



HIGHWAY SAFETY

LAW UPDATE



September 28, 2020 Office of the Prosecuting Attorneys Training Coordinator July/August/September 2020

County Spotlight – Boone County

County according to Division of Criminal & Juvenile Justice Planning⁶.

The eighth county spotlight is on Boone County. Boone is the biggest town in Boone County and sits off Highway 30.¹ According to the 2010 census, Boone County has a population of 26,306.² Boone County got its name from Captain Nathan Boone, who was Daniel Boone’s youngest son.³ Although Madrid is the oldest town, the county seat is Boone, which was originally named Montana.⁴

Dan Kolacia is the Boone County Attorney. Mr. Kolacia is a full-time county attorney and there are two assistant county attorneys in the office. Mr. Kolacia has been the Boone County Attorney for approximately 6 years. Prior to becoming the Boone County Attorney, he was a deputy district attorney in Riverside County, California. Mr. Kolacia graduated from the Iowa State University in Political Science and then attended the Southwestern University Law School in Los Angeles, California. Matthew Speers is the 1st assistant and has been with the office for approximately 4 years. Dan Breitbarth is also with the office and was just sworn in after recently passing the bar (Congratulations Dan!).

Boone County has four local law enforcement agencies: Boone, Madrid, and Ogden Police Departments, and the Boone County Sheriff’s Office. In 2019, there were 1,691 traffic convictions⁵ and 107 OWI convictions in Boone

Online Dispute Resolution Pilot Program For Traffic Tickets

The Carroll County Attorney’s Office is gearing up to start using an Online Dispute Resolution (ODR) for traffic tickets that occur in Carroll County. Carroll County volunteered to be a part of this pilot program and I had the opportunity to talk with the Carroll County Attorney John Werden and State Court Administrator Todd Nuccio about this program.

The ODR program allows defendants that have been charged with a traffic violation in Carroll County to contact the Carroll County Attorney’s Office to try to resolve their violation. The Iowa Judicial Branch’s website will supply the platform for the communication. The Carroll County Attorney’s Office can then respond to the

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¹ <https://www.boonecounty.iowa.gov/about-us/cities/boone>

² <https://www.census.gov/quickfacts/fact/table/boonecountyiowa,IA/PS/T045219>

³ <https://www.boonecounty.iowa.gov/about-us/county-history>

⁴ <https://www.boonecounty.iowa.gov/about-us/county-history>

⁵ “Convictions include all charges resulting in a conviction, including deferred judgments. Cases involving multiple charges may also involve multiple convictions, and each of those individual convictions are included in the results. Local ordinances are not included.”

<https://disposedcharges.iowa.gov/asp/glossary.asp>

⁶ <https://disposedcharges.iowa.gov/>

Online Dispute Resolution Pilot Program For Traffic Tickets cont.

defendant's request by selecting a number of prepared responses or customizing a response in an effort to resolve the violation. Mr. Werden believes this process will increase pretrial work for his office, but will save time spent in the courtroom (e.g., in-court pretrial conferences, trials, etc.). ODR enhances access for defendants because it can be utilized at their convenience, 24/7. Defendants will not have to miss work, arrange for childcare, pay for parking, etc., just to attend a court appearance. If an agreement is reached, the ODR platform will allow the violation to be amended, if necessary. The ODR platform will allow defendants to arrange a payment plan prior to pleading guilty. The ODR platform also allows defendants to upload documents to help resolve their case (e.g., for a violation for no proof of insurance, the defendant can upload proof of their insurance). The ODR program will also track how many people participate in the program, violations resolved, etc. The ODR platform should prove to be an efficient and transparent process to handle traffic violations.

Since only one of the ninety-nine counties will be participating, you may be wondering how defendants find out about the program? There will be a small marketing campaign, but the main way a defendant will be notified is on the actual citation they receive. The citations issued in Carroll County will direct the defendant to the program; however, it is important to note, participation is completely voluntary. Mr. Nuccio indicated the ODR platform is scheduled to go live mid to late September 2020 and if the program is successful, then the goal is to make it available to any county that wants to participate.

School Is Back, Watch Out For Pedestrians

School is back in session, which means more and more children will be out walking, sometimes by themselves or in large groups. This is a great time to remind everyone to watch out for pedestrians. In 2018, 6,283 pedestrians were killed due to traffic crashes, which was a 3.4% increase from 2017.⁷ Unfortunately, this meant that approximately every 84 minutes, one pedestrian was killed due to a traffic crash.⁸ In 2018, there were 318 motor vehicle fatalities, 22 (6.9%) of the fatalities were pedestrians.⁹

Below are a few ideas from NHTSA's Safety Countermeasures Division for drivers and pedestrians:

- Drivers
 - "Look for pedestrians everywhere. Pedestrians may not be walking where they should be or may be hard to see—especially in poorly lit conditions, including dusk/dawn/night and poor weather."¹⁰
 - Do not pass a vehicle that is stopped in front of a crosswalk.¹¹
 - Do not drive impaired.¹²
 - Slow down when approaching pedestrians.¹³
 - Be alert when driving in school zones.¹⁴
- Pedestrians:
 - Use the sidewalk whenever you can.¹⁵
 - If walking on the street, always walk facing traffic.¹⁶

⁷ <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812850>

⁸ <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812850>

⁹ <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812850>

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¹⁵ <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812850>

- o Wear bright, reflective clothing if walking at night.¹⁷



The Updated Criminal Law Handbook is **HERE**

The newest edition of the Criminal Law Handbook, which contains the most recent versions of the OWI and Traffic Offenses in Iowa manual and the Iowa Charging Manual, will be released around September 2020. The manual uses software that makes outdated editions inaccessible, and therefore readers must re-order a new copy of the Criminal Law Handbook every six months.

Order forms for the Criminal Law Handbook will be sent to all county attorneys soon. If you have not received an order form, please contact Cindy Glick at Cindy.Glick@ag.iowa.gov and request an order form to keep your copy up to date and working.

Citations from previous issues of the Highway Safety Law Update:

Iowa Court of Appeals

State v. McMullen, 940 N.W.2d 456 (Iowa App. 2019)

Iowa Supreme Court

State v. Salcedo, 935 N.W.2d 572 (Iowa 2019)

State v. Meyers, 938 N.W.2d 205 (Iowa 2020)

State v. Fogg, 936 N.W.2d 664 (Iowa 2019)

State v. Stanton, 933 N.W.2d 244 (Iowa 2019)

State v. Shorter, 945 N.W.2d 1 (Iowa 2020)

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

State v. Davis Jr., 944 N.W.2d 641 (Iowa 2020)

United States Supreme Court

Kansas v. Glover, 589 U.S. ___, 140 S.Ct. 1183 (2020)

¹⁶ <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812850>

¹⁷ <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812850>

RECENT UNPUBLISHED DECISIONS INVOLVING ALCOHOL AND TRAFFIC SAFETY

Citation of unpublished cases is governed by I.R.App.Pro. 6.904(2)(c), which provides that unpublished opinions do not constitute binding authority and requires that when citing an unpublished opinion, a party include an electronic citation where the opinion can be readily accessed on-line. (Note: all opinions may be accessed online in the Archives section of Opinions of the Iowa Court of Appeals or Supreme Court, at <https://www.iowacourts.gov/>).

(Recent Unpublished Decisions Arranged by County)

Buchanan County [State v. David Loren Boll](#), No. 19-0487 (Iowa Court of Appeals, filed July 22, 2020). **There was reasonable suspicion to initiate a traffic stop to investigate a domestic assault even though the victim indicated she did not need officers and the defendant had left the residence.** The defendant's son reported a domestic disturbance at his residence and law enforcement went to investigate. On the way, law enforcement was notified that the defendant had driven away from the residence and had been drinking. One of the deputies went the residence and the other searched for the defendant. Prior to finding the defendant, the victim of the domestic disturbance indicated no help was needed. The deputy initiated a traffic stop on the defendant when he found his vehicle. The deputy testified it was department policy to investigate calls of domestic violence even if the victim later states they do not need help. Held, there was reasonable suspicion to initiate a traffic stop to investigate a domestic assault even though the victim indicated she did not need officers and the defendant left the residence.

Buchanan County [State v. David Loren Boll](#), No. 19-0487 (Iowa Court of Appeals, filed July 22, 2020). **There was reasonable grounds to invoke implied consent.** A deputy initiated a traffic stop on the defendant to investigate a domestic assault report. The report also indicated the defendant had been drinking. During the deputies interaction with the defendant, the deputy observed: unsteadiness; odor of alcohol; slurred speech; bloodshot eyes; a wet spot, indicating urination, on the front of his pants; and an admission of drinking. The defendant was then uncooperative or unable to complete the SFSTs. The defendant then refused chemical testing. Held, there was reasonable grounds to invoke implied consent.

Buchanan County [State v. David Loren Boll](#), No. 19-0487 (Iowa Court of Appeals, filed July 22, 2020). **No abuse in discretion in handling the defendant's motion for discovery.** Although it took the state several months to comply with the court's order to provide the radio communications, the state complied with the request prior to the suppression arguments. The court also noted "the recording was not exculpatory."

Cerro Gordo County [State v. William Frank Fetner](#), No. 19-1561 (Iowa Court of Appeals, filed September 23, 2020). After the defendant pled guilty to DWB (driving while barred) and possession of a controlled substance, the court did not consider an impermissible sentencing factor (working at a daycare) when the defendant's attorney also cited his employment as a mitigating factor.

Dallas County [State v. Deborah Boley](#), No. 19-1311 (Iowa Court of Appeals, filed July 22, 2020). **The defendant's consent was involuntary.** The defendant crashed into a truck and then drove to her residence. The driver of the truck contacted law enforcement and followed the defendant to her house. When officers arrived, the defendant's car was in the garage and she was insider her residence. The officers knocked on the front door, the defendant answered, and the officers requested license, registration, and insurance. The defendant informed them the information was in the garage and the officers responded they were going to go with her. The defendant replied "okay." In the garage, an officer asked the defendant about her drinking and observed signs of impairment. After SFSTs, the defendant was charged with OWI 1st. The defendant's motion to suppress the evidence obtained after the officers entered her residence and garage was denied and

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she appealed. Held, the defendant's consent to enter her house and garage was involuntary; her statement of "okay" after the officers told her they were coming with her was "nothing more than acquiescence."

Dubuque County State v. Jay Steven Genthe, No. 19-0184 (Iowa Court of Appeals, filed September 2, 2020). The Court may enter a nunc pro tunc order to clarify any ambiguity in its original sentencing order. In this case, the Court clarified the defendant was to be placed on formal probation.

Floyd County State v. Jeremy John Round, No. 19-1174 (Iowa Court of Appeals, filed September 23, 2020). **Sufficient evidence of constructive possession of methamphetamine:** the defendant had been operating the vehicle for over a week; the defendant initially told the officer it was his vehicle; digital scales were found with the defendant's personal items; and the hidden location (under the hood) of some of the methamphetamine. *See State v. Maxwell*, 743 N.W.2d 185 (Iowa 2008) (listing four non-exclusive factors in determining constructive possession when there are more than one person in the area); *State v. Kemp*, 688 N.W.2d 785, 789 (Iowa 2004) (listing five additional factors when the contraband is found in a motor vehicle).

Iowa County State v. Matthew Don Farber, No. 19-1350 (Iowa Court of Appeals, filed August 5, 2020). **Substantial evidence the defendant was intoxicated prior to the crash:** he had multiple beers prior to the crash; due to the crash the defendant was pinned inside the vehicle and could not access any alcohol; witness observed an odor of beer upon approaching the vehicle; either the defendant or the passenger told the witness to not call 911; deputy observed an odor of alcohol on the defendant's breath; bloodshot and red watery eyes; open beer cans at the crash scene; and the defendant stated he would fail the PBT.

Iowa County State v. Matthew Don Farber, No. 19-1350 (Iowa Court of Appeals, filed August 5, 2020). **Substantial evidence the defendant did not swerve to miss a deer, but failed to maintain control of the vehicle (321.288(1)):** no evidence of braking; and the crash was inconsistent with attempting to avoid a deer (the vehicle was traveling at a high rate of speed when it left the roadway).

Iowa County State v. Matthew Don Farber, No. 19-1350 (Iowa Court of Appeals, filed August 5, 2020). **Due to the nature of the crash, there was substantial evidence the defendant failed to stop at a stop sign (321.256):** the defendant's speed was estimated at 50 to 60 mph when it left the road, which was just a short distance from the stop sign; officer testified the defendant could not have reached the estimated speed in that short of a distance if he had stopped at the stop sign; and the damage to the vehicle was so great the deputy and witness did not expect anyone to live.

Jackson County State v. Daniel Lee White, No. 19-0784 (Iowa Court of Appeals, filed July 1, 2020). **Sufficient evidence the defendant was "under the influence of alcohol."** The defendant: admitted to drinking beer prior to driving; admitted the alcohol may have "had an effect on him[;]" struggled standing; struggled walking; slurred speech; failed the three SFSTs; was combative; and refused the DataMaster.

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Johnson County [State v. Scott Alan Johnson](#), No. 19-0579 (Iowa Court of Appeals, filed September 23, 2020). **No abuse of discretion for denying a motion for mistrial after the PBT results were inadvertently discussed.** During a test refusal OWI jury trial, the State played a portion of the video recordings that inadvertently stated the defendant's PBT results. The defense objected immediately, and the judge admonished the jury to "disregard any reference to numbers." The judge later gave a curative instruction to the jury that anything struck from the record was not evidence. The defendant appealed the denial of his motion for mistrial. Held, there was no abuse of discretion for denying the defendant's motion for mistrial after the PBT results were inadvertently discussed. The Court noted: the PBT results were only mentioned once; the jury was told not to consider "any reference to numbers"; there was a curative jury instruction given; and the State's other evidence was strong (defendant performed poorly on the SFSTs; slow speech; balance issues; odor of alcohol; and admission to drinking).

Linn County [State v. Rudy Chase Stroud](#), No. 19-0457 (Iowa Court of Appeals, filed July 1, 2020). **Counsel was not ineffective for failing to object to the use of an outdated jury instruction.** Although the court used an outdated jury instruction that the jury could use the defendant's out-of-court statements as if they were made at trial, the defendant failed to show he suffered any prejudice. There was sufficient evidence of the defendant's guilt and the out-of-court statements would still have come in as evidence.

Linn County [State v. Floyd Davon Taylor Jr.](#), No. 19-1308 (Iowa Court of Appeals, filed September 23, 2020). No abuse in discretion when the court revoked the defendant's deferred judgment for felony eluding and sentenced him to two years of probation.

Muscatine County [State v. Brianna Kay Havemann](#), No. 19-1301 (Iowa Court of Appeals, filed September 2, 2020). **The observation of "marijuana shake" on a plate provided reasonable suspicion to extend the traffic stop.** After stopping the defendant for speeding, the deputy noticed a metal plate near the center console. The deputy asked to look at the metal plate and immediately noticed "marijuana shake" on the plate. The deputy called for backup before deploying his drug dog. The drug dog alerted on the vehicle, which was subsequently searched yielding marijuana. The defendant appealed arguing the deputy did not have reasonable suspicion to extend the traffic stop. Held, the observation of "marijuana shake" on a plate provided reasonable suspicion to extend the traffic stop.

Polk County [State v. Joseph R. Desalme](#), No. 19-0401 (Iowa Court of Appeals, filed July 1, 2020). **Insufficient evidence to show the defendant's "intent to permanently deprive the owners of their vehicles or purses."** While trying to elude law enforcement, a defendant unsuccessfully tried to take two separate vehicles and two purses. Held, there was insufficient evidence to show the defendant's "intent to permanently deprive the owners of their vehicles or purses." The theft and robbery convictions reversed.

Polk County [State v. Shawn Thomas Bean](#), No. 19-1241 (Iowa Court of Appeals, filed August 19, 2020). **Looking through a car window did not constitute a search when the officer is lawfully present.** An officer approached a parked car in a hotel parking lot on foot. The officer asked how the defendant (driver) and the passenger were doing and announced he was with law enforcement. Just prior to the defendant exiting the vehicle, the officer observed the defendant make movements like he was hiding something around the driver's door. The defendant and the officer then had a brief conversation, including requesting

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the defendant's identification, at the rear of the vehicle. The officer then walked up to the driver's door window, shined his flashlight to the floorboard, and observed a white powdery substance in a bag. The defendant was then arrested and the vehicle was searched. Held, the officer "did not execute a search when he merely looked into [the defendant's] car through a window." The defendant did not have a reasonable expectation of privacy when the officer was able to observe the contraband from a position he was lawfully allowed to be. "Neither probable cause nor reasonable suspicion is necessary for an officer to look through a window . . . of a vehicle so long as he or she has a right to be in close proximity to the vehicle." *quoting United States v. Bynum*, 508 F.3d 1134, 1137 (8th Cir. 2007).

Polk County State v. Shawn Thomas Bean, No. 19-1241 (Iowa Court of Appeals, filed August 19, 2020). **Contraband observed in plain view in a vehicle may provide probable cause to search the vehicle.** An officer approached a parked car in a hotel parking lot on foot. The officer asked how the defendant (driver) and the passenger were doing and announced he was with law enforcement. Just prior to the defendant exiting the vehicle, the officer observed the defendant make movements like he was hiding something around the driver's door. The defendant and the officer had a brief conversation, including requesting the defendant's identification, at the rear of the vehicle. The officer then walked up to the driver's door window, shined his flashlight to the floorboard, and observed a white powdery substance in a bag. The defendant was then arrested and the vehicle was searched. Held, the plain view exception to the warrant requirement allowed the officer to search the defendant's vehicle after observing the bag of white powdery substance inside the vehicle. "If an officer has a right to be present in a given location and observes contraband inside a parked car with the aid of flashlight, the officer's 'observation provides probable cause,' and the officer may enter the defendant's vehicle to conduct a search." *quoting State v. Cullor*, 315 N.W.2d 808, 811 (Iowa 1982).

Polk County State v. Shawn Thomas Bean, No. 19-1241 (Iowa Court of Appeals, filed August 19, 2020). **Observation of contraband in a vehicle was lawful "under the independent source doctrine[.]"** An officer approached a parked car in a hotel parking lot on foot. The officer asked how the defendant (driver) and the passenger were doing and announced he was with law enforcement, but the officer did not tell the occupants they could not leave. The defendant's vehicle was parked the entire time. The officer's vehicle was not parked in a way that would have blocked the defendant's vehicle in. The defendant voluntarily exited the vehicle to interact with the officer. When the defendant exited the vehicle, the contraband was located in a place that the officer could see it through the driver's window. Held, "even if at some point Officer Hofbauer's interaction with Bean converted into a seizure, his discovery of the contraband was not the fruit of such seizure but was instead the result of his visual scanning of the car."

Poweshiek County State v. Kyle Anthony Sadler, No. 18-2041 (Iowa Court of Appeals, filed July 22, 2020). **"Substantial evidence to support the general intent element" for Murder 2nd ("used his vehicle to intentionally strike [the victim's] vehicle")**. After a jury trial, the defendant was convicted of murder 2nd, OWI, assault with a dangerous weapon (3 counts), and leaving the scene of an accident (4 counts). The defendant appealed the Murder 2nd conviction and argued the State failed to show he intentionally struck the victim's vehicle. Held, the animosity between the defendant's and victim's friends, the defendant trying to drive a vehicle through the victim's friends prior to the crash, the defendant racing after the victim's vehicle, the massive force from the crash, high speed of the defendant's vehicle, no indications the defendant

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attempted to brake before the crash, and the defendant fleeing the scene of the crash, “supports the finding that [the defendant] intentionally struck [the victim’s] vehicle.”

Poweshiek County [State v. Kyle Anthony Sadler](#), No. 18-2041 (Iowa Court of Appeals, filed July 22, 2020). **Sufficient evidence that the defendant “acted with malice aforethought.”** After a jury trial, the defendant was convicted of murder 2nd, OWI, assault with a dangerous weapon (3 counts), and leaving the scene of an accident (4 counts). The defendant appealed the Murder 2nd conviction and argued the State failed to show he had the requisite malice aforethought. Held, there was sufficient evidence that the defendant “acted with malice aforethought[:]” the defendant’s friends had an continuing feud with the victim’s friends; the defendant’s friend made threats towards the victim’s friends; the defendant had just witnessed his friend roughed up by the victim’s friends; the defendant attempted to drive through the group that was fighting; the defendant raced after the victim and the victim’s friends after they left the area; and the defendant told multiple versions of why he chased after the victim.

Poweshiek County [State v. Kyle Anthony Sadler](#), No. 18-2041 (Iowa Court of Appeals, filed July 22, 2020). **Substantial evidence the defendant had the specific intent to assault the passengers in the vehicle.** After a jury trial, the defendant was convicted of murder 2nd, OWI, assault with a dangerous weapon (3 counts), and leaving the scene of an accident (4 counts). The defendant appealed his assault with a dangerous weapon arguing the State failed to show he had the specific intent to assault the passengers. Held, there was substantial evidence the defendant had the specific intent to assault the passengers in the vehicle: the animosity between the defendant’s friends and the victim’s friends; the defendant attempted to drive a vehicle through the victim’s friends prior to the crash; the defendant raced after the victim’s vehicle; the massive force from the crash; high speed of the defendant’s vehicle; no indications the defendant attempted to brake before the crash: and the defendant fleeing the scene of the crash. The court also noted in footnote 9 that the defendant “did not need to know the identities of [the victim’s] passengers to commit assault.”

Poweshiek County [State v. Kyle Anthony Sadler](#), No. 18-2041 (Iowa Court of Appeals, filed July 22, 2020). **No prejudice in a faulty jury instruction that told the jury an automobile is a dangerous weapon as a matter of law.** The defendant was convicted of three counts of assault with a deadly weapon for ramming his vehicle into the back of another vehicle. The deadly weapon jury instruction included the statement: “an automobile is, by law, a dangerous, weapon.” The defendant appealed arguing his counsel was ineffective for failing to object to this part of the instruction. Held, although the determination of whether an automobile is a dangerous weapon is a question for the jury to decide, based on the overwhelming evidence, the defendant was not prejudiced based on the instruction.

Poweshiek County [State v. Kyle Anthony Sadler](#), No. 18-2041 (Iowa Court of Appeals, filed July 22, 2020). **No prejudice for failing to have a jury instruction stating: “that assault with a dangerous weapon required proof of specific intent.”** The defendant was convicted of three counts of assault with a deadly weapon and second degree murder for ramming his vehicle into the back of another vehicle. The jury was instructed on both, specific and general intent, but the court did not indicate which intent applied to assault with a deadly weapon. The defendant appealed, arguing the court should have instructed that the assault charges were specific intent crimes. See [State v. Benson](#), 919 N.W.2d 237 (Iowa 2018). Held, although

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defendant's counsel should have instructed the jury that assault with a dangerous weapon is a specific intent crime, based on substantial evidence, the defendant was not prejudiced.

Story County [State v. Ronald Leroy Snipes](#), No. 19-0917 (Iowa Court of Appeals, filed July 1, 2020). No abuse in discretion when the court sentenced the defendant in accordance to the parties recommendation and stated reasons for the sentence (protecting the community and rehabilitation).

Warren County [State v. Shane Crippen](#), No. 19-1340 (Iowa Court of Appeals, filed August 19, 2020). **No abuse in discretion in denying a motion for new trial.** Officers attempted to stop a truck the defendant was driving that was reported stolen the day before. The defendant refused to stop and attempted to elude the police before the truck ended up in a ditch. When the defendant was apprehended, he matched the description of the person that had stolen the truck. The defendant was convicted of theft 1st and other charges. The defendant appealed after his motion for new trial on the theft 1st count was denied. Held, there was no abuse in discretion in denying a motion for new trial.

Woodbury County [State v. Mark Besaw](#), No. 19-0948 (Iowa Court of Appeals, filed July 22, 2020). **Based on the totality of the circumstances there was reasonable suspicion to stop the defendant's vehicle.** In the early morning hours, law enforcement received a call regarding a hit and run crash. The caller reported the vehicle's make, had out-of-state license plates, the number of doors, and the direction it was heading. After approximately thirty minutes, law enforcement saw a vehicle matching the description and appeared to have fresh damage. The court also noted that there was light traffic at this time of day. When law enforcement turned around to follow the vehicle, it immediately turned onto a different street and the officer eventually found it at the bottom of a long driveway with the engine running, lights off, and the defendant in the driver's seat. The officer then initiated a traffic stop. Held, based on the totality of the circumstances there was reasonable suspicion to stop the defendant's vehicle. The court did note that "[w]hile thirty minutes is not the height of freshness, it is sufficiently fresh to . . . support a stop in this case."

PREPARED BY THE
PROSECUTING ATTORNEYS TRAINING COORDINATOR (PATC)

Under a project approved by the Governor's Traffic Safety Bureau (GTSB), in cooperation with the National Highway Traffic Safety Administration (NHTSA). The opinions, findings, and conclusions expressed in this publication are those of the author and not necessarily those of the PATC, GTSB, NHTSA, or the Iowa Department of Justice.

This newsletter is intended to provide the reader with an update on new developments, including case law and statutory changes, relating to traffic safety. Please discuss with your supervisor, legal counsel, and county attorney before changing your policies or practices in reliance on anything, including cases, discussed in this newsletter.

Submissions and/or comments may be sent to:
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