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IN THE SUPREME COURT OF IOWA

STATE OF IOWA, Plaintiff-Appellee, v. IOWA DISTRICT COURT FOR LINN COUNTY, Defendant-Appellant.	Linn Co. No. LACV035513 SUPREME COURT NO 25-2082

APPEAL FROM THE IOWA DISTRICT COURT
FOR LINN COUNTY
HONORABLE MICHAEL J. HARRIS, JUDGE

DEFENDANT-APPELLEE'S BRIEF AND ARGUMENT AND REQUEST FOR ORAL ARGUMENT

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TABLE OF CONTENTS

Page

Table of Authorities 3

Statement of the Issue Presented for Review..... 6

Routing Statement 6

Nature of the Case..... 6

Statement of the Facts 7

Argument.....10

Conclusion 25

Request for Oral Argument..... 25

Certificate of Compliance..... 26

TABLE OF AUTHORITIES

Cases: Page:

Brakke v. Iowa Dept. of Natural Resources,
897 N.W.2d 522 (Iowa 2017).....20

Doe v, State, 943 N.W.2d 608 (Iowa 2020).....19

Holiday Inns Franchising v. Branstadt,
537 N.W.2d 724 (Iowa 1995).....11-14

In re Detention of Schuman, 2 N.W.3d 33 (Iowa 2024).....11

Johnson v. Knoxville Community School District,
570 N.W.2d 633 (Iowa 1997).....23

Lamasters v. State, 821 N.W.2d 856 (Iowa 2012).....10

Rowe v. Bartusek, 383 N.W.2d 582 (Iowa 1986).....13

Stammeyer v. Division of Narcotics Enforcement,
721 N.W.2d 541 (Iowa 2006).....10

Stanfield v. Dept. of Public Defense,
24 N.W.3d 221 (Iowa 2025).....24

State Public Defender v. Iowa Dist. Court,
886 N.W.2d 595 (Iowa 2016).....10

State Public Defender v. Iowa Dist Court for Scott Co.,
31 N.W.2d 45 (Iowa 2026).....10

State v. Bauler, 8 N.W.3d 892 (Iowa 2024).....10

State v. Flynn, 13 N.W.3d 843 (Iowa 2024).....19

State v. Iowa Dist. Court for Johnson County,
730 N.W.2d 677 (Iowa 2007).....11

Taft v. Iowa Dist. Court (Taft I),
828 N.W.2d 309 (Iowa 2013).....6, 21-23

Taft v. Iowa Dist. Court (Taft II),
879 N.W.2d 634 (Iowa 2016).....11

Statutes

Iowa Code §4.6.....14, 20

Iowa Code §229A.4.....15

Iowa Code §229A.7(4).....19

Iowa Code § 229A.8.....7-8, 14-18, 22-24

Iowa Code §229A.8(1).....7

Iowa Code §229A.8(2).....7

Iowa Code §229A.8(3).....7

Iowa Code §229A.8(5)(b).....16, 23

Iowa Code §229A.8(5)(c).....16

Iowa Code §229A.8(5)(d).....16, 23-24

Iowa Code §229A.8(5)(e)(1).....8, 17-18, 21-22

Iowa Code §229A.8(5)(f).....17

Iowa Code §229A.8(5)(h).....17

Iowa Code §229A.8(5)(i).....11-12, 17, 20, 22-24

Court Rules

Iowa R. Evid. 5.702 23

Iowa Rs. App. P. 6.903(1)(g)(1), 6.903(1)(i)(1).....26

Iowa R. App. P. 6.903(2)(a)(4), 6.1101(2)(f).....6

Legislative Materials

1998 Iowa Acts ch. 1171.....14

2002 Iowa Acts ch. 1139.....15-17

2009 Iowa Acts ch. 116.....17-18

Iowa Legislative Services Agency, Fiscal Note for S.F. 2286, Sexually Violent Predators–Civil Commitment (2002), https://www.legis.iowa.gov/docs/publications/LGI/79/SF2286.pdf , p. 92.....15-16

STATEMENT OF THE ISSUES PRESENTED FOR REVIEW

I. Whether the Standard for Annual Review Initial Hearings Set Forth in Taft v. Iowa District Court (*Taft I*), 828 N.W. 2d 309 (Iowa 2013), Violates Fundamental Canons of Statutory Construction, Defies the Law's Plain Text, and Renders Iowa Code § 229A.8(5)(i) Surplusage.

ROUTING STATEMENT

This case should be retained by the Iowa Supreme Court because the issue raised present substantial questions of enunciating or changing legal principles. Iowa R. App. P. 6.903(2)(a)(4) and 6.1101(2)(f) (2024).

NATURE OF THE CASE

This case presents a statutory interpretation challenge. Andrew Gaal was previously committed as a sexually violent predator, pursuant to Iowa Code Chapter 229A. After the State filed its 2025 annual report (D0315, Hoem Report (4/30/25)), Gaal asked for an annual review hearing. D0317, Motion for Annual Review (5/30/25). Gaal filed the report of Dr. Luis Rosell in support of his request. D0322, Rosell Report (8/5/25). At the hearing, the State resisted Gaal's request for final hearing. D0346, Hearing Tr. 7:1-18 (8/8/25). The district court granted Gaal's

request for final hearing, citing Taft v. Iowa Dist. Ct. (Taft I), 828 N.W.2d. 309 (Iowa 2013). D0329, Order on Mot. for Ann. Rev., p. 2 (9/24/25). The State asked the district court to reconsider its ruling, which the district court denied. D0334, Order Denying Reconsider. (11/11/25). The State then petitioned for a writ of certiorari, which this Court granted. D0338, Order Granting Writ. (1/20/26).

Defendant-Appellee argues that the district court's ruling is correct and that this Writ should be annulled.

STATEMENT OF THE FACTS

Andrew Gaal is committed to the custody of the Iowa Department of Health and Human Services as a sexually violent predator pursuant to Iowa Code Chapter 229A. Pursuant to Iowa Code §229A.8, Gaal receives an annual evaluation of his mental abnormality each year. That evaluation is filed with the district court. §229A.8(2-3). This evaluation is completed by an expert retained by the Iowa Department of Health and Human Services

(HHS). A rebuttable presumption exists that commitment should continue. §229A.8(1).

On April 30, 2025, HHS filed its annual review evaluation, conducted by Dr. Stacey Hoem. D0315, Hoem Report, (4/30/25). Dr. Hoem opined that Gaal "does not meet statutory criteria for discharge. Mr. Gaal does not meet criteria for transitional release." D0315, Hoem Report, p. 3 (4/30/25). Gaal then filed his motion for annual review hearing. D0317, Mot. for Ann. Rev. (5/30/25).

Gaal filed a report by Dr. Luis Rosell for the district court's consideration at the annual review hearing. D0322, Rosell Report, 8/5/25). In his report, Dr. Rosell opined that "due to the lack of evidence of impairment in his emotional or volitional control, it does not appear that he is currently predisposed to commit sexually violent offenses. Therefore, I do not believe that his mental abnormality is present, and he is no longer more likely than not to reoffend." D0322, Rosell Report, p. 21 (8/5/25).

The district court held an annual review hearing on August 8, 2025. Counsel for the State raised its argument that Gaal had not

met his burden under Iowa Code §229A.8(5)(e)(1), which requires the "committed person to prove by a preponderance of the evidence that there is relevant and reliable evidence to rebut the presumption of continued commitment, which would lead a reasonable person to believe a final hearing should be held." The State further argued that Taft I was incorrectly decided, because "a jury could decide or act as fact finder to weigh the evidence of whether or not it is relevant and reliable." D0346, Annual Rev. Tr., 7:9-12 (8/8/25). The State essentially asked the district court to weigh the credibility of the experts, without any live testimony.

The district court granted Gaal's request for a final hearing. D0329, Order on Annual Review (9/24/25). It found that "Dr. Rosell's report contains relevant and reliable evidence…that suggests that the Respondent is no longer more likely than not to engage in predatory acts if released." D0329, Order on Annual Review, p. 3 (9/24/25). The State asked the district court to reconsider its ruling. D0330, Motion to Reconsider (9/29/25). The

district court denied the state's Motion. D0334, Denial of Motion to Reconsider (11/11/25).

The State then sought certiorari, which the Court granted. D0338, Petition for Writ (12/8/25); D0338, Order Granting Writ (1/20/26).

Other relevant facts will be mentioned below.

ARGUMENT

Preservation of Error

Because the issue was both raised and decided by the district court, error is preserved. State v. Bauler, 8 N.W.3d 892, 908 (Iowa 2024) (quoting Lamasters v. State, 821 N.W.2d 856, 862 (Iowa 2012)); Stammeyer v. Div. of Narcotics Enf't, 721 N.W.2d 541, 548 (Iowa 2006).

Standard of Review

In a certiorari action, the Court reviews the "district court's ruling for correction of errors at law." State Pub. Def. v. Iowa Dist. Ct. for Scott Cnty., 31 N.W.3d 45, 55 (Iowa 2026) (quoting State Pub. Def. v. Iowa Dist. Ct., 886 N.W.2d 595, 598 (Iowa 2016)). On

review, the Court "examine[s] the court's jurisdiction and the legality of its actions, including the proper application of law and evidentiary support for factual findings." In re Det. of Schuman, 2 N.W.3d 33, 44 (Iowa 2024) (quoting Taft v. Iowa Dist. Ct. (Taft II), 879 N.W.2d 634, 638 (Iowa 2016)).

Merits

The state argues that "the legislature expressly granted the State the right to demand a jury trial in the statute's provisions for initial hearings, *see* Iowa Code §229A.8(5)(i)." Brief for the Plaintiff, p. 22. The State's interpretation of this code section flies in the face of its plain language. Iowa courts "will not ordinarily resort to rules of statutory construction when the language of a statute is 'so clear and free from obscurity that its meaning is evident form a mere reading.'" Holiday Inns Franchising v. Branstad, 537 N.W.2d 724, 728 (Iowa 1995). When a statute's text is plain and its meaning clear, we do not 'search for meaning beyond [the statute's] express terms.'" State v. Iowa Dist. Ct. for Johnson Co., 730 N.W.2d 677, 679 (Iowa 2007).

Iowa Code §229A.8(5)(i) states "[i]f at the time of the annual review the committed person is in a secure facility and not in the transitional release program, the state shall have the right to demand that **both** determinations in paragraph 'e', subparagraph (1) be submitted to the court or jury." This subsection clearly dictates what happens after the district court grants the committed person a final hearing pursuant to Iowa Code §229A.8(5)(e)(1). The State would then, pursuant to subsection (5)(i), be entitled to demand that the court or jury at the final hearing consider both discharge and placement in transitional release. This would prevent a committed person still in a secure facility from petitioning the court or jury at a final hearing only for discharge. A person already in the transitional release program would have no need to petition the court or jury for placement in that program.

"A statute is ambiguous if reasonable minds could differ or be uncertain as to the meaning of the statute. Ambiguity may arise in two ways: (1) from the meaning of particular words; or (2) from the general scope and meaning of a statute when all its provisions are

examined." Holiday Inn Franchising v. Branstand, 537 N.W.2d at 728. "[E]ven where statutory words have an ordinary and commonly understood meaning, we will search for an alternative meaning if adherence to the strict letter of the law would lead to an unreasonable, unjust, impracticable, or absurd outcome or where a literal reading would cause provisions to contradict." Holiday Inn Franchising v. Branstand, 537 N.W.2d at 728.

"Our ultimate goal in interpreting statutes is to determine and give effect to legislative intent. When a statute is ambiguous, in order to ascertain the legislature's intent, we look to the spirit of the statute as well as the words and give a 'sensible, workable, practical, and logical construction.'" Holiday Inn Franchising v. Branstand, 537 N.W.2d at 728 (quoting State v. Bartusek, 383 N.W.2d 582, 583 (Iowa 1986)). "In order to arrive at a reasonable construction which will best affect rather than defeat the legislative purpose, we consider the following: (1) the language of the statute; (2) the objects sought to be accomplished; and (3) the evils sought to be remedied. We may consider an ambiguous statute's legislative

history and the applicable preamble or statement of policy."

Holiday Inn Franchising v. Branstand, 537 N.W.2d at 728

Iowa Code §4.6 also provides guidance in the event that a statue is ambiguous.

> "If a statute is ambiguous, the court, in determining the intention of the legislature, may consider among other matters:
>
> 1. The object sought to be attained.
> 2. The circumstances under which the statute was enacted.
> 3. The legislative history.
> 4. The common law or former statutory provisions, including laws upon the same or similar subjects.
> 5. The consequences of a particular construction.
> 6. The administrative construction of the statute.
> 7. The preamble or statement of policy.

Iowa Code §4.6 (2026)

Even if §229A.8(5)(i) is ambiguous, the State's interpretation ignores the statute's legislative history. Chapter 229A was enacted in 1998. 1998 Iowa Acts ch. 1171. The 1998 version of §229A.8 still set out the procedures for annual examinations. It was, however, much less detailed in its procedures. Much like the current version, the 1998 version of §229A.8 granted the committed person a current examination of his mental abnormality once every

year. §229A.8(2) stated that "the court shall conduct an annual review and probable cause hearing on the status of the committed person." §229A.4 provided for the committed person to be represented by counsel at the annual review hearing, but not to be present. It set "probable cause" as the standard for the court to grant a final hearing.

§229A.8 was again amended in 2002 by S.F. 2286. 2002 Iowa Acts ch. 1139. This amendment added a rebuttable presumption that the commitment should continue. "The presumption may be rebutted when facts exist to warrant a hearing to determine whether a committed person no longer suffers from a mental abnormality…" Iowa Code §229A.8(1) (2002).

This amendment also added additional procedural guidelines for annual review hearings in §229A.8(5). "The Bill simplifies the initial probable cause hearing, and streamlines the annual review process." Iowa Legis. Servs. Agency, Fiscal note for S.F. 2286 Sexually Violent Predators—Civil Commitment (2002), https://www.legis.iowa.gov/docs/publications/LGI/79/SF2286.pdf

, p. 92. Subsection 5 added the following additional procedures applicable to annual review hearings:

> b. The Iowa rules of evidence do not apply.
>
> c. The committed person may waive an annual review hearing or may stipulate that the commitment should continue for another year.
>
> d. The court shall review the annual report of the state and the report of any qualified expert or professional person retained by or appointed for the committed person and may receive arguments form the attorney general and the attorney for the committed person if either requests a hearing. The request for a hearing must be in writing, within thirty days of the notice of annual review being provided to counsel for the committed person, or on motion by the court. Such hearing may be conducted in writing without any attorneys present.
>
> e. The burden is on the committed person to show by a preponderance of the evidence that there is competent evidence which would lead a reasonable person to believe a final hearing should be held to determine either of the following:
>
> (1) The mental abnormality of the committed person has so changed that the person is not likely to engage in predatory acts constituting sexually violent offenses if discharged,
>
> (2) The committed person is suitable for placement in A transitional release program pursuant to section 229A.8A.
>
> If the committed person shows by a preponderance of the e evidence that a final hearing should be held on either determination under subparagraph (1) or (2) or both, the court shall set a final hearing within sixty days of the

determination that a final hearing be held.

f. Of at the time for the annual review the committed person has filed a petition for discharge or placement in a transitional release program with the authorization from the director of human services, the court shall set a final hearing within ninety days of the authorization and no annual review shall be held.

…

h. Any petition can be summarily dismissed by the court as provided in section 229A.11.

i. If at the time of the annual review the committed person is in a secure facility and not in the transitional release program, the state shall have the right to demand that both determinations in paragraph 'e' be submitted to the court or jury.

Iowa Code §229A.8 (2002)

The legislature again amended §229A.8 in 2009 with H.F. 676. The amendment changed §229A.8(5)(e), the first unnumbered paragraph to read: "The court shall consider all evidence presented by both parties at the annual review. The burden is on the committed person to prove by a preponderance of the evidence that there is relevant and reliable evidence to rebut the presumption of continued commitment, which would lead a reasonable person to

believe a final hearing should be held to determine either of the following: (1) The mental abnormality of the committed person has so changed that the person is not likely to engage in predatory acts constituting sexually violent offenses if discharged; (2) The committed person is suitable for placement in a transitional release program pursuant to section 229A.8A." 2009 Iowa Acts ch. 116. This subsection of the statute has not been amended since.

Looking at this legislative history, it is clear that the legislature intended to simplify annual review hearings. Allowing the State to demand a jury trial at the annual review hearing would do the exact opposite of simplifying the process. It would require the clerk of court to call a jury panel. It would require counsel (or possibly to court) to voir dire and select a jury. It would require someone to present the evidence. It would require jury instructions and verdict forms. All of this flies in the face of the legislature's intent to streamline the annual review process.

The Court may also look to other provisions of Chapter 229A for guidance. "In determining the ordinary and fair meaning of the

statutory language at issue, we take into consideration the language's relationship to other provisions of the same statute and other provisions of related statutes." State v. Flynn, 13 N.W.3d 843 (Iowa 2024)(quoting Doe v. State, 943 N.W.2d 608, 610 (Iowa 2020)).

Chapter 229A has other sections that discuss the right to demand a jury trial. §229A.7(4) states that at an initial commitment trial, "[t]he respondent, the attorney general, or the judge shall have the right to demand that the trial be before a jury" At a final hearing, Iowa Code §229A.8(6)(a) states that "the committed person shall be entitled to a jury trial…" and §229A.6(c) states "[t]he Attorney General shall represent the state and shall have a right to demand a jury trial" §229A.10(1) grants both the petitioner and the attorney general to demand a jury trial in a director approved discharge trial, stating "[t]he hearing shall be before a jury if demanded by either the petitioner or the attorney general."

In all of those circumstances, the legislature was consistent in granting both the person subject to civil commitment and the state the right to demand a jury trial. It would fly in the face of due process to allow the state to demand a jury trial at the annual review stage when the committed person has no such right. It would cause an inconsistency which the legislature clearly did not intend.

In the other three statutes that address jury trials, the legislature was explicit in its language granting the State the right to demand a jury trial. All of the statutes use some combination of the words "demand" and "jury trial." §229A.8(5)(i) does not use that language.

If a statute is ambiguous, the Court may also consider the consequences of a particular construction. Iowa Code §4.6(5) (2026). Where statutory terms are ambiguous, courts should interpret the statute in a reasonable fashion to avoid absurd results. Brakke v. Iowa Dept. of Natural Resources, 897 N.W.2d 522 (Iowa 2017). Construing §229A.8(5)(i) in the manner argued by

the state would cause an absurd result. If the State is able to demand a jury trial at the annual review stage, it would result in a farce of a jury trial. The person whose liberty is at issue has no right to be present. The rules of evidence would not apply. The jury would hear no evidence, but only review the reports of experts who would not testify or be cross examined. And only the State could demand this production. It is the definition of an absurd result.

Since §229A.8(5)(i), is not ambiguous, or it can be interpreted in a manner consistent, Taft I was not wrongly decided. Taft v. Iowa Dist. Ct., (Taft I) 828 N.W.2d 309 (Iowa 2013), was also a statutory construction case. The Taft I Court was tasked with applying the principles of statutory construction to the amended §229A.8(5)(e). The Court therein determined that the statute was ambiguous "because the plain language of the statute leaves room for more than one reasonable interpretation of the district court's role at the annual review stage. Taft I, 828 N.W.2d at 316.

The Court concluded that "the general assembly did not intend by its 2009 amendment to require a mini-trial on the evidence

presented at the annual review on the questions that would be decided at a final hearing…[I]t would be illogical to require a committed person to prove by a preponderance at the annual review stage that he will win on the merits at a final hearing at which the State must prove the converse beyond a reasonable doubt." Taft I, 828 N.W.2d at 317-318. The Court also found that "[t]he amendment did, however, enhance the level of scrutiny applied by the district court in making the decision on a request for a final hearing. The court must now consider all of the evidence presented and in deciding whether the committed person has met his burden, weigh only evidence that is reliable." Taft I, 828 N.W.2d at 318. The committed person can only meet his burden "if a reasonable person would find, from the relevant and reliable evidence presented at the annual review stage, that the committed person has more likely than not generated a fact question on either of the issues enumerated in section 229A.(5)(e)(1)(a) or (b)." Taft I, 828 N.W.2d at 318.

"In the realm of expert opinion testimony, evidence is relevant only if it is reliable and helpful to the fact finder. Johnson v. Knoxville Cmty. Sch. Dist., 570 N.W.2d 633, 637 (Iowa 1997) (noting unreliable evidence "cannot assist a trier of fact"). The reliability of experts' opinions based on scientific, technical, or other specialized knowledge is generally assured by the district court's enforcement of rule 5.702 requiring experts be qualified "by knowledge, skill, experience, training, or education." Iowa R. Evid. 5.702." Taft I, 828 N.W.2d at 319.

Taft I requires the district court to review the experts' reports and determine if they are relevant—do they assist the trier of fact? Then, the district court must determine if the witness is qualified to testify as an expert on the matters contained in the report. Once those determinations are made by a preponderance of the evidence, the committed person has met his burden.

The gatekeeping function of the district court at the annual review stage as indicated in Taft I is entirely consistent with the legislature's intent to streamline the annual review process. And it

is consistent with the other sections of §229A.8(5), in particular (5)(b) the rules of evidence do not apply; and the last sentence of (5)(d) Such a hearing may be conducted in writing without any attorneys present. §229A.8(5)(i) then allows the State to demand at the annual review that the both the issues of discharge and transitional release be submitted to the factfinder at the final hearing. This reading of §229A.8(5)(i) makes it consistent with the remainder of the section, and not surplusage.

As stated previously, the statute and Taft I are compatible and there is no ambiguity. If a statute is unambiguous on its face, the court's inquiry ends with the plain language, and the absurdity doctrine will not override a clear statutory text Stanfield v. Department of Public Defense, 24 N.W.3d 221 (Iowa 2025). However, in the case that this Court finds ambiguity, the absurd result argued by the State should prohibit this Court from sustaining the writ herein. In short, the State should not be entitled to an evidentiary hearing to determine if there should be a second evidentiary hearing, especially not a jury trial.

In applying Taft I to the case before it, the district court correctly applied the law to the facts. "It is entirely possible that at a final hearing, the trier of fact concludes that more weight should be given to Dr. Hoem's conclusions than Dr. Rosell's. But that is not the issue currently before the Court. *See* Taft, 828 N.W.2d at 321 (Iowa 2013). Dr. Rosell's report contains relevant and reliable evidence, outlined above, that suggests that Respondent is no longer more likely than not to engage in predatory acts if released. The Court finds that a final hearing should be set." D0329, Order Re: Mot. for Ann. Rev. Hrg., p. 3 (9/24/25). This Court should not find otherwise.

CONCLUSION

For the reasons stated above, the defendant respectfully requests this court to annul the writ of certiorari granted on January 20, 2026.

REQUEST FOR ORAL ARGUMENT

Counsel requests to be heard in oral argument.

Respectfully Submitted,

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This brief complies with the typeface requirements and type-volume limitation of Iowa Rs. App. P. 6.903(1)(g)(1) and 6.903(1)(i)(1) because:

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