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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. CVCV050833 SUPREME COURT NO 26-0213

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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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 involves a substantial issue of first impression in Iowa and because the argument presented by the Respondent claims an inconsistency between this Court's prior holdings and the interpretation of the relevant statute to that holding. Iowa R. App. P. 6.903(2)(a)(4) and 6.1101(2)(c) (2026). Given these circumstances, the case should be retained by the Supreme Court of Iowa.

NATURE OF THE CASE

This case presents a statutory interpretation challenge. David Taft was previously committed as a sexually violent predator, pursuant to Iowa Code Chapter 229A. After the State filed its 2025 annual report on December 30, 2025 (D0866), Taft asked for an annual review hearing. Motion Hearing Tr. 1/6/26 (D0894). Taft relied on a previously filed the report of Dr. Christopher Fisher in support of his request. Fisher Report Dated 5/26/25 (D0874). At

the hearing, the State resisted Taft's request for final hearing. D0346, Motion Hearing Tr. 1/6/26 (D0894). The district court granted Taft's request for final hearing, citing Taft v. Iowa Dist. Ct. (*Taft I*), 828 N.W.2d. 309 (Iowa 2013). Order on Mot. for Ann. Rev. 1/19/26 (D0882). The State then petitioned for a writ of certiorari, claiming the order granting a final hearing was erroneous, and this Court granted the writ. Pet. For Writ of Certiorari 2/3/26 (D0884); Order Granting Writ 2/26/26 (D0888).

The Defendant-Appellee now argues that the district court's ruling dated January 19, 2026 is lawful and that this Writ should be annulled.

STATEMENT OF THE FACTS

David Taft 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, Taft 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 December 30, 2025, HHS filed its annual review evaluation, conducted by Dr. Richard Mattek. Mattek Report 12/30/25 (D0866). Dr. Mattek opined that Taft did not meet statutory criria for discharge and also did not meet statutory criteria for transitional release at that time. Mattek Report, p. 25 (D0866). Taft then filed his oral motion for annual review hearing on January 6, 2026 and followed it with a written motion for annual review hearing on January 6, 2026. Motion Hearing Tr. 1/6/26, p. 9 (D0894). Taft relied a report by Dr. Chris Fisher for the district court's consideration at the annual review hearing that had been issued in May of 2025. Ex. AR-1, Fisher Report (D0874). In his report, Dr. Fisher opined that Taft had performed in treatment in a manner indicative of a compliant and thoughtful new approach, that Taft did not represent a more likely than not risk to reoffend in a sexually violent manner if discharged and that Taft met the

statutory criteria for discharge from the program at that time. Ex. AR-1, Fisher Report p. 45-46 (D0874).

The district court held an annual review hearing on January 6, 2026. Counsel for the State raised its argument that Taft 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 the decision cut against the plain language of Section 229A.8 and that the State can demand a jury trial on the annual review initial hearing phase. Motion Hearing Tr. 1/6/26, p. 12 (D0894). The State essentially argued that Dr. Fisher's report was not credible evidence and asked the district court to weigh the credibility of the experts, without any live testimony.

In an order dated January 19, 2026, The district court granted Taft's request for a final hearing. Order on Annual Review (1/19/26) (D0882). The district court held:

> Upon review, the Court finds that Respondent has met his burden to prove, by a preponderance of the evidence, that there is relevant and reliable evidence that would lead a reasonable person to believe a final hearing should be held to determine whether Respondent's mental abnormality has changed such that he is not likely to engage in predatory acts constituting sexually violent offenses if discharged. Specifically, Dr. Fisher's expert opinions constitute reliable and relevant evidence in that regard. Dr. Fisher is qualified to render the opinions stated in his report, and the State did not argue otherwise. In addition, his conclusions would assist a trier of fact in understanding the current state of Respondent's mental abnormality and his likelihood of committing sexually violent offenses if discharged.
>
> The State requests that the Court consider the merits of each report, or rule that jury would be permitted to do so if the State exercised their right for a jury under Iowa Code § 229A.5(i). The Court finds that neither it nor a jury is able to consider the merits of the reports, as it can only examine if the expert testimony is reliable and helpful to the fact finder.

Order on Annual Review 1/19/26, p. 2-3 (DO882).

The State then sought certiorari, which the Court granted. Petition for Writ 2/3/26 (D0884), Order Granting Writ 2/26/26 (D0888).

Other relevant facts will be mentioned below.

ARGUMENT

Preservation of Error

The State raised the objection detailed in this action at the annual review initial hearing and in its petition for a writ of certiorari. The district court issued its ruling denying the objection in the order issued on January 19, 2026.

Standard of Review

This Court should review the district court's ruling for corrections of errors at law.

Merits

I. The *Taft I* Standard is Compatible With Iowa Code § 229A.8(5)(i) Under It's Plain Meaning

A. Statutory Interpretation and the History of § 229A.8(5)(i)

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 (codified at Iowa Code Ch. 229A (1999)). 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) (1999) 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. 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. §229A.8(5)(e) (2002). 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 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:" §229A.8(5)(e) (2009). 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 these steps would operate to frustrate the legislature's intent to streamline the annual review process.

B. The Application of Taft I to 229A.8(5)(i) does not create ambiguity

In Taft v. Iowa Dis. Court ex rel. Linn County *(Taft I)*, 828 N.W.2d 309 (Iowa 2013), Taft brought a case for hearing on annual review. Upon a prima facie review of Taft's expert report, two competing interests were at play in that matter. The first was a compound set of circumstances working against Taft in that the treatment staff had cited his behavior as "clinically significant for interest in minors" and also that Taft had six founded major

disciplinary reports in the six months prior to the application for annual review. *Id.* at 311. The second was that Taft had enlisted the opinion of an expert witness who opined that Taft was appropriate for the transitional release at that time, despite the plain language of Iowa Code section 229A.8A(2)(e) that disqualifies any committed person who has received any major disciplinary report during the previous six months from transitional release. *Id.* at 312. The court rejected the argument that the district court could override that statutory requirement based on the testimony of the offender's expert who discounted the significance of those disciplinary violations. *Id.* at 320. Taft had conceded that the statutory requirement that evidence be relevant and reliable authorizes the district court as gatekeeper to discount evidence that is not credible on its face or that is directly contradicted by objective and undisputed evidence, but argued that if a qualified expert's report supports the committed person's release, that person should get a final hearing. *Id.* at 321. The Supreme Court agreed with Taft that the district court had overstepped its authority in determining the

reliability of the expert's opinion but also found that the district court did not commit error in finding that Taft had not met his burden at the annual review hearing. *Id* at 321.

In the present case, there is no applicable statutory provision that prohibits Taft from bringing his evidence to the annual review hearing, as was the case in Taft I. Dr. Fisher's opinion does not ask the district court to override any rule in chapter 229A that prohibits the hearing of Taft's annual review. The Taft I application for annual review was expressly barred by statute as it pertained to transitional release and this Court ruled that the district court was acting properly in gatekeeping that specific statutory provision. Beyond that, this Court in Taft I found that assessing the reliability of the expert's opinion is outside the authority of the district court in determining whether the committed person had met his burden at the annual review hearing. *Id*. at 321. In the absence of evidence that ignores a specific statutory prohibition, as is in Taft I, Taft's evidence supporting his application for annual review is relevant and reliable and Dr. Fisher's report constitutes credible evidence to

carry the application to a final hearing. The district court agreed and granted the final hearing. There is no ambiguity in the application of Taft I to Section 229A.8(a)(i).

II. Even if the Court Finds the Statute is Ambiguous, the State's Proposed Remedy Produces an Absurd Result

Under Iowa law, the absurdity doctrine is a canon of statutory construction that permits a court to decline to follow the literal terms of a statute in order to avoid absurd results, but the doctrine is reserved for rare cases and must be applied with significant restraint.

Iowa's statutory construction framework presumes that in enacting a statute, the legislature intends a just and reasonable result. Iowa Code § 4.4 (2026). 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, and the Court should not entertain it.

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…" § 229A.8(6)(c) grants the attorney general, on behalf of the state, to demand a jury trial at a final hearing. §229A.10(1) grants both the petitioner and the attorney general to demand a jury trial in a director approved discharge trial.

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.

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 NW.3d 221 (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.

CONCLUSION

For the reasons stated above, the defendant respectfully requests this court to sustain the January 19, 2026 ruling of the district court, annul the write herein and deny the remedies sought by the State of Iowa in this action.

REQUEST FOR ORAL ARGUMENT

Counsel requests to be heard in oral argument.

CERTIFICATE OF COMPLIANCE WITH TYPEFACE REQUIREMENTS AND TYPE-VOLUME LIMITATION FOR BRIEFS

This brief complies with the typeface requirements and type-

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