only was the venue change damaging to the defendant standing alone but was further exacerbated by the

particular venue transfer. The Iowa supreme court should grant this application and order that this case be further reviewed.

BRIEF IN SUPPORT OF THE APPLICATION

It is necessary to start with some factual information relevant to the questions presented. This has to do with the medical evidence (expert testimony) and the basis for venue transfer (further discussed below). Three physicians from the Children's Hospital in Omaha testified on the prosecution's behalf—Dr. Sandra Albery (pediatric radiologist), Dr. Kelly Kadlec (pediatric ICU physician) and Dr. Suzanne Haney (child abuse pediatrician). (Trans. at 435:10-436:05, 478:17-479:06, 532:17-533:04.) Each noted that LH had subdural and subarachnoid hemorrhaging, and that the bleeding was profuse (that is, all around the brain). (Trans. at 440:23-441:22, 448:15-448:19, 493:05-496:16, 555:04-563:09.) That resulted in brain swelling. (Id.) LH also had detached retinas and retinal hemorrhaging. (Id.) These physicians believed the diffuse pattern of the blood in LH's skull, combined with the other findings, indicated in their opinions that LH died from an acute injury (head trauma), that was either caused by rapid acceleration-deceleration (commonly referred to as shaken baby), or impact of LH's head with some flat surface object, or both. (Trans. at 464:16-465:17, 505:22-508:01, 559:02-559:08.) These physicians on their indicated findings believed LH's distress symptoms would have started within

minutes to hours (and not days) of the event that caused or resulted in the head injury. (Trans. at 523:21-524:06, 526:17-526:22, 565:25-567:13.)

Dr. Kelly Kruse is an associate state medical examiner with the Iowa Medical Examiner's office; she performed the autopsy on LH. (Trans. at 598:16-598:22, 604:14-604:20.) Dr. Kruse noted that LH had subdural and subarachnoid hemorrhages, and that the subdural hemorrhages resulted in bleeding completely around the brain. (Trans. at 613:18-618:03.) That bleeding caused LH's brain to swell and was the cause of his death. (Trans. at 621:24-622:01.) Dr. Kruse also noted the retinal detachment and bleeding. (Trans. at 622:16-624:01.) Unlike the physicians with Children's Hospital, Dr. Kruse opined that it was blunt force injury to LH's head that resulted in the head trauma—LH's head had to have impacted with a flat service (Dr. Kruse speculated this impact could have occurred while LH was being shaken). (Trans. at 627:18-628:14.) Dr. Kruse conceded she did not locate any such physical impact point on LH's head, and that no skull fracture or other acute head impact injury location was discovered. (Trans. at 628:15-628:17, 631:05-631:10.) As for the manner of death, Dr. Kruse in her autopsy report concluded it was "undetermined." (Trans. at 631:15-632:12, 652:15-653:08.) As for the timing of the death, Dr. Kruse could not pinpoint an exact time but she did state that her office did not recognize blood staining methodology to date the time of a fatal injury as reliable. (Trans. at 629:12-631:04.)

The defense called expert witnesses as well. (Trans. at 726:05-726:06, 927:15-927:17.) Dr. Douglas Smith graduated from the UI Medical School in 1976 and also has a PhD is pathobiology (the study of human diseases). (Trans. at 727:03-728:21.) His medical specialty is pathology, in both anatomical and clinical fields. (Id.) He has been the pathologist or consultant on nearly 100 cases of head trauma, including over 30 involving suspected child abuse. (Trans. at 732:14-732:18.) Dr. Smith reviewed the autopsy report, the specimens and samples obtained from the autopsy, and other relevant medical findings concerning LH's death. (Trans. at 748:14-753:16.) Important to his review were autopsy slides identified as exhibits 506-09. (Exhs. 506-09; App. 229-30; Trans. at 748:14-753:16.) These slides were of red blood cells and macrophages—more on that in a moment. (Id.) What the specimens revealed is that LH was midway through the healing process from his injury that caused the bleeding within his skull and around his brain—what is medically known as the granulation stage of healing (the stage of forming tissue in the skull where the injury occurred). (Trans. at 748:14-754:03, 756:01-759:20.) This healing process is essential to dating when the injury occurred. (Id.)

There are three key markers here: First, the breakdown of the red blood cells from LH's autopsy samples clearly revealed iron pigment in those cells (that is the result of the cell breakdown from injury); that process is known as hemosiderin. (Trans. at 750:14-751:03.) Second, macrophages had appeared that contained the

hemosiderin—and macrophages are membranes that form in the skull following the injury. (Trans. at 751:04-753:03.) Third, the membranes that had formed were relatively thick—and that signals an advanced stage of the healing process. (Trans. at 753:04-753:23.) All of this takes time to occur—it takes much longer than minutes or hours from the occurrence of the head injury that resulted in the cranial bleeding and ultimately the death of LH. (Trans. at 756:01-756:17.) Dr. Smith opined that studies showed hemosiderin-laden microphages do not appear for at least three days and several hours following the injury event, and that membrane formulation does not occur sooner than five days from the injury occurrence. (Id.) Accordingly, Dr. Smith opined that LH's fatal injury did not occur until at least three to five days before his death, and accordingly well before LH spent his first day at Dorsey's daycare facility. (Trans. at 759:21-760:09.)

Dr. Smith further stated that what actually happened in LH's case was the occurrence of two separate injuries. (Trans. at 775:09-775:25.) First, a head injury that occurred at least two days before the October 7th daycare date, and then an additional injury on that very day caused by LH's being in cardiac arrest for some 90 minutes—that resulted in oxygen deprivation to his brain (the result of the misplaced IO needle into his leg during EMT treatment at the daycare scene). (Trans. at 775:09-779:17.) The amount of the bleeding found in LH's brain was easily explained by the fact that LH suffered from a condition known as DIC, a blood

clotting disorder that can result in spontaneous bleeding including subdural hematomas and retinal hemorrhaging (even a State's witness, Dr. Kadlec, conceded that DIC "was an issue" for LH). (Trans. at 519:05-519:20, 760:10-763:05.)

Dr. Robert Bowen is a pathologist who has performed thousands of autopsies in Nebraska and Iowa; he mainly is a witness for the prosecution as a result of this work. (Trans. at 927:22-928:01, 930:01-930:25.) He is an adjunct professor at Creighton and the University of Nebraska Medical Center, and has staffing privileges in two Iowa hospitals; he is board certified in pathology. (Trans. at 928:22-930:03.)

Dr. Bowen reviewed LH's autopsy report, Children's Hospital's medical records, and the neurologic pathology slides from the autopsy. (Trans. at 931:04-931:20.) Exhibits 514 to 516 reveal the results of what is called the Prussian blue stain test of some of the autopsy specimens taken from LH's dura. (Exhs. 514-516; App. 233-35; Trans. at 931:24-936:21.) The specimens turned blue during the staining process; that indicated the presence of iron in the red blood cells and shows LH's healing process was in the oxidation stage—where macrophages had begun to form (what is known as the "healing reaction"). (Trans. at 936:04-937:17.) The presence of hemosiderin—the iron in the red blood cells—takes two to three days to appear after the occurrence of the injury event. (Id.) In addition, capillary cell formation was detected in these same samples contained in the autopsy slides, which

takes three to five days to become present after the injury event. (Trans. at 937:18-938:17.) Dr. Bowen opined to a reasonable degree of medical certainty that LH's cranial bleeding that ultimately resulted in the infant's death commenced several days before October 7th, and accordingly the causative head injury occurred some days before he was dropped off for his first and only time at Dorsey's daycare. (Trans. at 941:16-942:11.) In addition, Dr. Bowen opined that LH had the DIC condition which explains the amount of bleeding present during the hospital examination and autopsy, as well as the retinal hemorrhaging. (Trans. at 940:09-941:08.)

In rebuttal to this defense expert testimony, the State call Dr. Marco Hefti, an assistant professor of pathology at the University of Iowa. (Trans. at 976:15-976:22.) Dr. Hefti was present in the courtroom when Dr. Bowen testified. (Trans. at 979:04-979:05.) Dr. Hefti did dispute whether the iron staining and capillary formulation results present in LH's autopsy samples necessarily arose from a traumatic injury as Dr. Bowen (as well as Dr. Smith) testified to (Trans. at 979:06-980:24); however, Dr. Hefti did state that capillary formation and iron staining can be used to determine a range of time for dating the occurrence of a traumatic head injury (Trans. at 990:14-991:25)—and so can the detecting and measuring of new membrane formation in the dura as Dr. Smith noted (Id.). In the latter case (new membrane formation), Dr. Hefti stated that the injury if caused by trauma would then

be at least be several days old. (Id.) In concluding his testimony, Dr. Hefti agreed that he could not exclude the possibility that LH's injury occurred within 36 hours before his passing but could not include the opposite possibility either—that is, LH could have been injured before October 7th. (Trans. at 992:05-992:08, 992:17-992:19.) But by the same token, Dr. Hefti also said the autopsy evidence is consistent with his findings that LH could have been fatally injured on that date. (Trans. at 992:09-992:12.)

1. The district court erred in granting the State's venue change motion for the second trial, after the jury in the first trial in the original county of venue hung 10-2 in favor of acquittal, and based on an incorrect standard and factual showing.

The first trial was held in Cass County (Atlantic); the jury hung 10-2 in favor of acquittal. Prior to the start of the second trial, the State submitted an unverified motion for venue change that the district court ultimately granted—moving the trial to Pottawattamie County (Council Bluffs). The district court in its written ruling granted the motion on the grounds of pretrial publicity and under the review lens that "it is better to err on the side of caution". (Ruling on Venue Motion of 04-27-2022, at page 6; App. 199.) Venue should not have been transferred under this flawed reasoning, let alone to Council Bluffs, and accordingly Dorsey should be granted a new trial.

The State attached to its venue change motion pages of documents taken from private/social media sites (e.g., apparently Facebook, etc.). But what the brunt of

these communications say is for the people to pray for the next jury in order for those jurors to have clarity of judgment and wisdom in reaching a just verdict—few if any of the articles say a second jury in Cass County should find Dorsey innocent (indeed, more than a few of the communications expressed concern (if not outrage) over L.H.'s death and are critical of Dorsey). (Venue Motion of 11-16-2021 and Attachment; App. 79-191.) The State never made a sufficient showing for a change of venue and that motion should not have been granted, let alone at the early stage it was granted at (before any surveys were taken, let alone submitted, to establish pretrial publicity was of such an extent to even likely, let alone possibly, prejudice the jury pool, panel and ultimate venire). The district court applied an incorrect test in approving the venue transfer—a "better to err on the side of caution" standard, as the court itself stated—and then further compounded that error by transferring venue of the second trial to Council Bluffs; that city neighbors the Children's Hospital (located in Omaha) where L.H. was treated and the State's principal medical experts were employed. This move exacerbated the prejudice suffered by the defendant by the venue transfer as the State's principal experts worked at that hospital and indeed lived in the Council Bluffs—Omaha metropolitan area or corridor. This corridor is locally served by three network TV stations located in Omaha. The Children's Hospital advertises in this media market and holds itself out in those ads as "the very best for kids." Little wonder in the stark difference in the jury verdicts rendered in

the two trials even where each trial almost entirely presented the testimony overlapping witnesses. And the Iowa court of appeals repeated these very same errors in analysis in its opinion of June 5, 2024 attached to this application.

Iowa Code section 803.2(1) provides that a "criminal action *shall* be tried in the county in which the crime is committed, except as otherwise provided by law." (emphasis added). Shall is mandatory or directory; Iowa rule of criminal procedure 2.11(10) provides that venue can be changed on a "verified" "information and belief" motion submitted by a movant but only where "the evidence introduced in support of the motion" shows that "such a degree of prejudice exist[s] in the county in which the trial is to be held that there is a substantial likelihood a fair and impartial trial cannot be preserved with a jury selected from that county …". In that regard, the Iowa appellate courts have consistently recognized that the moving party that relies on possible prejudice in the county where the trial is to be held, and particularly as such prejudice may have been ignited or fanned by media coverage, bears a high burden of proof indeed; for example, in *State v. Findling,* 456 N.W.2d 3, 5 (Iowa Ct. App. 1990), the court summarized the applicable case law under the criminal venue transfer rule as follows:

> Iowa Rule of Criminal Procedure 10(10)(b) [now 2.11(10)] provides that a court shall grant a change of venue where the evidence demonstrates that "such degree of prejudice exists in the county in which the trial is to be had that there is a substantial likelihood a fair and impartial trial cannot be preserved with a jury selected

> from that county...." In seeking a reversal of a conviction based on the denial of a change of venue, the defendant [as the movant party] must show "'either actual prejudice on the part of the jury or ... that the publicity attending the case was so pervasive and inflammatory that prejudice must be presumed.'" *State v. Harris*, 436 N.W.2d 364, 367 (Iowa 1989) (citing *State v. Spargo*, 364 N.W.2d 203, 207 (Iowa 1985)). Upon our de novo review of the record, we will not overturn a trial court's decision rejecting a motion for change of venue unless we find an abuse of discretion. *Harris*, 436 N.W.2d at 367; *State v. Wilson*, 406 N.W.2d 442, 445 (Iowa 1987).

The appellate courts have consistently noted that "[e]xposure to newsworthy events will not give rise to a presumption of prejudice" sufficient to support a venue transfer in a criminal case. *Wagner*, 410 N.W.2d at 222. Juror impartiality does not mean complete juror ignorance of issues and events. *State v. Gavin*, 360 N.W.2d 817, 819 (Iowa 1985). Mere community knowledge of a defendant's prior criminal history or of a prior trial does not entitle a movant party to a change of venue. *State v. Spargo*, 364 N.W.2d 203, 207 (Iowa 1985). "The crucial determination is whether, as a result of pretrial publicity or for other reasons, a substantial number of prospective jurors hold such fixed opinions on the merits of the case that they cannot impartially judge the issues to be determined at trial." *Harris*, 436 N.W.2d at 367.

The State's venue transfer submission was entirely inadequate to meet the demanding standard of the venue statute's command that venue "shall be" in the county where the criminal offense occurred. The State's submission basically consisted of social media pages that at best showed the first trial—and the basic

transactional factual allegations revealed during it—may have been of some general knowledge in Cass County but there was a dearth of evidence showing such a degree of prejudice against the State's position (as the movant party) that there was a substantial likelihood a fair and impartial trial could not be held there; in fact, quite the contrary. The brunt of the social media postings by the State described at most people praying for solemnity and clarity by the next jury panel; there is nothing wrong with this (in fact, it is conduct that should be encouraged). There were little to no attachments to the motion stating that the second jury should find in favor of Dorsey; indeed, more than a few of the submissions were laments over L.H.'s death and the purported circumstances of it. And the demanding venue standard is not met by a district court's choosing to error on the side of caution; under the actual standard, erring on the side of caution requires venue to remain in the county of offense commission as set forth in the statute and the exception to it set forth in the criminal procedural rule. The change of venue constituted both factual and legal error that prejudiced Dorsey and deprived her of a fair trial by a jury of her peers—and the appeals court repeated this same error. The State essentially engaged in improper jury venue shopping in this case (having seen the results of the first trial in the sanctioned—by rule—county of venue). The Iowa supreme court should review this decision and the lax standard to change venue in a criminal case set forth by the district and appellate courts. Indeed, it is telling that the State did not make such a

transfer motion during the first trial; it only did so when it was dissatisfied with that result in hindsight. Further review should be granted.

2. There was insufficient evidence to support the second-degree murder and child endangerment resulting in death convictions in the second trial.

Dorsey was found guilty of second-degree murder and child endangerment resulting in death. The crime of murder in the second degree contains two elements—a person kills another person, and does so with malice aforethought. *State v. Lyman*, 776 N.W.2d 865, 877 (Iowa 2010). Second-degree murder is a general intent crime. *Id*. The crime of second-degree murder requires proof of malice aforethought. *Id*.; *State v. Kraus*, 397 N.W.2d 671, 673 (Iowa 1986). That is a state of mind that leads one to intentionally do a wrongful act to injure another out of hatred or with an evil or unlawful purpose as distinguished from the act being done in the heat of passion. *Id.* The offense elements of child endangerment resulting in death are the defendant had custody or control of a child under 14 years of age and that defendant acted with knowledge that she was creating a substantial risk to the child's physical health or safety resulting in death of the child. Iowa Code §726.6A. That is, "[b]oth offenses require[] proof [beyond a reasonable doubt that the defendant] committed that act resulting in injury to the child, and the child died as a result"; in sum, "the evidence [must] prove beyond a reasonable doubt [defendant] inflicted the injury causing the child's death." *State v. Porter,* No. 12-0170, 2013 WL 2146543 (Iowa Ct. App. 2013).

The evidence was not substantial enough to prove beyond a reasonable doubt that Dorsey inflicted the injury that caused LH's death. Dorsey historically provided daycare services for some 120 children, and many of those children from the time of their infancy. (Trans. at 819:12-823:06.) Some of these children had problems—such as eating disorders and other issues—yet Dorsey never harmed a single one of them. Even the Hodges before the October 7th incident justifiably believed Dorsey was a great daycare provider, and their two oldest children thrived under her supervision (including the middle son K.H., who had breathing issues). (Trans. at 344:03-344:18.) Even under the State's own timeline of October 7th, Dorsey had adult visitors or speaker phone calls from the time she opened her daycare before 8:00 a.m. until the conclusion of her call with Ticknor at 10:36 a.m. (Trans. at 377:111-373:23, 697:05-701:23, 836:09-839:25.) Dorsey's call to L.H.'s mother about L.H.'s breathing pattern occurred at 10:53 a.m., only thirteen minutes after her call with Ticknor ended. (Trans. at 358:18-359:20.) And Dorsey then immediately called L.H.'s father and he arrived at the daycare within minutes (by 11:00 a.m.). (Trans. at 331:02-332:03, 344:12-335:02, 842:02-849:19.) The State is under an awfully condensed timeline here—a daycare provider with a decade of experience and no complaints of how she cared for the infants and children under her supervision suddenly and completely out of character—and within at most a thirteen-minute time period—fatally injured a toddler (and for all reasons that he

was a fussy eater; as if that never happened with any of the previous 120 children Dorsey cared for at her daycare).

The medical evidence further cast more than reasonable doubt on whether substantial evidence supported the second jury's verdict. Drs. Smith and Bowen showed that the autopsy specimens conclusively established that L.H. was well advanced in the healing process from a head injury, and that injury would have occurred at least two days before L.H. made his first and only appearance at Dorsey's daycare on October 7th. Two of the State's own witnesses—the pathologist Dr. Kruse and the rebuttal expert pathologist Dr. Hefti—did not commit to the position that L.H. must have suffered the fatal injury on October 7th and while he was at the daycare. Dr. Kruse determined that the manner of death was "undetermined" instead of resulting from a "homicide," while Dr. Hefti, based on the stage of L.H.'s capillary formulation (and the iron staining results on it), agreed that L.H.'s head injury could have occurred before October 7th (at the conclusion of his testimony, he could not and did not commit one way or the other as to when and where L.H.'s head injury resulting in death occurred). And do not forget that persuasive evidence showed that L.H. suffered from the blood clotting disorder DIC—both the defense experts stated that the infant did (and gave the medical support for it) and one of the State's own expert witnesses agreed there was medical evidence that suggested L.H. had this condition (which would explain the profuse bleeding around the brain).

All of this, considered under the record as a whole, shows that there was insubstantial evidence to support the conclusion, let alone to the applicable standard of proof beyond a reasonable doubt, that L.H. suffered his ultimately fatal head injury at the hands of Dorsey on October 7th. Further review is warranted under these circumstances.

CONCLUSION

For the reasons stated and authorities cited herein, this further review application should be granted. In addition, in her appellate briefing Dorsey raised five separate issues of error, and the Iowa court of appeals in its opinion addressed each of these issues. Given word limitations in an application for further review, there is not adequate space for Dorsey to raise all five of these issues in this application; however, the Iowa supreme court can grant the application and rule on issues not raised in the application but otherwise preserved for appellate review—and the court should do so here. Iowa R. App. Proc. 6.1103(1)(*d*) ("On further review the supreme court may review any or all of the issues raised in the original appeal or limit its review to just those issues brought to the court's attention by the application for further review."); *Solland v. Second Injury Fund of Iowa,* 786 N.W.2d 248, 248-49 (Iowa 2010) (same).

CERTIFICATE OF COMPLIANCE WITH TYPEFACE REQUIREMENTS AND TYPE-VOLUME LIMITATIONS FOR APPLICATIONS

This Application for Further Review complies with the length limitations, typeface requirements and type-volume limitation of Iowa Rs. App. P. 6.1103(4)(a), (b) and 6.1401 form 10 because this Application has been prepared in a proportionally spaced typeface using Times New Roman in 14 front size and contains 4,934 words, excluding the parts of the Application exempted by the cited rule.

/s/ Trever Hook
Trever Hook

June 25, 2024
Date

CERTIFICATE OF FILING AND SERVICE

The undersigned certifies that on June 25, 2024 this Application for Further Review of the Appellant was filed electronically with the Clerk of the Iowa Supreme Court through EDMS, and which system further will provide access to and service of the Application on that same date to:

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