

IN THE SUPREME COURT OF IOWA

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STATE OF IOWA,

Plaintiff-Appellee,

v.

ISAIAH CECIL HAKEEM  
DUFFIELD,

Defendant-Appellant.

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Fayette Co. No. FECR071613

SUPREME CT. NO. 23-0786

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

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APPELLANT'S APPLICATION FOR FURTHER REVIEW OF THE  
DECISION OF THE IOWA COURT OF APPEALS FILED  
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## **QUESTIONS PRESENTED FOR REVIEW**

**Did the Court of Appeals err in finding the District Court did not abuse its discretion in imposing but suspending a \$1,025 fine for the lesser offense of Sex Offender Registry Violation, First Offense? The court imposed the minimum fine applicable to a Class D felony and provided no explanation for its selection.**

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## **STATEMENT IN SUPPORT OF FURTHER REVIEW**

COMES NOW Defendant-Appellant and pursuant to Iowa R. App. P. 6.1103 requests further review of the March 27, 2024, decision in State of Iowa v. Isaiah Cecil Hakeem Duffield, Supreme Court No. 23-0786.

The Court of Appeals erred in affirming Duffield's fine for Sex Offender Registry Violation, an aggravated misdemeanor in violation of Iowa Code sections 692A.104 and 692A.111 (2021).

The District Court does not appear to have exercised discretion with respect to Duffield's fine. State v. Ayers, 590 N.W.2d 25, 27 (Iowa 1999). While the applicable sentencing range for an aggravated misdemeanor was \$855 to \$8,540, the court ended up selecting what amounts to the minimum fine for a class D felony without providing any explanation. See Iowa Code § 903.1(1)(2) (2021) (aggravated misdemeanor fine); id. § 902.9(1)(e) (class D felony fine).

The Court of Appeals began with the mistaken assumption that the District Court acted within its discretion because there was

nothing in the record to show it believed \$1,025 was the applicable minimum fine for an aggravated misdemeanor. Opinion p. 3. In fact, there was nothing in the record to establish the sentencing court's reasoning behind the fine amount selected. Failure to provide the reasons for a particular sentence hampers appellate review and a defendant's ability to challenge the court's exercise of discretion. State v. Thacker, 862 N.W.2d 402, 407 (Iowa 2017).

Aside from the need to correct a sentencing error, the Court should also take further review to resolve a conflict between recent cases from different panels of the Court of Appeals as to how to address a district court's potentially mistaken belief as to the applicable minimum fine. Iowa R. App. P. 6.1103(1)(b)(1) (2024). Compare State v. Purdy, No. 23-0563, 2024 WL 1296267 (Iowa Ct. App. Mar. 27, 2024) (upholding the sentence) with State v. Boley, No. 23-0854, 2024 WL 707460 at \*2 (Iowa Ct. App. Feb. 21, 2024) (reversing the fine portion of the sentence).

WHEREFORE, Duffield respectfully requests this Court grant further review of the Court of Appeals' decision in his case. He

does not seek further review of that portion of the Court's opinion vacating his consecutive sentence and remanding for resentencing on that portion.



## **NATURE OF THE CASE**

Defendant-Appellant Isaiah Duffield appeals from his sentence for Sex Offender Registry Violation, an aggravated misdemeanor in violation of Iowa Code sections 692A.104 and 692A.111 (2021), following his guilty plea in Scott County District Court. The court sentenced Duffield to two years in prison and a suspended \$1,025 fine, with the sentence to run consecutively to another case not the subject of this appeal. D0085, Judgment and Sentence pp. 1-2 (5/10/23).

Duffield contends the District Court abused its discretion in imposing the minimum fine for a class D felony rather than the minimum fine for an aggravated misdemeanor.

## **STATEMENT OF THE FACTS**

In his written guilty plea, Duffield admitted that on April 10, 2022, in Fayette County, Iowa, he failed to appear in person to notify the Fayette County sheriff within 5 days of a change of residence. D0084, Written Guilty Plea ¶¶ 5-7 (5/1/23). Duffield

agreed the District Court could rely on the minutes of testimony to find a factual basis. D0084, Written Guilty Plea ¶ 7 (5/1/23).

According to the minutes of testimony, on July 29, 2020, Duffield was adjudicated for Sexual Abuse in the 3rd Degree in a Winneshiek County Iowa juvenile court matter. D0017, Minutes p. 2 (4/27/22). Due to the adjudication, Duffield was required to register with the Iowa Sex Offender Registry and to comply with its reporting requirements. D0017, Minutes p. 2 (4/27/22).

The minutes stated that on April 18, 2022, Winneshiek County officers attempted to contact Duffield at his registry address. D0017, Minutes p. 5 (4/27/22). Duffield's half-brother informed officers that Duffield had never lived there and only used it as a mailing address. D0017, Minutes p. 5 (4/27/22). Duffield had registered the address on February 19, 2022, and had not provided another address. D0017, Minutes pp. 5, 15-16 (4/27/22). Duffield appeared at the police station on April 18, 2022, and admitted to the registry violation but said he had a job

and would soon be getting a place to live. D0017, Minutes p. 5 (4/27/22).

**JURISDICTIONAL STATEMENT REGARDING IOWA CODE  
SECTIONS 814.6(1)(A)(3) AND 814.7**

Iowa Code section 814.6(1)(a)(3) provides a statutory right of appeal for a defendant in a criminal case except when the case involves a guilty plea. Iowa Code § 814.6(1)(a)(3) (2023). The statute provides two exceptions to the prohibition: Guilty pleas to class A felonies and guilty pleas in which there is “good cause” to appeal. Id. The Iowa Supreme Court has found a defendant establishes “good cause” for an appeal under Iowa Code section 814.6(1)(a)(3) “when the defendant challenges his or her sentence rather than the guilty plea.” State v. Damme, 944 N.W.2d 98, 105 (Iowa 2020). As such, Duffield has good cause for this appeal, which challenges the District Court’s imposition of a \$1,025 suspended fine.

## ARGUMENT

**The Court of Appeals erred in finding the District Court did not abuse its discretion in imposing but suspending a \$1,025 fine for the lesser offense of Sex Offender Registry Violation, First Offense. The court imposed the minimum fine applicable to a Class D felony and provided no explanation for its selection.**

**Preservation of Error:** A district court's failure to exercise its discretion is a defective sentencing procedure to which the rules of error preservation do not apply. State v. Ayers, 590 N.W.2d 25, 27 (Iowa 1999). Furthermore, a defendant's decision to waive reporting of sentencing does not waive for appeal an argument that the court failed to provide reasons for its sentence. State v. Thompson, 856 N.W.2d 915, 920-921 (Iowa 2014).

**Standard of Review:** When a sentencing court has discretion, it must exercise that discretion and failure to do so calls for vacating the sentence and remanding for resentencing. State v. Ayers, 590 N.W.2d 25, 27 (Iowa 1999). To the extent the District Court made an error of law in imposing its sentence, review is for correction of errors at law. State v. Iowa Dist. Ct., 620 N.W.2d 271, 272-73 (Iowa 2000).

**Merits:** The Court of Appeals erred in holding that the District Court did not abuse its discretion in imposing but suspending a \$1,025 fine for Sex Offender Registry Violation, First Offense. It appears the District Court imposed the minimum fine for a class D felony, rather than the aggravated misdemeanor to which Duffield ultimately pleaded guilty, and provided no explanation for its selection.

Under Count II of the original trial information, Duffield was charged with Sex Offender Registry Violation, First Offense Enhanced, a class C felony in violation of Iowa Code sections § 692A.101(23)(a)(15), 692A.104 and 692A.111 (2021) (Count II). D0016, Trial Information (4/27/22). Duffield ultimately pleaded guilty to the lesser offense of Sex Offender Registry Violation, an aggravated misdemeanor in violation of Iowa Code sections 692A.101(23)(a)(15), 692A.104, and 692A.111(1) (2021). D0084, Written Guilty Plea ¶¶ 5-6 (5/1/23).

The plea agreement allowed each party to argue for any available sentence. D0084, Written Guilty Plea ¶ 9 (5/1/23). The

written plea acknowledged the fine range for the aggravated misdemeanor was \$855 to \$8,540. D0084, Written Plea ¶ 11 (5/1/23). See Iowa Code § 903.1(1)(2) (2021).

The District Court held a sentencing hearing on May 10, 2023. Judgment and Sentence p. 1 (5/10/23). Formal reporting was waived by the parties. D0085, Judgment and Sentence p. 3 (5/10/23). The court sentenced Duffield to two years in prison and a suspended \$1,025 fine. D0085, Judgment and Sentence pp. 1-2 (5/10/23). Notably, \$1,025 is the statutory amount of the minimum fine for a class D felony. Id. § 902.9(1)(e).

The District Court committed an error of law and abused its discretion when it imposed the \$855 fine on Duffield's registry violation. The District Court was likely under the mistaken belief that the fine it imposed was the minimum fine required by law. In fact, the minimum fine required by statute was less than that imposed by the court.

The District Court had discretion to order a larger fine than the minimum fine permitted for the registry violation, but there is no

indication in the record that this was the intent of the District Court. Unfortunately, the District Court did not provide any reasons for the specific fine it imposed. State v. Thompson, 856 N.W.2d 915, 920-921 (Iowa 2014) (“We think the sounder interpretation of rule 2.23(3)(d) requires the judge to include in his or her sentencing order the reason for the sentence when the defendant waives the reporting of the sentencing hearing.”). Rather, looking at the case as a whole, it appears the District Court was under the mistaken impression that \$1,025 was the minimum fine. If there was another reason for the court’s selection of a \$1,025 fine, the court did not provide it.

“A district court abuses its discretion when it exercises its discretion on grounds clearly untenable or to an extent clearly unreasonable.” State v. Hill, 878 N.W.2d 269, 272 (Iowa 2016). A “ground or reason is untenable when it is not supported by substantial evidence or when it is based on an erroneous application of the law.” Id.

The Court of Appeals began with the assumption that the District Court acted within its discretion because there was nothing

in the record to show it mistakenly believed \$1,025 was the applicable minimum fine. Opinion p. 3. Simply put, there was nothing in the record to establish the court's reasoning behind its choice of fine because the court did not explain its choice of fine. Failure to provide the reasons for a particular sentence hampers appellate review and a defendant's ability to challenge the court's exercise of discretion. State v. Thacker, 862 N.W.2d 402, 407 (Iowa 2017). When a sentencing court fails to state the reasons for a particular sentence on the record, the appellate courts vacate the sentence and remand the case to the district court for resentencing. Id. at 208.

Appellate courts will not find an exercise of discretion where a district court was unaware it had discretion. State v. Ayers, 590 N.W.2d 25, 32 (Iowa 1999). In this case, the District Court erred in either believing it had to impose a minimum fine in the amount of \$1,025 for Sex Offender Registry Violation or failing to provide reasons for imposing more than the minimum fine. The Court of Appeals erred in upholding the amount of the fine.



## **CONCLUSION**

The Court of Appeals erred in finding the District Court did not abuse its discretion when it imposed the minimum fine for a class D felony to an aggravated misdemeanor without providing sufficient explanation. Defendant-Appellant Isaiah Duffield respectfully requests this Court accept further review of the decision of the Court of Appeals, vacate his fine, and remand his case to the District Court for resentencing on his fine.

**CERTIFICATE OF COMPLIANCE WITH TYPEFACE  
REQUIREMENTS AND TYPE-VOLUME LIMITATION FOR  
FURTHER REVIEWS**

This application complies with the typeface requirements and type-volume limitation of Iowa R. App. P. 6.1103(5) because:

[X] this application has been prepared in a proportionally spaced typeface Bookman Old Style, font 14 point and contains 1,869 words, excluding the parts of the brief exempted by Iowa R. App. P. 6.1103(5)(a).

/s/ Theresa R. Wilson

Dated: 5/30/24

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