

IN THE SUPREME COURT OF IOWA

STATE OF IOWA,
Plaintiff-Appellee,

v.

CHRISTOPHER JOSEPH
HIDLEBAUGH,
Defendant-Appellant.

Dallas County FECR047017

Supreme Court 23-2016

APPEAL FROM THE IOWA DISTRICT COURT
FOR DALLAS COUNTY
HONORABLE BRAD MCCALL, JUDGE

APPLICANT'S APPLICATION FOR FURTHER REVIEW
OF THE DECISION OF THE IOWA COURT OF APPEALS
FILED JANUARY 23, 2025

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QUESTIONS PRESENTED FOR REVIEW

Pursuant to plea agreement, Hidlebaugh and the State agreed that the parties would jointly recommend a prison term if Hidlebaugh was unable to secure a mortgage or provide proof of a real estate purchase agreement before the sentencing hearing. When Hidlebaugh failed to do so for lack of financial resources, the court imposed a prison term pursuant to the joint recommendation, although the court still had discretion to suspend the sentence. Does Hidlebaugh have good cause to appeal under these circumstances?

If good cause has been established, was the district court's imposition of a prison sentence because Hidlebaugh did not have the financial means to purchase a house a violation of Hidlebaugh's equal protection rights or an abuse of sentencing discretion by relying on an improper factor?

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STATEMENT IN SUPPORT OF FURTHER REVIEW

The court of appeals' dismissal of this appeal implicates a substantial question of law that has not been settled by Iowa Supreme Court, but should be. See Iowa R. App. P. 6.1103(b)(2) (2025). Specifically, the court of appeals dismissed Hidlebaugh's appeal for lack of jurisdiction, concluding he had failed to establish "good cause" as required by Iowa Code § 814.6 because he received the sentence he agreed to recommend pursuant to the plea agreement. See State v. Damme, 944 N.W.2d 98, 105 (Iowa 2020). Opinion at 3.

In Wilbourn, this court "save[d] for another day the question of whether good cause exists to solely appeal an agreed sentence without an accompanying sentencing error outside the scope of the plea agreement." State v. Wilbourn, 974 N.W.2d 58, 66 (Iowa 2022). The sentencing error alleged in this case demonstrates the need for appellate review of a district court's exercise of discretion in sentencing even when the defendant receives a bargained-for sentence. As emphasized in the special concurrence from the court

of appeals, the district court's reliance on a defendant's financial inability to purchase a home raises equal protection concerns, even when contemplated by a plea agreement. Opinion at 4 (Greer, J., specially concurring).

Accordingly, this court should accept further review of the court of appeals' January 23, 2025, decision dismissing Hidlebaugh's appeal.

NATURE OF THE CASE

Christopher Hidlebaugh seeks further review of the court of appeals' decision dismissing his appeal for lack of good cause as required by Iowa Code § 814.6(1)(a)(3) (2024). Hidlebaugh appealed his sentence following his guilty plea to violating the sex offender registry, second offense, as a habitual offender, a class D felony in violation of Iowa Code sections 692A.103, 692A.104, 629A.111, and 902.8 (2024). D0029 Order of Disposition at 1 (12/08/23). Hidlebaugh was sentenced to an indeterminate prison term of 15 years with a three-year mandatory minimum. D0029 at 2. Hidlebaugh argued on appeal that the court's reliance on his financial inability to purchase a home was an improper sentencing consideration and violated his Fourteenth Amendment and article I, section 6 rights. The court of appeals dismissed his appeal for lack of jurisdiction because he failed to establish "good cause." Opinion at 3.

STATEMENT OF THE FACTS

To provide a factual basis for his guilty plea, Hidlebaugh admitted that between March 25 and April 14, 2023, he was not living at the residence in which he was registered. D0043 Plea Tr. at 11:22-12:6 (9/29/23).

ARGUMENT

I. Hidlebaugh has good cause to appeal. The court of appeals erred in dismissing his appeal.

Hidlebaugh and the State reached a plea agreement by which Hidlebaugh would plead guilty as charged, and if he was able to provide “proof of a mortgage or proof of a real estate contract at the time of the sentencing, the State will recommend a suspended sentence with probation in this matter.” D0043 Plea Tr. at 5:4-16. However, if Hidlebaugh failed to “reach[] that point in the purchase of a home, of a formal residence, then the State will be recommending prison, and he is in agreement with that recommendation.” D0043 Plea Tr. at 5:17-21.

At the time of sentencing, Hidlebaugh had been unable to purchase a home. He explained that it was due to a lack of sufficient

finances. Despite saving money and working to pay off court debt, Hidlebaugh did not have enough money for a down payment that would satisfy the bank. D0040 at 8:5-6; 8:22-24; 9:11-22; 12:9-14. His attorney stated that they agreed with the State's recommendation for a prison term, given the plea agreement, but Hidlebaugh asked the court to suspend the sentence under these circumstances, noting that the PSI recommended probation and emphasizing that he had a stable residence and a good job. D0040 at 8:6-21; 9:4-10; 9:23-11:12.

The court rejected Hidlebaugh's request and imposed a prison term, relying on the plea agreement. D0040 at 14:22-15:3. Hidlebaugh appealed.

Iowa Code section 814.6(1)(a)(3) requires an appellant who has pled guilty to establish "good cause" to appeal. Iowa Code § 814.6(1)(a)(3) (2024). "An appellate court either has jurisdiction over a criminal appeal or it does not." State v. Wilbourn, 974 N.W.2d 58, 66 (Iowa 2022). If good cause is lacking, the court has no jurisdiction, and the appeal must be dismissed. See State v. Treptow,

960 N.W.2d 98, 110 (Iowa 2021). In this case, Hidlebaugh has good cause to appeal because he challenges his sentence only and not the underlying plea. State v. Damme, 944 N.W.2d 98, 105 (Iowa 2020). (“[G]ood cause exists to appeal from a conviction following a guilty plea when the defendant challenges his or her sentence rather than the guilty plea.”). See also State v. Boldon, 954 N.W.2d 62, 69 (Iowa 2021) (“Because Boldon challenges the sentencing hearing and his sentence, we conclude he has established good cause to pursue this direct appeal as a matter of right.”).

However, the court of appeals relied on Damme to conclude that because Hidlebaugh agreed to jointly recommend the prison sentence he received, he had not established good cause. Opinion, p. 3. This Court determined Damme had good cause to appeal because she challenged her sentence and not the underlying plea. However, this Court additionally noted, “Damme received a discretionary sentence that was neither mandatory nor agreed to as part of her plea bargain, and she is appealing that sentence and asking for resentencing

without challenging her guilty plea or conviction.” Damme, 944 N.W.2d at 105.

In Wilbourn, this court found good cause existed to hear Wilbourn’s appeal even though he agreed to jointly recommend a 25-year prison term, reduced by one-third, in exchange for pleading guilty, because the sentence also included a fine which was not agreed upon. State v. Wilbourn, 974 N.W.2d 58, 66 (Iowa 2022). “We save for another day the question of whether good cause exists to solely appeal an agreed sentence without an accompanying sentencing error outside the scope of the plea agreement.” Id.

This court should accept further review to explicitly address whether and when good cause exists to appeal when a defendant agrees to jointly recommend a sentence but the district court maintains discretion in selecting the appropriate sentence. In this case, although Hidlebaugh agreed to jointly recommend a prison term if he was unable to purchase a house before the sentencing hearing, the plea agreement was not conditioned on the court’s approval pursuant to Iowa Rule of Criminal Procedure 2.10(3).

D0043 Plea Tr. at 6:9-16. Thus, neither the plea agreement itself nor any statute required the court to impose a term of imprisonment. See Iowa Code §§ 902.8, 907.3 (2023). See also State v. Washington, 356 N.W.2d 192, 197 (Iowa 1984) (holding that defendant subject to habitual offender enhancement may still receive a suspended sentence unless the underlying felony is a forcible felony).

Further, although Hidlebaugh’s attorney agreed to join the State’s recommendation for a prison term, Hidlebaugh himself asked the court to reject the plea agreement and suspend his sentence, as recommended by the Presentence Investigation Report. D0040 Sentencing Tr. at 7:25-12:4 (12/8/23); D0026 PSI at p. 13 (11/29/23).

Under these circumstances, the Court should hold that Hidlebaugh has established good cause to have his sentencing issue heard on direct appeal. “Good cause” is a “legally sufficient reason.” Damme, 944 N.W.2d at 104. “By definition, a legally sufficient reason is a reason that would allow a court to provide some relief.” State v. Treptow, 960 N.W.2d 98, 109 (Iowa 2021). In this case, Hidlebaugh

alleges the district court exercised its discretion in an unconstitutional manner or, in the alternative, considered an improper factor. Such sentencing errors can be addressed by the appellate court and relief is routinely granted by the appellate court when the district court abuses its discretion by vacating the sentence and remanding for a new sentencing hearing. See, e.g., State v. Fetner, 959 N.W.2d 129, 137 (Iowa 2021).

The importance of ensuring an appropriate exercise of sentencing discretion is demonstrated by the standard for reversal when an abuse of discretion is established. Defendants have not been required to show that the consideration of an improper factor resulted in a harsher sentence. Instead the appellate court “cannot speculate about the weight [the district] court mentally assigned to this factor, or whether it tipped the scales to imprisonment.” Fetner, 959 N.W.2d at 136 (quoting State v. Messer, 306 N.W.2d 731, 733 (Iowa 1981)). Instead, the case must be remanded to the district court for resentencing. Id. at 136–37.¹

¹ Hidlebaugh also notes that he has no other avenue to challenge the district court’s abuse of discretion as post-conviction relief is not

The appellate court’s obligation to remand in such a situation, where the court has abused its discretion even when the defendant can’t establish that the improper factor impacted the sentence received, is aimed at protecting the integrity of the judicial system from the appearance of impropriety. See State v. Lovell, 857 N.W.2d 241, 243 (Iowa 2014) (remanding for resentencing before a different judge after original sentencing judge considered an improper factor). This need to safeguard the integrity of the judicial system is just as important regardless of whether the defendant agreed to the sentence or not.

CONCLUSION

Because Hidlebaugh has established “good cause” to appeal the sentence imposed, this court should grant further review, vacate the decision of the court appeals, vacate Hidlebaugh’s sentence and remand for resentencing before a different judge.

available for this claim. See Iowa Code § 822.2 (2024).

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

This application complies with the typeface and type-volume requirements 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 1,709 words, excluding the parts of the application exempted by Iowa R. App. P. 6.1103(5)(a).

/s/ Melinda J. Nye

Dated: 01/30/25

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