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IN THE SUPREME COURT OF IOWA

STATE OF IOWA Plaintiff-Appellee, v. CHRISTOPHER WAYNE BEAMER Defendant-Appellant.	Scott Co. No. FECR427331 Supreme Court No. 25–0975

APPEAL FROM THE IOWA DISTRICT COURT
IN AND FOR SCOTT COUNTY
HONORABLE MEGHAN CORBIN (MOTION),
HONORABLE MARK FOWLER (PLEA) and
HONORABLE JEFFREY McDANIEL (SENTENCING), JUDGES

APPLICANT'S APPLICATION FOR FURTHER REVIEW OF THE DECISION OF THE IOWA COURT OF APPEALS FILED MAY 13, 2026

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QUESTION PRESENTED FOR REVIEW

I. When a sentence falls within the statutory limits, the sentence will not be disturbed on appeal unless the defendant shows an abuse of discretion or a defect in the sentencing procedure. Defendant-Appellant Christopher Beamer argues that the district court abused its discretion by failing to afford him his right to allocution since he was not personally addressed by the court as required Rule 2.23(2)(d)(3). The Iowa Court of Appeals affirmed by concluding the rule was satisfied when the court asked Beamer's counsel if Beamer wanted to make a statement. Such a conclusion conflicts with the plain language of Rule 2.23(2)(d)(3) and established precedent regarding a defendant's right of allocution.

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STATEMENT IN SUPPORT OF FURTHER REVIEW

COMES NOW Defendant-Appellant Christopher Beamer and, pursuant to Iowa Rule of Appellate Procedure 6.1103, requests further review of the May 13, 2026 decision of the Iowa Court of Appeals in *State of Iowa v. Christopher Beamer,* Supreme Court No. 25-0975.

1. The Iowa Court of Appeals concluded that "Beamer claim that he was denied allocution is unpersuasive." Opinion at 6. The Iowa Court of Appeals determined that by asking Beamer's attorney whether Beamer wanted to make any statement, the district court invited Beamer to speak in allocution. Opinion at 6. Such a conclusion conflicts with the plain language of Iowa Rule of Criminal Procedure 2.23(2)(*d*)(3) and the Iowa Supreme Court's established case law regarding a defendant's right of allocution.

2. The record is undisputed that during the sentencing hearing and following defense counsel's sentencing recommendation, the district court asked the Beamer's trial counsel, "does your client wish to address the Court at this time, before the Court imposes sentence and judgment?" D0126, Sent. Tr. at 6:23-7:4 (6/4/2025). Beamer's counsel responded that Beamer "does not wish to address

the Court, Your Honor." D0126 at 6:23-7:4. The district court never addressed Beamer personally. D0126 at 6:23-7:4.

Contrary to the Iowa Court of Appeals' conclusion, the plain language of Rule 2.23(2)(*d*) requires the district court to personally address the defendant to give him the opportunity to speak on his or her behalf prior to the sentence be announced: "[b]efore imposing sentence, the court *shall* . . . [a]ddress the defendant personally in order to permit the defendant to make a statement or present any information to mitigate the defendant's sentence." Iowa R. Crim. P. 2.23(2)(*d*)(3) (2024) (emphasis added).

Rule 2.23(2)(*d*) using the mandatory term "shall" and the Iowa Supreme Court has consistently interpreted the word "shall" to imply a mandatory duty. *See, e.g., State v. Iowa Dist. Ct. for Woodbury Cnty.*, 989 N.W.2d 652, 656 (Iowa 2023). In interpreting court rules, this Court applies the same principles that is use for interpreting statutes. *In re N.F.*, 17 N.W.3d 667, 674 (Iowa 2025). One of those principles is that when the text is plain and its meaning is clear, this Court does not search for meaning beyond the express terms of the rule. *See State v. Zacarias*, 958 N.W.2d 573, 581 (Iowa 2021).

Rule 2.23(2)(*d*)(3) unambiguous language required the district court to personally address the defendant before pronouncing sentence. Here, the district court did not fulfill its mandatory obligation. The court directed its inquiry solely to defense counsel, accepted counsel's response, and proceeded to sentencing without ever addressing Beamer himself.

The Iowa Court of Appeals' conclusion also contradicts longstanding Iowa Supreme Court precedent that the district court's failure to personally address the defendant cannot be excused as substantial compliance. *See State v. Staton*, 13 N.W.3d 795, 798-99 (Iowa 2024), as amended (Feb. 7, 2025) (providing an overview of the right of allocution). The Iowa Supreme Court in *Staton* observed that "[i]n Iowa, allocution rights have been codified for well over a century," making clear that the duty to personally address the defendant is neither new nor optional, but a long-recognized mandate. *Id.* at 798 (citation omitted).

Similarly, in *State v. Craig*, 562 N.W.2d 633 (Iowa 1997) (per curiam), the Iowa Supreme Court rejected a State's argument that the failure to afford the defendant his right to allocution personally was harmless when his counsel spoke on his behalf and that allowing

counsel the right to allocution constituted substantial compliance with the rule. 562 N.W.2d at 636-67. The Iowa Supreme Court held that the "*fact that Craig's counsel spoke in mitigation of punishment does not constitute substantial compliance with the rules* and does not render the court's error harmless; the right to allocution is one which is personal to the defendant." *Id.* (emphasis added).

Additionally, a conflict exists among Iowa Court of Appeals decisions regarding the district court's obligations under Rule 2.23(2)(d) to adequately safeguard a defendant's right of allocution. In *State v. Yankoon,* after the attorneys made the recommendation to the court, the sentencing court asked the defendant's attorney: "Ms. Summers, now would be appropriate time for him to address the Court if he wishes to." *State v. Yankoon,* No. 11–0500, 2011 WL 6740210, at *1 (Iowa Ct. App. Dec. 21, 2011) (unpublished table decision). The attorney responded: "No, Your Honor, he does not." *Id.* The court then pronounced judgment and sentence. *Id.* On appeal, the defendant argued that the district court failed to afford him his right of allocution. *Id.* The Iowa Court of Appeals agreed and concluded the defendant was not afford his right to allocution. *Id; see also State v. Birch*, No. 99-1833, 2000 WL 1520258, at * 4-6 (Iowa Ct.

App. Oct. 13, 2000) (unpublished table decision) (holding that defendant was not afforded right to allocution when record strongly suggest the court's question was directed to defense counsel rather than the defendant).

More recently, the Iowa Court of Appeals has concluded that a district court satisfies the right of allocution under Rule 2.23(2)(d) when it asks defense counsel whether the defendant wishes to make a statement, rather than addressing the defendant directly. *See, e.g., State v. Childress,* No. 24-1833, 2025 WL 2538694 (Iowa Ct. App. Sept. 4, 2025) (unpublished table decision); *State v. Hernandez*, No. 23-1462, 2024 WL 4615629 (Iowa Ct. App. Oct. 30, 2024) (unpublished table decision). In *Childress*, the district court asked defense counsel if the defendant "want to make a statement of allocation?" *Childress*, 2025 WL 2538694 at *1. The attorney responded, "No, Your Honor. Thank you." *Id.* The Iowa Court of Appeals concluded that "the district court expressly offered the chance to make a statement of allocution" and "nothing in *Milsap* or the text of rule 2.23(2)(d) (3) requires that Childress himself decline rather than speaking through his attorney." *Id.* at *2. As such, the

Iowa Court of Appeals concluded the defendant was not deprived of his right to allocution. *Id.*

Likewise, in *Hernandez*, before imposing sentence, the court asked defense counsel: "Any statements that you wish to make on Mr. Hernandez's behalf or that Mr. Hernandez wishes to make?" *Hernandez*, 2024 WL 4615629 at *2. The Iowa Court of Appeals concluded that the defendant waived his right of allocution in his written guilty plea and, even setting that waiver aside, that the district court's inquiry substantially complied with Rule 2.23(2)(d) because the court's inquiry allowed the defendant to make any statement. *Id.*

Returning to the present case, the Iowa Court of Appeals' conclusions creates murky jurisprudence and undermines the legal standards set by the Iowa Supreme Court regarding right of allocation. The Iowa Court of Appeals relied on *Hernandez* to conclude that the district court's actions satisfied the right of allocution in this case. However, such a conclusion cannot be reconciled with the plain language of Rule 2.23(2)(d) and the appellate courts -standing precedent that makes clear the right of allocution is personal to the defendant and requires the sentencing

court to address the defendant directly rather than asking the defendant's attorney. Beamer was never personally addressed, nor did he make any statement in mitigation of punishment.

3. Further review is warranted because the Iowa Court of Appeals made a legal error in reaching its conclusion and such conclusion is in conflict with prior precedent and the record admitted during the trial court proceedings. The Iowa Court of Appeals has entered a decision in conflict with prior appellate decisions on an important legal matter. Furthermore, the Iowa Court of Appeals has decided a case involving an important question of evolving legal principles. Iowa R. App. P. 6.1103(1)(b)(1), (3) (2024).

4. Beamer also argued on appeal the district court erred by denying his motion to suppress since the search warrant lacked probable cause to search his vehicle; for failing to provide adequate reasons for the imposed sentences, and ordering Beamer to obtain and maintain W-2 employment as a special condition of probation. The Iowa Court of Appeals affirmed the district court on these issues. Opinion at 2-4, 6-10. "On further review, [this Court has] the discretion to review all or some of the issues raised on appeal or in

the application for further review." *State v. Clay*, 824 N.W.2d 488, 494 (Iowa 2012).

WHEREFORE, Beamer respectfully request that this Court grant further review of the Iowa Court of Appeals' May 13, 2026 decision.

NATURE OF THE CASE

Defendant-Appellant Christopher Beamer seeks further review of the Iowa Court of Appeals' decision affirming the sentences and convictions for Possession with the Intent to Deliver a Schedule II Controlled Substance, a class C felony, in violation of Iowa Code section 124.401(1)(c)(6) (2023) and Operating While Intoxicated First Offense, a serious misdemeanor, in violation of Iowa Code section 321J.2(1)(a) (2023) following a conditional plea of guilty in the Scott County District Court.

Beamer was sentenced to an indeterminate term of imprisonment not to exceed ten years on the Possession with the Intent to Deliver a Schedule II Controlled Substance charge, with the term suspended, and was ordered to pay a $1,000 fine, court costs, and statutory surcharges. D0126, Sent. Tr. at 11:20-24:12 (6/4/2025); D0110, Order of Disposition at 1-2 (6/5/2025). On the

Operating While Intoxicated First Offense conviction, the district court imposed sixty days in the Scott County Jail and a $1,250 fine, plus surcharges. D0126 at 11:20-24:12; D0110 at 1-2. The court placed Beamer on probation to the Department of Correctional Services, which included a requirement that he maintain W-2 employment. D0126 at 11:20-24:12; D0110 at 1-2. The court dismissed the drug tax stamp charge, and ordered $30,295.48 in victim restitution. D0126 at 11:20-24:12; D0110 at 1-2.

Beamer argues that the Iowa Court of Appeals erroneously concluded that the district court did not abused its discretion by failing to afford him his right to allocution during sentencing.

STATEMENT OF THE FACTS

Beamer generally accepts as accurate the Court of Appeals' recitation of facts. Any disputed facts will be discussed below.

ARGUMENT

I. When a sentence falls within the statutory limits, the sentence will not be disturbed on appeal unless the defendant shows an abuse of discretion or a defect in the sentencing procedure. Defendant-Appellant Christopher Beamer argues that the district court abused its discretion by failing to afford him his right to allocution since he was not personally addressed by the court as required Rule 2.23(2)(d)(3). The Iowa Court of Appeals affirmed by concluding the rule was satisfied when the court asked Beamer's counsel if Beamer wanted to make a

statement. Such a conclusion conflicts with the plain language of Rule 2.23(2)(d)(3) and established precedent regarding a defendant's right of allocution.

A. Preservation of Error. Review of Beamer's sentences are properly before this Court upon direct appeal despite the absence of objection in the trial court. *See State v. Newman,* 970 N.W.2d 866, 869 (Iowa 2022).(recognizing "a defendant establishes good cause to appeal by asserting a challenge to a sentencing hearing or sentence because a defendant need not preserve error to assert such claims on appeal."); *see also State v. Lathrop,* 781 N.W.2d 288, 293 (Iowa 2010) ("[E]rrors in sentencing may be challenged on direct appeal even in the absence of an objection in the district court."); *State v. Thomas,* 520 N.W.2d 311, 313 (Iowa Ct. App. 1994) (holding that general error preservation rules ordinarily not applicable to void, illegal or procedurally defective sentences).

B. Standard of Review. This Court reviews the defendant's allocution claim for an abuse of discretion. *See State v. Craig,* 562 N.W.2d 633, 634 (Iowa 1997) (per curiam). "Such abuse will only be found if the district court's discretion was exercised on grounds or for reasons clearly untenable or to an extent clearly unreasonable." *Id.*

C. The Iowa Court of Appeals' Conclusion Conflicts with the Plain and Unambiguous Language of Rule 2.23(2)(*d*)(3) and the Established Case Law Regarding a Defendant's Right of Allocution. The Iowa Court of Appeals concluded that "Beamer claim that he was denied allocution is unpersuasive." Opinion at 6. The Iowa Court of Appeals determined that by asking Beamer's attorney whether he wanted to make any statement, the district court invited Beamer to speak in allocution. Opinion at 6. Such a conclusion conflicts with the plain language of Iowa Rule of Criminal Procedure 2.23(2)(*d*)(3) and the Iowa Supreme Court's established case law regarding a defendant's right of allocution.

The record is undisputed that during the sentencing hearing and following defense counsel's sentencing recommendation, the district court asked the following of Beamer's trial counsel:

> Mr. Harrington, does your client wish to address the Court at this time, before the Court imposes sentence and judgment?
>
> (An off-the-record discussion was held between counsel and the defendant.)
>
> MR. HARRINGTON: My client does not wish to address the Court, Your Honor.
>
> THE COURT: Very good.

D0126, Sent. Tr. at 6:23-7:4 (6/4/2025). The district court never addressed Beamer personally.

1. The plain language of Rule 2.23(2(d(3)) requires the district court to personally address the defendant. Contrary to the Iowa Court of Appeals' conclusions, the plain language of Rule 2.23(2)(*d*) requires the district court to personally address the defendant to give him the opportunity to speak on his or her behalf prior to the sentence be announced.

Iowa Rule of Criminal Procedure 2.23(2)(*d*) outlines the procedure the district court shall conduct before imposing sentence:

> Before imposing sentence, the court *shall* do all of the following:
>
> (1) Verify that the defendant and the defendant's attorney have read and discussed the presentence investigation report and any addendum to the report.
>
> (2) Provide the defendant's attorney an opportunity to speak on the defendant's behalf.
>
> (3) *Address the defendant personally in order to permit the defendant to make a statement or present any information to mitigate the defendant's sentence.*
>
> (4) Provide the prosecuting attorney an opportunity to speak.

> (5) After hearing any statements presented, the court shall address any victim of the crime who is present at the sentencing and shall allow any victim to be reasonably heard, including, but not limited to, by presenting a victim-impact statement in the manner described in Iowa Code section 915.21.

Iowa R. Crim. P. 2.23(2)(*d*) (2024) (emphasis added).

In interpreting court rules, this Court applies the same principles that is use for interpreting statutes. *In re N.F.*, 17 N.W.3d 667, 674 (Iowa 2025). One of those principles is that when the text is plain and its meaning is clear, this Court does not search for meaning beyond the express terms of the rule. *See Vaudt v. Wells Fargo Bank, N.A.*, 4 N.W.3d 45, 50 (Iowa 2024). "When a rule's wording is plain, we give effect to that 'plain wording.'" *In re N.F.*, 17 N.W.3d at 674. "Our inquiry ends with the plain language if the [rule] is unambiguous." *State v. Zacarias*, 958 N.W.2d 573, 581 (Iowa 2021).

Rule 2.23(2)(*d*) using the mandatory term "shall" and the Iowa Supreme Court has consistently interpreted the word "shall" to imply a mandatory duty. *See State v. Iowa Dist. Ct. for Woodbury Cnty.*, 989 N.W.2d 652, 656 (Iowa 2023) ("The legislature has directed that, unless otherwise specified, its use of the word 'shall' in a statute 'imposes a duty' that is mandatory, while its use of 'may' only 'confers

a power' that is discretionary." (quoting Iowa Code § 4.1(30)(a), (c))); *In re Det. of Fowler*, 784 N.W.2d 184, 187 (Iowa 2010) ("In a statute, the word 'shall' generally connotes a mandatory duty."); *State v. Klawonn*, 609 N.W.2d 515, 522 (Iowa 2000) (en banc) ("[W]e have interpreted the term 'shall' in a statute to create a mandatory duty, not discretion.").

Rule 2.23(2)(*d*)(3) unambiguous language required the district court to personally address the defendant before pronouncing sentence. Although the Rule 2.23(2)(*d*)(3) is mandatory, district courts are not required to use any particular language to comply with the rule. *State v. Jackson-Douglass*, 970 N.W.2d 252, 258 (Iowa 2022). Instead, substantial compliance is all that is required. *Id.* Here, the district court did not fulfill its mandatory obligation. The court directed its inquiry solely to defense counsel, accepted counsel's response, and proceeded to sentencing without ever addressing Beamer himself. Because the district court did not personally invite Beamer to speak, as the plain language of Rule 2.23(2)(d)(3) requires, it did not substantially comply with the rule, and the resulting sentence must be vacated.

2. Established case law requires the district court to personal address the defendant to satisfy the right to allocution. The Iowa Court of Appeals' conclusion also contradicts longstanding Iowa Supreme Court precedent that the district court's failure to personally address the defendant cannot be excused as substantial compliance. Recently, the Iowa Supreme Court reviewed the overview of the right of allocution. *See State v. Staton*, 13 N.W.3d 795, 798-99 (Iowa 2024), as amended (Feb. 7, 2025). In *Staton*, the Iowa Supreme Court observed that "the right of a prisoner to speak in his own behalf before sentencing was recognized by the common law as early as 1682." *Id.* at 798 (citation omitted). "As early as 1689, it was recognized that the court's failure to ask the defendant if he had anything to say before sentence was imposed required reversal." *Green v. United States*, 365 U.S. 301, 304 (1961) (plurality opinion).

In *Green v. United States*, the United States Supreme Court acknowledged "the relevant major changes that have evolved in criminal procedure since the seventeenth century—the sharp decrease in the number of crimes which were punishable by death, the right of the defendant to testify on his own behalf, and the right to counsel." *Id.* Yet the United States Supreme Court made it clear

that counsel could not exercise the right to allocution for the defendant:

> [No] modern innovation[ ] lessens the need for the defendant, personally, to have the opportunity to present to the court his plea in mitigation. The most persuasive counsel may not be able to speak for a defendant as the defendant might, with halting eloquence, speak for himself.

Id.

The United States Supreme Court found the language of the allocution rule persuasive in this conclusion:

> We are buttressed in this conclusion by the fact that the Rule explicitly affords the defendant two rights: "to make a statement in his own behalf," and "to present any information in mitigation of punishment." We therefore reject the Government's contention that merely affording defendant's counsel the opportunity to speak fulfills the dual role of Rule 32(a).

Id.

The Iowa Supreme Court in *Staton* further observed that the "right of allocution is codified in Federal Rule of Criminal Procedure 32(a) and in nearly every state." *Staton,* 13 N.W.3d at 798 (citation omitted). Most importantly, the Iowa Supreme Court in *Staton* observed that "[i]n Iowa, allocution rights have been codified for well over a century," making clear that the duty to personally address the

defendant is neither new nor optional, but a long-recognized mandate. *Id.* (citation omitted). Additionally, the Iowa Supreme Court in *Staton* observed that courts have cautioned against interrupting allocutions. *Id.* (citing cases). "This does not mean the defendant's allocution right is unlimited; for example, our district courts have discretion to interrupt and limit a defendant's allocution to avoid filibustering." *Id.* at 799.

"The important thing is whether the defendant is given an opportunity to volunteer any information helpful to the defendant's cause." *Craig*, 562 N.W.2d at 635. In *Craig*, the defendant was not given an opportunity nor an invitation to speak regarding his punishment. *Id.* at 636. The State argued on appeal that the failure to afford the defendant his right to allocution personally was harmless when his counsel spoke on his behalf and that allowing counsel the right to allocution constituted substantial compliance with the rule. *Id.* The Iowa Supreme Court rejected the State's argument. *Id.*at 637.

The Iowa Supreme Court concluded that the district court did not ask the defendant if he wanted to make a statement in mitigation of punishment or whether there was any legal cause why sentence

should not be pronounced. *Id.* The Iowa Supreme Court further concluded that the "court did not even substantially comply with these rules by engaging in any discourse that invited, or afforded an opportunity for, Craig to volunteer information in mitigation of his sentence." *Id.*

Most importantly, the Iowa Supreme Court held that the "*fact that Craig's counsel spoke in mitigation of punishment does not constitute substantial compliance with the rules* and does not render the court's error harmless; the right to allocution is one which is personal to the defendant." *Id.* (emphasis added). The Iowa Supreme Court made clear, "We echo the words of the Supreme Court in *Green* in recommending that trial judges leave no room for doubt that a defendant has been given the opportunity to speak regarding punishment." *Id.*

3. A conflict exists among Iowa Court of Appeals decisions regarding the district court's obligations under Rule 2.23(2)(d). A conflict exists among Iowa Court of Appeals decisions regarding the district court's obligations under Rule 2.23(2)(d) to adequately safeguard a defendant's right of allocution. The Iowa Court of Appeals has previously held that the sentencing court is to

address the defendant directly, not counsel, to satisfy a defendant's right to allocution. *See State v. Birch*, No. 99-1833, 2000 WL 1520258 (Iowa Ct. App. Oct. 13, 2000) (unpublished table decision); *State v. Yankoon,* No. 11–0500, 2011 WL 6740210 (Iowa Ct. App. Dec. 21, 2011) (unpublished table decision). In *Birch*, the Iowa Court of Appeals was confronted with the following record:

> We cannot determine from the record, with any reasonable certainty, whether the trial court's question that invited comment before sentencing was directed to the defendant, to his attorney, Mr. Nelson, or to both. This is because the question does not make clear to whom it was addressed. The fact that the question came at the end of a brief colloquy with the defendant might suggest it was directed to the defendant. However, the defendant's attorney, Mr. Nelson, answered the question. The question did not ask, "Is there anything the *defendant* would like to say ... ?". It did not ask, "Is there anything *Mr. Birch* would like to say ... ?". The question did not address Mr. Birch by name. Further, after defense counsel had responded at length the trial court's following comment and solicitation of further argument was directed to defense counsel, not the defendant, and evoked further comment by defense counsel only. Finally, Birch at no time spoke regarding sentence or punishment. These facts, taken together, rather strongly suggest that the trial court's question was directed to defense counsel rather than the defendant.

Birch, 2000 WL 1520258, at *5 (emphasis in original). Relying on *Green* and *Craig*, the Iowa Court of Appeals concluded that Birch was not afforded his right to allocation since the "facts strongly suggest

that the trial court's question was directed to defense counsel rather than to Birch." *Id.* at *6.

Similarly, in *Yankoon*, after the attorneys made the recommendation to the court, the sentencing court asked the defendant's attorney: "Ms. Summers, now would be appropriate time for him to address the Court if he wishes to." *Id.* at *1. The attorney responded: "No, Your Honor, he does not." *Id.* The court then pronounced judgment and sentence. *Id.*

On appeal, the defendant argued that the district court failed to afford him his right of allocution. *Id.* The Iowa Court of Appeals agreed and concluded the defendant was not afford his right to allocution:

> Yankoon was not directly addressed by the court, nor did he speak in mitigation of punishment. The trial court's question was directed to defense counsel rather than to Yankoon. We conclude Yankoon has shown he was not afforded his right to allocution under rule 2.23(3).

Id. The Iowa Court of Appeals vacated Yankoon's sentence and remanded for resentencing. *Id.*

More recently, the Iowa Court of Appeals has concluded that a district court satisfies the right of allocution under Rule 2.23(2)(d) when it asks defense counsel whether the defendant wishes to make

a statement, rather than addressing the defendant directly. *See State v. Childress,* No. 24-1833, 2025 WL 2538694 (Iowa Ct. App. Sept. 4, 2025) (unpublished table decision); *State v. Hernandez*, No. 23-1462, 2024 WL 4615629 (Iowa Ct. App. Oct. 30, 2024) (unpublished table decision). In *Childress*, the district court asked defense counsel if the defendant "want to make a statement of allocation?" *Childress*, 2025 WL 2538694 at *1. The attorney responded, "No, Your Honor. Thank you." *Id.* The Iowa Court of Appeals concluded that "the district court expressly offered the chance to make a statement of allocution" and "nothing in *Milsap* or the text of rule 2.23(2)(d) (3) requires that Childress himself decline rather than speaking through his attorney." *Id.* at *2. As such, the Iowa Court of Appeals concluded the defendant was not deprived of his right to allocution. *Id.*

Likewise, in *Hernandez*, before imposing sentence, the court asked defense counsel: "Any statements that you wish to make on Mr. Hernandez's behalf or that Mr. Hernandez wishes to make?" *Hernandez*, 2024 WL 4615629 at *2. The Iowa Court of Appeals concluded that the defendant waived his right of allocution in his written guilty plea and, even setting that waiver aside, that the district court's inquiry substantially complied with Rule 2.23(2)(d)

because the court's inquiry allowed the defendant to make any statement. *Id.*

4. Further review is warranted because the Iowa Court of Appeals' conclusion conflicts with controlling precedent and the plain language of Rule 2.23(2)(d)(3) since the district court did not personally address Beamer. Returning to the present case, the Iowa Court of Appeals' conclusions creates murky jurisprudence and undermines the legal standards set by the Iowa Supreme Court regarding right of allocation. The Iowa Court of Appeals relied on *Hernandez* to conclude that the district court's actions satisfied the right of allocution in this case. However, such a conclusion cannot be reconciled with the plain language of Rule 2.23(2)(*d*) and the appellate courts long-standing precedent that makes clear the right of allocution is personal to the defendant and requires the sentencing court to address the defendant directly rather than asking the defendant's attorney. Beamer was never personally addressed, nor did he make any statement in mitigation of punishment.

Further review is warranted because the Iowa Court of Appeals made a legal error in reaching its conclusion and such conclusion is in conflict with prior precedent and the record admitted during the

trial court proceedings. The Iowa Court of Appeals has entered a decision in conflict with prior appellate decisions on an important legal matter. Furthermore, the Iowa Court of Appeals has decided a case involving an important question of evolving legal principles. Iowa R. App. P. 6.1103(1)(b)(1), (3) (2024).

Rule 2.23(2)(*d*)(3) imposed a mandatory duty on the district court to speak directly to Beamer himself, not to ask his attorney to respond on his behalf. As such, this Court should conclude Beamer has shown he was not afforded his right to allocution. Therefore, the sentences must be vacated and the case remanded to the district court for resentencing.

CONCLUSION

For all of the reasons discussed in the Division above, the Defendant-Appellant Christopher Beamer respectfully requests the Court vacate the Iowa Court of Appeals' May 13, 2026 decision, conclude the district court abused its discretion when Beamer was not afforded his right to allocution during sentencing. This Court should vacate Beamer's convictions and sentences, and remand this case to the Scott County District Court.

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 Rule of Appellate Procedure 6.1103(5) (2024) because:

> [X] this application has been prepared in a proportionally spaced typeface Bookman Old Style, font 14 point and contains 4,667 words, excluding the parts of the application exempted by Iowa Rule of Appellate Procedure 6.1103(5)(a).



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