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IN THE SUPREME COURT OF IOWA
Supreme Court No. 25-0603
Black Hawk County No. FECR258584

STATE OF IOWA,
Plaintiff–Appellee,

vs.

CALVIN ORLANDO HOSKINS,
Defendant–Appellant.

APPEAL FROM THE IOWA DISTRICT COURT
FOR BLACK HAWK COUNTY
THE HONORABLE JOEL A. DALRYMPLE, JUDGE (SUPPRESSION);
AND THE HONORABLE ANDREA J. DRYER, JUDGE (DISPOSITION)

BRIEF FOR APPELLEE

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STATEMENT OF THE ISSUE PRESENTED FOR REVIEW

I. Whether the district court erred in denying the defendant's motion to suppress.

ROUTING STATEMENT

The Court should transfer this matter to the Court of Appeals for application of existing legal principles. Iowa R. App. P. 6.1101(3).

NATURE OF THE CASE

Following a traffic stop and an unsuccessful motion to suppress, Calvin Hoskins entered conditional guilty pleas to two charges: (I) possession of more than five grams of methamphetamine with intent to deliver, second or subsequent offense, a class "B" felony, in violation of Iowa Code sections 124.401(1)(b)(7) and 124.411; and (II) failure to affix drug tax stamp, a class "D" felony, in violation of section 453B.12(2). D0047, Order of Disposition at 1 (4/4/2025). The Honorable Joel Dalrymple of the District Court for Black Hawk County denied Hoskins' motion to suppress. D0035, Order at 1–4 (1/27/2025). The Honorable Andrea Dryer of the District Court for Black Hawk County took his pleas. D0047 at 3. Hoskins now appeals, challenging the ruling on his motion to suppress.

STATEMENT OF THE FACTS

In the early morning hours of October 5, 2024, two Waterloo police officers were conducting a traffic stop. *See* D0062, Mtn. Supp. Tr. (12/20/2024) at 7:9–20. Officer Gustavo Gasca-Muniz stopped a vehicle

and Officer Dallas Blackburn arrived on scene to assist him. *See id.* at 5:22–23, 7:17–20, 13:4–8. Gasca-Muniz's lights were activated. *Id.* at 8:2–9.

As Blackburn arrived, another vehicle, a GMC SUV, drove by the scene. *See id.* at 11:2–4. Blackburn observed that this vehicle "failed to move over and almost struck Officer Gasca-Muniz." *Id.* at 9:7–8. Blackburn estimated the vehicle drove by about a foot from Gasca-Muniz. *Id.* at 9:20–23; *see also* D0037, Exh. B, Dash Cam Video at 0:04–0:07 (1/30/2025). Blackburn pulled away from Gasca-Muniz's traffic stop to "attempt to catch up to initiate a traffic stop" on this new vehicle. D0062 at 9:10–11.

Blackburn was able to stop the GMC. *See* D0037 at 0:55–1:10. Calvin Hoskins was the driver and only occupant of the vehicle. D0062 at 11:7–20. When they spoke, Blackburn told Hoskins he stopped him because Hoskins failed to yield the right of way. *See* D0038, Exh. C, Body Cam Video at 1:00–1:06 (1/30/2025). Hoskins provided Blackburn with his driver's license. *Id.* at 0:58–1:10. Blackburn asked Hoskins for his insurance card, which Hoskins provided. *Id.* at 1:12–2:05.

Before stopping the vehicle, Blackburn did not know he was stopping Hoskins. D0062 at 11:10–12. But Hoskins' name would have been familiar to Blackburn from briefings provided to Waterloo police officers. *See id.* at 15:22–16:24. No more than a month prior to this stop, Hoskins came up

during a briefing as someone connected to "controlled substance violations" and possession of weapons. *Id.* at 16:22–17:3, 30:25–31:5.

As the preliminaries were being addressed, Gasca-Muniz arrived. *Id.* at 12:2–11; *see* D0037 at 2:02. He walked around the passenger side of Hoskins' vehicle. D0062 at 12:2–11; D0037 at 2:04–2:10. From that vantage point, he was able to observe a bottle of alcohol in the backseat of the vehicle. D0062 at 13:24–14:5. He told Blackburn, "There's tequila in the back." *Id.*; *see also* D0038 at 2:00–2:09.

Blackburn asked Hoskins to "hop out" of the vehicle. D0038 at 2:16–2:20. Blackburn was concerned that Hoskins could have been intoxicated. D0062 at 14:17–22. Asking Hoskins to exit the vehicle would have assisted Blackburn in determining whether Hoskins was under the influence. *Id.* at 15:1–21.

As Hoskins exited the vehicle, Blackburn observed "the corner of a plastic Ziploc baggy sticking out of" Hoskins' pants. *Id.* at 17:8–13. To Blackburn, it "looked like a gallon-size Ziploc bag." *Id.* at 17:19. About four or five inches of the bag were sticking out of Hoskins' pants. *Id.* at 17:22–18:3. The bag was tucked down in the front of Hoskins' pants. *Id.* at 18:13–20. Blackburn immediately believed the bag contained "illegal narcotics." *Id.* at 18:21–19:4, 20:14–23. Blackburn believed "normal people do not

stuff plastic bags into their pants in that area." *Id.* at 19:6–7. More than that, though, in his experience as a police officer he had seen people conceal bags of narcotics that way. *Id.* at 19:7–11. The most common packaging for drugs in Black Hawk County is plastic bags. *Id.* at 19:12–18. While it would be more common for drug users to conceal narcotics in smaller bags, sometimes Blackburn would see larger bags, too. *Id.* at 19:19–20:2.

Blackburn asked Hoskins, "What's in your pocket right here?" D0038 at 2:30–2:40; *see also* D0062 at 30:17–18 (clarifying he "misspoke" using the word "pocket"). Blackburn gestured at Hoskins' waist, reached for Hoskins' waist, or lifted Hoskins' sweatshirt after asking that question. D0037 at 3:08. Hoskins reached for the bag in his waistband. D0062 at 20:24–21:6. Both officers told him not to reach. D0038 at 2:40–2:45. They grabbed Hoskins' arms, as Hoskins protested that he was trying to show them what he had. *Id.* at 2:40–2:50; *see also* D0062 at 21:7–22:5, D0037 at 3:10 (Hoskins' "I'm finna show you" audible). The officers did not know if Hoskins had a weapon on his person. D0062 at 21:19–22:1. As Gasca-Muniz held Hoskins's left arm, Blackburn lifted Hoskins' sweatshirt and pulled a plastic bag from Hoskins' waistband. D0038 at 2:45–2:52. The bag contained a crystal-like substance, and it weighed over seven grams. *Id.*; *see*

also D0016, Minutes of Testimony at 6 (11/6/2024). Blackburn recognized the substance as methamphetamine. D0038 at 5:10–5:15.

Hoskins was charged with possession of a controlled substance and failure to affix a drug tax stamp. D0015, Trial Information at 1–2 (11/6/2024). He moved to suppress the evidence obtained from the traffic stop. *See* D0022, Mtn. Supp. at 1 (11/25/2024). The district court denied that motion. D0035 at 1–4. Hoskins thereafter entered a conditional guilty plea. *See* D0047 at 1; D0040, Notice at 1 (2/4/2025). He now appeals. D0050, Notice of Appeal at 1 (4/9/2025).

JURISDICTIONAL STATEMENT

The State consented to the entry of the conditional guilty plea. D0060, Plea Tr. (2/4/2025) at 2:12–3:2. The State agrees good cause exists to grant this appeal. *See State v. McClain*, 20 N.W.3d 488, 494–95 (Iowa 2025).

ARGUMENT

I. The district court properly denied the motion to suppress.

Preservation of Error

The State does not contest error preservation.

Standard of Review

"When a defendant challenges a district court's denial of a motion to suppress based upon the deprivation of a state or federal constitutional

right, [the] standard of review is de novo." *State v. Storm*, 898 N.W.2d 140, 144 (Iowa 2017). The appellate court examines the whole record and makes "an independent evaluation of the totality of the circumstances." *State v. Fogg*, 936 N.W.2d 664, 667 (Iowa 2019). "Each case must be evaluated in light of its unique circumstances." *State v. Coffman*, 914 N.W.2d 240, 244 (Iowa 2018). Courts "give deference to the district court's fact findings due to its opportunity to assess the credibility of the witnesses, but [appellate courts] are not bound by those findings." *State v. Hauge*, 973 N.W.2d 453, 458 (Iowa 2022).

Merits

A. Legal background

The Fourth Amendment and its state analogue, article I, section 8, protect citizens from unreasonable and warrantless searches and seizures. U.S. Const. amend. IV; Iowa Const. art. I, § 8.[1] Warrantless searches are per se unreasonable unless they fall within a recognized exception to the warrant requirement. *See Mincey v. Arizona*, 437 U.S. 385, 390 (1978). The

[1] Hoskins does not "argue that a standard independent of the federal approach should be employed under the state constitution." *State v. Tyler*, 830 N.W.2d 288, 291 (Iowa 2013). In such situations, this Court typically considers claims "simultaneously, applying the federal standards as outlined by the United States Supreme Court governing the Fourth Amendment." *State v. Warren*, 955 N.W.2d 848, 859 (Iowa 2021).

State must "prove a recognized exception to the warrant requirement by a preponderance of the evidence." *State v. Simmons*, 714 N.W.2d 264, 272 (Iowa 2006).

The "plain view" doctrine provides one such exception. *See Coolidge v. New Hampshire*, 403 U.S. 443, 464–72 (1971) (discussing doctrine). "Three prerequisites must be satisfied for a plain view seizure." *State v. Oliver*, 341 N.W.2d 744, 746 (Iowa 1983). "The intrusion into the otherwise protected area must be justified, the discovery of the object must be inadvertent, and its incriminating nature must be immediately apparent." *Id.*

The phrase "immediately apparent" is somewhat unfortunate. *Texas v. Brown,* 460 U.S. 730, 741 (1983) ("[T]he use of the phrase 'immediately apparent' was very likely an unhappy choice of words, since it can be taken to imply that an unduly high degree of certainty as to the incriminatory character of evidence is necessary for an application of the 'plain view' doctrine."). "A 'practical, nontechnical' probability that incriminating evidence is involved is all that is required." *Id.* at 742 (citation omitted). "[P]robable cause to associate the property with criminal activity" is the standard to "invoke the 'plain view' doctrine." *Payton v. New York*, 445 U.S. 573, 587 (1980) (first quote); *Arizona v. Hicks*, 480 U.S. 321, 326

(1987) (second quote). But "the bar for probable cause is not absolute certainty, but rather whether 'a person of reasonable prudence would believe a crime has been committed or that evidence of a crime might be located in the particular area to be searched.'" *State v. Hunt*, 974 N.W.2d 493, 500 (Iowa 2022) (quoting *State v. Naujoks*, 637 N.W.2d 101, 108 (Iowa 2001)). "It is to be viewed from the vantage point of a prudent, reasonable, cautious police officer on the scene at the time of the arrest guided by his experience and training." *United States v. Davis*, 458 F.2d 819, 821 (D.C. Cir. 1972) (per curiam). "A showing such a belief is correct or more likely true than false is not required." *State v. Ethridge*, No. 98-503, 1999 WL 711492, at *2 (Iowa Ct. App. July 23, 1999) (citing *Brown*, 460 U.S. at 742). And because this "assessment of a police officer's conduct is based on an objective standard," the legality of the search "does not depend on the actual motivations of the police officers involved in the search." *State v. Hoskins*, 711 N.W.2d 720, 726 (Iowa 2006); *accord State v. Heminover*, 619 N.W.2d 353, 361 (Iowa 2000) ("Because the *Terry* standard is one of objective reasonableness, we are not limited to what [the officer] says or to evidence of his subjective rationale."), *abrogated on other grounds by State v. Turner*, 630 N.W.2d 601, 606 n.2 (Iowa 2001).

B. The intrusion here was justified, and the discovery of the baggie was inadvertent.

Hoskins does not seem to challenge the first two prerequisites, so the State will not belabor proof of them. Here, the initial stop of Hoskins' vehicle was justified once Blackburn had probable cause to suspect a violation of Iowa Code section 321.323A. *See Whren v. United States*, 517 U.S. 806, 810 (1996) ("As a general matter, the decision to stop an automobile is reasonable where the police have probable cause to believe that a traffic violation has occurred."); *State v. Aderholdt*, 545 N.W.2d 559, 563 (Iowa 1996); *see also* Iowa Code § 321.323A; *United States v. Luna*, 368 F.3d 876, 878 (8th Cir. 2004) (discussing statute). And "once a motor vehicle has been lawfully detained for a traffic violation, the police officers may order the driver to get out of the vehicle without violating the Fourth Amendment's proscription of unreasonable searches and seizures." *Pennsylvania v. Mimms*, 434 U.S. 106, 111 n.6 (1977). In the parlance of the plain view doctrine, the initial intrusion here was justified.

The discovery of the drugs was inadvertent. In contrast to a situation where an officer knew "in advance the location of certain evidence and intend[ed] to seize it, relying on the plain view doctrine only as a pretext," here Blackburn did not know the identity of the driver he was stopping when he initiated the stop, and did not know the location of any evidence

until he personally observed it. *Brown*, 460 U.S. at 737 (internal marks omitted). Because there was no such pretext—indeed, Hoskins does not suggest any pretext—this discovery was inadvertent for purposes of the plain view doctrine.

The real issue on appeal is whether the "incriminating nature" of this evidence was "immediately apparent." Hoskins makes two arguments related to this prong. He argues the evidence was not in view at all. Appellant's Br. at 20–28. And he argues Blackburn lacked probable cause to connect the evidence to criminal activity. Appellant's Br. at 28–34. Both arguments fail.

C. Blackburn saw something in plain view.

The baggie was visible to Blackburn when Hoskins stepped out of his SUV. *See* D0062 at 17:8–13. We know this not only from Blackburn's credible testimony, but also because Blackburn asked, "What's in your pocket right here?" D0038 at 2:30–2:40. At the same time, he was shining his flashlight at Hoskins' waist. D0037 at 3:05. That would be an exceedingly strange question to ask, and a coincidental flashlight placement, if Blackburn had not seen something. In other contexts, courts view such spontaneity favorably when assessing credibility. *See State v. Tejeda*, 677 N.W.2d 744, 753–54 (Iowa 2004) (discussing rationale behind

excited-utterance exception to hearsay rule); *State v. Stevens*, 289 N.W.2d 592, 596 (Iowa 1980) ("[Excited utterances] must meet a requirement of spontaneity in order to possess a circumstantial guarantee of trustworthiness for admissibility."). So it is here. The simplest explanation for Blackburn's spontaneous question and flashlight usage is that he saw something worth asking about and viewing.

When Blackburn asked his question, his body camera, unlike his flashlight, was not trained on Hoskins' waist. *See* D0038 at 2:38–2:39. Hoskins now seizes on that fact, and the fact that later footage seems to show Hoskins' sweatshirt covering the baggie, to argue that the baggie was never visible to Blackburn before lifting Hoskins' shirt. *See, e.g.*, Appellant's Br. at 25; *see also* D0038 at 2:44. Because the baggie is not visible at one time, however, does not mean it was not visible at a different time. Hoskins has no alternative explanation for what compelled Blackburn's question or flashlight usage, and he instead seeks to extrapolate from the limited information available from the body cam footage. This Court should resist the call to find that the body cam footage is the be-all, end-all of the evidence here. *See State v. Harbach*, 3 N.W.3d 209, 222 (Iowa 2024) ("Even though bodycam footage can be useful, courts should be careful in relying on the footage when determining specific facts that are not easily

observable from the video."). At the key moment, when Blackburn observed the baggie, his body cam footage is of no use and his dash cam footage is too poor to provide much aid. What remains is his credible testimony, his flashlight usage, and his question. Hoskins' speculation is a poor substitute for those.

Additionally, Hoskins makes mountains out of molehills in assessing Blackburn's credibility. *See* Appellant's Br. at 20–21. Blackburn's complaint stated Hoskins was driving at a high rate of speed as he passed Blackburn and Gasca-Muniz; on the stand Blackburn testified Hoskins was driving around the speed limit. *Compare* D0001, Criminal Complaint at 2 (10/5/2024), *with* D0062 at 9:24–10:5; *see also* D0037 at 0:04–0:07 (Hoskins driving by the scene). First, both can be true: a vehicle traveling at a high rate of speed could be going around the speed limit. But even if Blackburn conceives of them differently here, this seems like an untroubling misremembrance to the State, not evidence of Blackburn's nefarious intent.

Hoskins also makes much of Blackburn testifying that Gasca-Muniz informed him of an "open" bottle of alcohol before asking Hoskins to get out of the vehicle. Appellant's Br. at 21. In truth, Gasca-Muniz did not use the word "open." *See* D0038 at 2:00–2:07. This also seems like a case of

mistaken memory—Gasca-Muniz did, later in the investigation, tell Blackburn the bottle was open. *See, e.g.*, *id.* at 3:18–3:22. (It also seems like the openness of the bottle is implicit in Gasca-Muniz's statement that there was "tequila in the back" of the vehicle. *See id.* Presumably, Gasca-Muniz was not informing Blackburn of a grocery haul in Hoskins' backseat.)

Hoskins writes Blackburn "claimed he removed Hoskins from the vehicle due to the bottle and concerns he may be intoxicated, but did not include that concern in his report, did not conduct field sobriety tests, and wrote in his report that Hoskins was 'sober.'" Appellant's Br. at 21. Investigations do not begin with a pre-determined outcome, so a police officer may suspect intoxication where there is none, learn there is none through investigation, and then later decide not to include irrelevant detail about this lack of intoxication in a report—especially when other crimes were uncovered.

Blackburn did not mention the size of the baggie in his report, which, again, seems like a harmless omission and not a damning indictment of his credibility, especially when there is no question the baggie was there. *See* Appellant's Br. at 21.

Blackburn also testified his body camera showed the baggie, which it clearly does. *See, e.g.*, D0038 at 2:50–2:52. Hoskins writes that Blackburn

"claimed his body camera video showed the baggie was visible in Hoskins' waistband before any contact from Blackburn." Appellant's Br. at 21–22. That is not a question asked of Blackburn. *See* D0062 at 29:21–30:1 ("Does either your body cam or your squad car show this bag?" and "You would say that your body camera shows the bag on the video?"). He answered those questions in the affirmative, which is accurate.

Hoskins' final point on Blackburn's credibility merits a longer discussion. On cross-examination at the hearing on the motion to suppress, Blackburn was asked:

> Q. And when you observed the bag, I mean, you were going to retrieve it then because of what you believed; right?
>
> A. I was not going to retrieve it until he reached for it.
>
> Q. So what were you going to do about it then?
>
> A. That's why I asked him what it was.

Id. at 30:2–8. Hoskins argues this exchange shows Blackburn was not "certain the baggie contained narcotics when he saw it in Hoskins' waistband." Appellant's Br. at 21. On a basic level, Hoskins seems to misread Blackburn's testimony. The State does not read Blackburn to be saying, "I had no idea what I saw and needed him to tell me." The State

reads him to be saying that he was operating cautiously and did not intend to reach for this baggie in a waistband without additional discussion.

Moreover, the law does not require certainty. *Brown,* 460 U.S. at 741. In this situation, a reasonable officer would have had probable cause to connect the baggie to criminal activity. Blackburn could have possessed—and the State submits he did possess—that level of certainty without being absolutely "certain." And Blackburn's curiosity despite his probable cause is not an indictment of his credibility. It seems more like a testament to his ability to avoid escalating conflict.

After all this, the State does not see the incredible testimony Hoskins sees. Nor did the district court. Blackburn saw the baggie in plain view and asked a spontaneous question about it. Minor inconsistencies between his report and testimony do not change that. *Cf. Harbach*, 3 N.W.3d at 225–26 (Waterman, J., dissenting) (lamenting "materially misleading" statements by an officer). This Court, affording proper deference to the district court, should reject Hoskins' argument on this point.

D. The criminal nature of the baggie was immediately apparent.

Blackburn also possessed probable cause to connect the baggie to criminal activity. That is, the incriminating nature of the object was immediately apparent. Baggies are commonly used to store drugs in Black

Hawk County. D0062 at 19:7–20:2. Baggies used for innocuous purposes, as Blackburn recognized, are not typically stuffed into one's waistband. *Id.* at 18:21–19:7, 20:14–23; *see State v. Carter*, 696 N.W.2d 31, 38 (Iowa 2005) ("[A] plastic baggie is a commonly used container for narcotics and when seen in an unusual setting can tip the scales in favor of probable cause for a search."). While it is true that Blackburn is not a grizzled veteran with decades of experience, at the time of this stop he had been an officer in Waterloo for nearly two years and had specialized training in "identifying and apprehending individuals involved in illegal use, distribution, trafficking of illegal narcotics." D0062 at 6:3–18. These circumstances support a determination that probable cause to connect the unusually situated baggie to criminal activity existed here.

As Hoskins argues, Appellant's Br. at 33, the tone of Blackburn's voice as he remarks later that Hoskins' "name sounds familiar, though" suggests that Blackburn could not quite place how he knew the name. *See* D0038 at 7:27–7:34. That does not mean Blackburn lacked any relevant information, though. During that conversation, Blackburn is indicating his surprise that Hoskins' license is valid while commiserating with Gasca-Muniz. *See id.* at 7:23–7:34. Gasca-Muniz then seems to say that he was intending to "pull" some file or record, to which Blackburn responds that he was also thinking

of doing so. *Id.* at 7:32–7:37. This "shop talk" between coworkers suggests that Blackburn *had* made the connection to his work and suspected Hoskins of criminality, even if its exact nature eluded him. This, too, should count toward Blackburn's probable cause.

Cases from other jurisdictions support a finding of probable cause here. In *People v. Washington*, 610 N.E.2d 88, 90 (Ill. App. Ct. 1992), the Illinois Appellate Court examined a similar case and concluded the "evidence presented demonstrate[d] that it was immediately apparent to the police that [a] plastic bag might contain contraband." In that case, an officer's experience informed his belief that cocaine "was frequently packaged in small, transparent, plastic bags." *Washington*, 610 N.E.2d at 90. The officer observed about three inches of a plastic bag protruding from the defendant's waistband. *Id.* Although "he was unable to see the contents of the bag, he expected to find some type of controlled substance when he removed the plastic bag." The court also found it "significant that the plastic bag was recovered from defendant's waistband rather than from his pocket or his hand." *Id.*

An Ohio court did much the same. In *State v. Metz*, 176 N.E.3d 1196, 1199–1200 (Ohio Ct. App. 2021), a deputy saw "the top" of a Ziploc bag sticking out of the defendant's pocket or pants. The defendant reached for

the bag. 176 N.E.3d at 1199–1200. The deputy testified that movement "made [her] very uncomfortable as far as safety concerns." *Id.* at 1204. She asked him to step out of his vehicle. *Id.* When he did so, she saw the top of "a zip lock bag sticking out of the pocket that he was making the motion by." *Id.* Based on her training and experience, the deputy knew that was a "common way to store drugs." *Id.* The trial court, crediting the deputy's testimony, denied the motion to suppress. *Id.* at 1205. The appellate court affirmed, noting that multiple Ohio courts had "determined that trained officers might view a partially visible, plastic baggie as an immediately apparent indication of illegal drugs." *Id.* (citing, *e.g.*, *State v. Strothers,* No. 18322, 2000 WL 1867594 (Ohio Ct. App. Dec. 22, 2000) ("officer entitled to seize and/or search baggie sticking out of a sweat-jacket pocket, based on the immediately apparent, incriminating nature of the baggie at the scene of a drug investigation"); *State v. Barr,* 620 N.E.2d 242, 247 (Ohio Ct. App. 1993) ("based on circumstances, police possessed the required probable cause to associate the visible plastic bag with criminal activity")).

A Florida court acknowledged a defendant's argument that a "plastic bag protruding from [his] pocket was innocuous" but noted that the argument was "not dispositive" because "[a]n innocuous item in plain view can be seized if additional circumstances are present which provide

sufficient probable cause to believe that it contains contraband." *State v. Casey*, 528 So.2d 1264, 1265 (Fla. Dist. Ct. App. 1988). Additional circumstances the court considered included the officer's experience, the defendant's furtive movements, the officer's observation of two inches of a plastic bag protruding from the defendant's pocket, and the officer's knowledge that drugs were commonly packaged in plastic bags. *Id.* at 1265–66. Based on the totality of circumstances in that case, the appellate court reversed the trial court's order granting the motion to suppress. *Id.* at 1266.

This Court should follow the lead of those other courts. The plastic bag, its size, its location in Hoskins' waistband, local drug-storage habits, and Blackburn's training and experience all support a finding of probable cause here. This Court should reject Hoskins' challenge.

CONCLUSION

For the above reasons, this Court should affirm.

REQUEST FOR NONORAL SUBMISSION

This case is appropriate for nonoral submission. If argument is granted, the State requests to be heard.

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)(g) and 6.903(1)(i)(1) or (2) because:

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