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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

APPLICATION FOR FURTHER REVIEW

(Iowa Court of Appeals Decision: April 15, 2026)

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QUESTIONS PRESENTED FOR FURTHER REVIEW

When a district court finds an officer credible and concludes his ambiguous bodycam footage does not contradict his testimony, does an appellate court owe that finding any deference on de novo review?

Should appellate courts exercise caution when determining specific facts that are not easily observable from bodycam footage?

STATEMENT SUPPORTING FURTHER REVIEW

The Court of Appeals made two related errors that conflict with this Court's decisions on important matters when it reversed the district court's order denying a motion to suppress methamphetamine found in a plastic bag stuck in the defendant's pants. See Iowa R. App. P. 6.1103(1)(b)(1), (4).

First, the district court failed to give the district court's implicit credibility findings deference. Yet this Court's decisions require giving deference to a district court's credibility determinations, even on de novo review. *See, e.g.*, *State v. Abu Youm*, 988 N.W.2d 713, 718 (Iowa 2023); *State v. Lane*, 726 N.W.2d 371, 379 (Iowa 2007). Here, the court of appeals offered the district court's credibility determination no deference, supplanting it with the majority's own view of body camera and dash camera videos. Slip Op. at 8. The majority erred in this.

Second, and relatedly, the majority failed to follow this Court's direction not to over-rely on video footage "when determining specific facts that are not easily observable from [a] video." *State v. Harbach*, 3 N.W.3d 209, 222 (Iowa 2024). Instead, the majority concluded "the videos show no object protruding from Calvin Hoskins's waistband until after the officer lifted his clothing," so the State could not avail itself of the plain view exception. Slip Op. at 2; *see also id.* at 6–7. As the dissent observed, the

videos were unclear. Slip Op. at 13–16 (Badding, J., dissenting). Using unclear videos to reverse a district court's credibility finding conflicts with *Harbach*'s cautionary instruction. *See id.*; *Harbach*, 3 N.W.3d at 222; Iowa R. App. P. 6.1103(1)(b)(1), (4).

These errors are worth correcting. As video evidence proliferates, using video evidence properly when evaluating district court credibility determinations is crucial. This Court should grant further review to confirm that *Harbach* does not allow appellate courts to supplant a district court's credibility findings based on video evidence unless the video shows that the district court clearly erred.

NATURE OF THE CASE

The State seeks further review from a Court of Appeals decision reversing the denial of a motion to suppress. Iowa R. App. P. 6.1103. The case turns on whether two videos conclusively show that an officer was wrong when he testified that he saw a gallon plastic bag stuck in the defendant's waistband before manipulating the defendant's clothing.

STATEMENT OF THE FACTS

Two Waterloo police officers initiated a traffic stop based on probable cause to believe the driver, Calvin Hoskins, had violated Iowa Code section 321.323A, which requires drivers to proceed with "due caution" when

approaching emergency vehicles. *See* D0037, Exh. B, Dash Cam Video at 0:04–0:07 (1/30/2025); D0038, Exh. C, Bodycam Video at 1:00–1:06 (1/30/2025). Below, Hoskins did not challenge the stop. D0035, Order at 3 (1/27/2025) ("At the onset of the hearing the defense conceded they were not challenging the stop of the vehicle.").

During the stop, one of the officers, Gustavo Gasca-Muniz, observed a tequila bottle in the backseat. D0062, Mtn. Supp. Tr. (12/20/2024) at 13:24–14:5. Once informed of this, the other officer, Dallas Blackburn, asked Hoskins out of the vehicle. *Id.*; *see also* D0038 at 2:00–2:20.

As Hoskins exited the vehicle, Blackburn observed "the corner of a plastic Ziploc baggy sticking out of" Hoskins' pants. D0062 at 17:8–13. Blackburn shined a flashlight at Hoskins' waist and asked him, "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"). 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.

ARGUMENT

I. The Court of Appeals erred in substituting its own credibility findings for those of the district court, using ambiguous video evidence to do so.

Warrantless searches are per se unreasonable unless they fall within a recognized exception to the warrant requirement, and "plain view" is one such exception. *Mincey v. Arizona*, 437 U.S. 385, 390 (1978); *Coolidge v. New Hampshire*, 403 U.S. 443, 464–72 (1971). The plain view doctrine applies when an officer is engaged in lawful activity and observes facts offering probable cause to search or seize property. *Payton v. New York*, 445 U.S. 573, 587 (1980); *State v. Oliver*, 341 N.W.2d 744, 745–47 (Iowa 1983).

The question here is whether the body camera and dash camera videos are so clear that the majority could reverse the district court's finding that the officer saw that bag before manipulating the defendant's shirt. The Court of Appeals majority made two errors in so finding.

A. The majority opinion conflicts with this Court's cases directing appellate courts to give deference to district court credibility findings, even on de novo review.

In Iowa, appellate courts "give weight to the lower court's findings concerning witness credibility," even on de novo review. *E.g., Trane v. State*, 16 N.W.3d 683, 692 (Iowa 2025); *Sothman v. State*, 967 N.W.2d 512, 522 (Iowa 2021). In other words, they "give considerable deference to the trial court's findings regarding the credibility of the witnesses," though they "are not bound by them." *State v. Tague*, 676 N.W.2d 197, 201 (Iowa 2004). Appellate courts afford credibility findings such deference because district courts are in a better position to observe witnesses. *See, e.g.*, *State v. Hatter*, 342 N.W.2d 851, 854 (Iowa 1983).

Here, the majority failed to afford the district court's credibility finding that the officer saw the baggie in Hoskins' waistband any deference. In the majority's view, the videos show "no plastic protrusion was visible when Hoskins exited the SUV." Slip Op. at 11. "[T]he video speaks for itself." *Id.* at 6 (cleaned up). The majority erred by refusing to give any deference to the district court's fact findings. *See Ornelas v. United States*, 517 U.S. 690, 699 (1996) (hastening "to point out that a reviewing court should take care both to review findings of historical fact only for clear

error and to give due weight to inferences drawn from those facts by resident judges and local law enforcement officers").

B. The majority opinion charges headlong where *State v. Harbach*, 3 N.W.3d 209, 222 (Iowa 2024) urges caution.

The majority's explanation suggests its second error. It failed to afford the district court's credibility finding deference because it believed a sufficiently clear video existed to supplant the district court's finding with its own. But even with video evidence, credibility findings cannot be jettisoned without reason. Here, the Court of Appeals failed to apply the proper deference, warranting reversal.

In *Harbach*, this Court explained, "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." 3 N.W.3d at 222; *see also* Slip Op. at 15–16 (Badding, J., dissenting and collecting cases for same proposition). Here, the majority opinion did not heed that caution.

The officer testified that he observed "the corner of a plastic Ziploc baggy sticking out of" Hoskins' pants, and it "looked like a gallon-size Ziploc bag." D0062 at 17:8–19. Then, as he reached for the defendant's waist, he asked, "What's in your pocket right here?" D0038 at 2:30–2:40.

The district court credited those assertions, finding that the officer saw the bag, which offered probable cause to take the bag. D0035 at 3.

Yet the Court of Appeals relied solely on unclear video footage to reverse the district court's credibility finding that the officer saw the plastic bag in the defendant's waistband before touching the defendant's shirt. The majority said "the video speaks for itself." Slip Op. at 6. It explained, "When video evidence contradicts an officer's description of what occurred, we are not at liberty to disregard that evidence in favor of officer testimony alone." *Id.* at 9. If video footage "directly contradict[ed]" Blackburn's testimony, that would be one thing. *Id.* at 2; *see also id.* at 13 n.3. But it does not.

Neither video shows that the officer could not have seen a plastic bag protruding from the defendant's waistband. The officer's bodycam does not show the defendant as he exited the vehicle when the officer saw the bag in his waistband. D0038 at 2:30–2:45; *see also* Slip Op. at 14–15 (Badding, J., dissenting); *cf. id.* at 6–7. And the dashcam footage is too far away, too blurry, and has too much glare from the vehicle's headlights to conclusively say that no bag is stuck in the defendant's waistband or that his shirts covered his whole waistband. *See* Slip Op. at 15; D0037 at 3:00–3:10. As Judge Badding's dissent points out, one cannot even discern the color of

Hoskins' shirt, much less whether he has a bag in his waistband. Slip Op. at 15.

Because the video does not conclusively show that the officer manipulated the defendant's clothing before seeing the plastic bag, the majority opinion conflicts with *Harbach*'s cautionary instruction. *See* 3 N.W.3d at 222. It affords too much weight to inconclusive, unclear video. *Id.* And here the officer's actions offer good reason to believe him. He asked about the bag and gestured at it before touching the defendant's shirt. D0038 at 2:20–2:45; *see* Slip Op. at 3. Finding a plastic bag exactly where the officer said he saw one was extremely good luck if he had not seen it there before lifting the defendant's shirt. Yet the majority opinion seems not to recognize this.

As a final point, the majority opinion seems to doubt the officer's credibility because it believes the stop was pretextual. Slip Op. at 7. But pretextual stops do not violate the constitution so long as an officer had probable cause for the stop, which no one here disputes. D0035 at 3; *Bufkin v. Collins*, 604 U.S. 369, 384–85 (2025); *State v. Scullark*, 23 N.W.3d 49, 54 (Iowa 2025); *see also Plowman v. Fort Madison Cmty. Hosp.*, 896 N.W.2d 393, 413 (Iowa 2017) (noting appellate courts are courts of review, not first view). And while pretext might sometimes bear on credibility, it

does not here. *See Whren v. United States*, 517 U.S. 806, 811 (1996) (noting an officer's subjective motivations may play a role in inventory searches or administrative inspections, but "only an undiscerning reader would regard these cases as endorsing the principle that ulterior motives can invalidate police conduct that is justifiable on the basis of probable cause to believe that a violation of law has occurred").

CONCLUSION

Video evidence is increasingly common. It is tempting to use it to supplant district court findings, even when videos leave doubt about what occurred. This Court should take this opportunity to confirm that district court fact findings still enjoy "considerable deference," even on de novo review, when there is video evidence. *Tague*, 676 N.W.2d at 201. The majority determined the video evidence compelled its result. But the dissent had the better perspective, one that aligned with this Court's precedent. The State asks this Court to grant further review, vacate the court of appeals' decision, and affirm the denial of the motion to suppress.

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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