ELECTRONICALLY FILED MAY 05, 2026 CLERK OF SUPREME COURT

IN THE SUPREME COURT OF IOWA

SUPREME COURT NO. 25-1225
(Buchanan County No. SRCR086704)

STATE OF IOWA,

Plaintiff-Appellee,

vs.

CLARENCE JAAY JACKSON,

Defendant-Appellant

APPEAL FROM THE IOWA DISTRICT COURT IN AND FOR BUCHANAN COUNTY
THE HONORABLE JOHN J. SULLIVAN PRESIDING

APPLICATION FOR FURTHER REVIEW OF THE IOWA COURT OF APPEALS DECISION DATED APRIL 15, 2026

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QUESTIONS PRESENTED FOR REVIEW

1. Whether the Corporal Punishment Issued Upon W.W. Was Reasonable in Light of Jackson's Role as Disciplinarian and W.W.'s Behavioral Issues.

2. Whether the Corporal Punishment Defense Is Available to Non-Parents.

3. Whether Jackson Had Enough Control Over W.W. as the Non-Parent Disciplinarian to Claim the Justification Defense of Corporal Punishment.

CERTIFICATE OF FILING

I hereby certify:

That I filed the attached typewritten Appellant's Application for Further Review by electronic filing on the 5th day of May, 2026, to the Clerk of the Supreme Court, Iowa Supreme Court, 1111 E. Court Avenue, Des Moines, Iowa 50319.

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CERTIFICATE OF SERVICE

I hereby certify:

On the 5th day of May, 2026, the undersigned did serve the Appellant's Brief on all other parties to this appeal by electronic service thereof to the following respective counsel for said parties:

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CERTIFICATE OF COMPLIANCE

1. This Application for Further Review and accompanying brief complies with the type-volume limitation of Iowa R. App. P. 6.903(1)(i)(1) and 6.1103(5)(a) because it contains 1,600 total words.
2. This Application for Further Review and accompanying brief complies with the typeface requirements of Iowa R. App. P. 6.903(1)(g)(1) and the type-style requirements of Iowa R. App. P. 6.903(1)(h) because it has been prepared in proportionally spaced typeface using Microsoft Word in 14-point Georgia.

Date: 5th day of May, 2026

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STATEMENT SUPPORTING FURTHER REVIEW

"It takes a village to raise a child."

This case involves corporal punishment of a child by a non-parent. On further review, Defendant-Appellant Clarence Jaay Jackson requests the Court consider the sufficiency of the evidence for the conviction of assault causing bodily injury, given the justification defense of corporal punishment. Iowa R. App. P. 6.1103(1)(b)(1), (3), (4).

The court of appeals affirmed the conviction on the basis that the force used was not reasonable. *See* Order Affirming, filed Apr. 15, 2026, p. 5 (hereinafter "Order") (citing *State v. Schooley*, 13 N.W.3d 608, 614 (Iowa 2024)). This conclusion is in conflict with the test laid out in *State v. Arnold*, 543 N.W.2d 600, 603 (Iowa 1996). Iowa R. App. P. 6.1103(1)(b)(1). The district court and court of appeals were mistaken in relying on *Schooley* because that case is a far more extreme one than this. *Schooley*, 13 N.W.3d at 612–13. The line between punishment and abuse is not a bright one, but is clarified with each pronouncement by the Supreme Court on this important issue. Iowa R. App. P. 6.1103(1)(b)(3). The corporal punishment defense is broad-reaching, and therefore of broad public importance, because it is available in

criminal cases of assault, *see, e.g.*, *State v. Dawson*, No. 23-1650, 19 N.W.3d 313, at *6 (Iowa Ct. App. Dec. 18, 2024) and child endangerment, *see Schooley*, 13 N.W.3d at 614, and may affect juvenile cases as well. *See, e.g.*, *id.* at 613 (involving child protective workers). Iowa R. App. P. 6.1103(1)(b)(4).

The court of appeals passed on the questions (1) whether a non-parent can claim corporal punishment as a defense; and (2) whether Jackson had sufficient control over W.W. to claim the defense. These questions which further clarify the test in *Arnold* are equally as important to the public and should be determined by the state Supreme Court. Iowa R. App. P. 6.1103(1)(b)(4).

BRIEF

1. Whether the Corporal Punishment Issued Upon W.W. Was Reasonable in Light of Jackson's Role as Disciplinarian and W.W.'s Behavioral Issues.

The district court determined, and the court of appeals agreed, that the "punishment inflicted was not reasonable": "W.W.'s alleged failure to clean his room to [Jackson's] standard, and whether W.W. was disrespectful to [Jackson], did not [require] striking an 8-year-old child three times with a belt, culminating with the leaving of marks and bruising." Order, p. 5 (citing *Schooley*, 13 N.W.2d at 614) (quoting

D0058, Findings of Fact, Conclusions of Law, and Ruling, p. 4, filed May 22, 2025).

The test for whether corporal punishment has been lawfully restricted by moderation and reasonableness is whether, "under the particular circumstances, the amount of force used or the means employed by the parent [figure] rendered such punishment abusive rather than corrective in nature." *Arnold*, 543 N.W.2d at 603. Force is corrective if used "for the purpose of behavior modification rather than to satisfy the passions of the enraged parent." *Id.* The appropriate amount of force "varies with the age, physical condition, and other characteristics of a child as well as the gravity of the child's misconduct." *Id.*

In *Schooley*, the jury could have concluded that the defendant caused bruising by "spanking [the child] every other day with sufficient force that he alternated sides and might have used a paddle on one occasion." 13 N.W.3d at 615. The defendant also slapped the child on the head and yanked a shirt over her head, scratching her in the process. *Id.* at 616. The reasons provided for the physical punishment were that the child was not obeying rules and that she was "getting into something." *Id.* at 612, 613. The circumstances at home were egregious:

for the last two years, the child had been deprived of bedroom furniture and required to ask permission to use her bed, forced to eat alone, given limited clothing, and forced to wear a bell around the house. *Id.* at 613.

Unlike *Schooley*, which involved excessive degradation and cruelty, Jackson's punishment of W.W. was narrow in scope—spanking with a belt—and tailored to correct a specific behavioral issue, "talking back," when Jaay directed W.W. to clean his room, and ultimately, refusal to do so. D0086, Apr. 23, 2025 Trial Tr., 210:2–4.

The lower courts did not consider the context that Jackson was fulfilling Ashley's request to correct W.W.'s behavior. D0086, 202:22–203:6; 203:25–204:10; 204:24–25:7. Consistent with the concerns Ashley herself had raised with Jaay concerning W.W.'s failure to listen and "talking back," when Jaay directed W.W. to clean his room, W.W. refused. D0086, 127:20–128:8; 210:2–4. Apparently, W.W.'s disobedience had been an ongoing problem, and he had behavioral concerns in the past. *See generally* D0086, 126–128 (W.W. behavior); 128:19—20 ("Q. . . . You have spanked your kids on the bottom before?" "A. [W.W.] probably.").

The district found Jackson's "stern vulgar language" reflected that Jackson was upset, and the court of appeals agreed. Order, p. 5 (quoting D0058, p. 4). But the child's mother indicated Jackson's ability to use a domineering tone was a benefit to disciplining the children. D0086, 115:13–14; 234:16–21. Her goal was to change W.W's behaviors of "talking back" and failing to follow direction. D0086, 127:23–128:8. By telling W.W. the "next time" he talked to Jackson that way, there would be consequences, the discipline was corrective in nature.

This case should be reversed and remanded because the corporal punishment imposed was reasonable within the circumstances.

2. Whether the Corporal Punishment Defense Is Available to Non-Parents.

The court of appeals did not address whether the corporal punishment defense can apply to non-parents, observing that previous case law assumed without deciding that it could apply. Order, p. 5. This case presents an opportunity for the Iowa Supreme Court to expand the defense to anyone who has control over a child.

> Under Iowa law, "parents have a right to inflict corporal punishment on their child, but that right is restricted by moderation and reasonableness." *State v. Arnold*, 543 N.W.2d 600, 603 (Iowa 1996). Corporal punishment must be corrective

> rather than abusive in character. *Id.* "This determination 'varies with the age, physical condition, and other characteristics of a child as well as the gravity of the child's misconduct.'" *State v. Benson*, 919 N.W.2d 237, 242 (Iowa 2018) (quoting *Arnold*, 543 N.W.2d at 603).

Schooley, 13 N.W.3d at 614.

At issue in this case is whether the justification defense of corporal punishment is available to adults "having control" of a child. Iowa Criminal Jury Instructions 2610.8. The district court concluded that it is not: "Even if the Court were to consider the justification defense, the defense is not applicable because the right to inflict corporal punishment is only granted to parents." D0058, p. 4. That conclusion was in error.

The case law has generally assumed, without explicitly deciding, that non-parents can claim the defense. *See Benson*, 919 N.W.2d at 241; *State v. Collins*, No. 22-1832, 8 N.W.3d 195, at *8–9 (Iowa Ct. App. May 8, 2024) (step-grandmother guardian claiming justification for child endangerment); *Benhart v. Benhart*, 1-896/11-0017, 810 N.W.2d 533, at *6 (Iowa Ct. App. Jan. 19, 2012) (stepmother's corporal punishment insufficient to warrant custody modification). This makes sense, given the fluidity of modern family structures and, for example, the role of step-parents who assist in raising children. This case is an

example of the reliance parents place on other caretakers, including for the difficult task of disciplining children. Jackson acted as the disciplinarian for W.W. and his siblings. D0086, 99:2–10; 115:12–16; 202:22–203:9; 204:8–10. The children perceived that Jackson was "in charge" of them at their mother's behest. D0086, 41:15–24; 42:2–22; 92:3–11. And she agreed, and admitted that she relied on Jackson to enforce her expectations. D0086, 126:4–15; 127:20–128:8.

The Iowa Supreme Court should weigh in on this issue, and definitely hold that it takes a village to raise a child—and that members of the village who have a disciplinarian role delegated by a parent may impose corporal punishment.

3. Whether Jackson Had Enough Control Over W.W. as the Non-Parent Disciplinarian to Claim the Justification Defense of Corporal Punishment.

Jackson was in a relationship with W.W.'s mother, and therefore in a stepparent capacity to W.W., for at least a few years, if not up until the time of the incident. D0086, 111:1–12; 201:15–17. Jackson was a regular figure in the home, and welcome there anytime without notice. D0086, 12:17–25; 66:23–25; 125:19–24; 201:23–202:9. One of the few undisputed elements of this case is that Jackson not only had permission to direct the children, and to discipline them—he was

actually expected to by their mother. D0086, 99:2–10; 115:12–16; 126:4–15; 126:19–25; 127:4–15; 127:20–128:8; 137:12–19; 202:22–203:9; 204:8–10. And correspondingly, the children believed Jackson was in charge of them. D0086, 41:15–24; 42:2–22; 92:3–11.

There was a history of Jackson using corporal punishment on W.W. and his siblings while their mother was home; on at least one occasion, she explicitly granted him permission to use corporal punishment; and on other occasions, she asked him to discipline her children, and expected the children to comply; and no parties dispute this arrangement. Because Jackson was in a position of authority and their mother expected him to discipline the children, he had enough control over them to exercise lawful corporal punishment.

CONCLUSION

The Iowa Supreme Court should accept further review of this case to consider whether the corporal punishment was reasonable to justify spanking W.W. with a belt; whether the justification of corporal punishment is a defense available to non-parents; and whether Jackson was permitted to claim the defense based on his stature within the family structure.

Respectfully submitted,

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