

SUPREME COURT OF IOWA

Gary Pettit v. Iowa Department of Corrections

891 N.W.2d 189 (Iowa 2017) · No. No. 16-0582 · Decided February 24, 2017

SUMMARY

The Iowa Supreme Court held that a sex offender treatment program classification hearing is part of the inmate disciplinary procedure and is not reviewable under Iowa Code chapter 17A. The court concluded that a postconviction-relief action under Iowa Code section 822.2(f) is the proper method for judicial review, vacated the district court's judgment, and remanded with directions to dismiss the petition.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Wiggins
JURISDICTION	Iowa
DECIDED	February 24, 2017
DOCKET	No. 16-0582
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Iowa Department of Corrections appealed the district court's denial of its motion to dismiss an Iowa Code chapter 17A petition for judicial review and the court's merits ruling requiring the department to provide Pettit counsel in a sex offender treatment program classification hearing.
STANDARD OF REVIEW	A ruling on a motion to dismiss is reviewed for correction of errors at law.
PRECEDENTIAL VALUE	Published Iowa Supreme Court opinion; precedential.
PARTIES	Iowa Department of Corrections v. Gary Pettit

TOPICS

- state post-conviction relief
- judicial review of agency action
- administrative law
- procedural due process
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether an Iowa Code chapter 17A petition for judicial review is an available method to challenge an Iowa Department of Corrections sex offender treatment program classification decision.
2. Whether the classification decision is part of the inmate disciplinary procedure excluded from chapter 17A as a contested case.
3. Whether the classification decision constitutes other agency action reviewable under chapter 17A.
4. Whether an Iowa Code chapter 822 post-conviction-relief action is the proper method for judicial review of the classification decision.

HOLDINGS

1. A sex offender treatment program classification decision must be reviewed through a post-conviction-relief action under Iowa Code section 822.2(f), not through a chapter 17A petition for judicial review.
2. A sex offender treatment program classification decision is part of the inmate disciplinary procedure because failure to comply can lead to loss of earned-time accrual.
3. The sex offender treatment program classification decision was not other agency action reviewable under chapter 17A.

KEY QUOTATIONS

“The due process requirements under the Iowa Constitution require a hearing, at which the inmate must be allowed to call witnesses and present documentary evidence to elicit specific adjudicative facts for SOTP classification. This rises to the definition of an evidentiary hearing.” (p. 12)

“Thus, the SOTP classification cannot constitute other agency action.” (p. 12)

“Accordingly, an inmate must file a postconviction-relief action under section 822.2(f) to obtain review by the courts of a SOTP classification.” (p. 12)

FACTUAL BACKGROUND

Pettit, an Iowa inmate serving consecutive prison terms for third-degree sexual abuse and third-degree kidnapping, had previously completed sexual offender counseling. In 2015, the Iowa Department of Corrections classified him as required to complete its sex offender treatment program, warning that refusal could suspend his earned time. After an administrative hearing, the administrative law judge and warden upheld the classification. Pettit sought chapter 17A judicial review, challenging the classification and the denial of counsel, subpoenas, discovery, and other procedures.

PROCEDURAL HISTORY

Pettit challenged the Iowa Department of Corrections' requirement that he complete a sex offender treatment program and its refusal to allow counsel and other requested procedures at the classification hearing. He filed a chapter 17A petition for judicial review after the administrative law judge and warden upheld the classification.

The district court denied the department's motion to dismiss and ruled that Pettit was entitled to counsel. The Supreme Court of Iowa held that chapter 17A was not the proper vehicle for review and remanded for dismissal of the petition.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Vacate the district court's judgment and remand to the district court to enter an order dismissing Pettit's petition for judicial review.

CASES CITED

- Alliant Energy-Interstate Power & Light Co. v. Duckett, 732 N.W.2d 869, 874 (Iowa 2007)
- Trobaugh v. Sondag, 668 N.W.2d 577, 580 (Iowa 2003)
- Haupt v. Miller, 514 N.W.2d 905, 907 (Iowa 1994)
- In re Estate of Falck, 672 N.W.2d 785, 789-90 (Iowa 2003)
- Christie v. Rolscreen Co., 448 N.W.2d 447, 450 (Iowa 1989)
- State v. Iowa District Court, 888 N.W.2d 655, 662 (Iowa 2016)
- Holm v. Iowa District Court, 767 N.W.2d 409, 416 (Iowa 2009)
- Reilly v. Iowa District Court, 783 N.W.2d 490, 494 (Iowa 2010)
- Davis v. State, 345 N.W.2d 97, 98-99 (Iowa 1984)
- Maghee v. State, 773 N.W.2d 228, 230, 238 n.3, 240 (Iowa 2009)
- Greenwood Manor v. Iowa Department of Public Health, 641 N.W.2d 823, 833-34 (Iowa 2002)
- Polk County v. Iowa State Appeal Board, 330 N.W.2d 267, 277 (Iowa 1983)
- Langley v. Scurr, 305 N.W.2d 418, 419-20 (Iowa 1981)
- Dykstra v. Iowa District Court, 783 N.W.2d 473, 482-83 (Iowa 2010)
- Wolff v. McDonnell, 418 U.S. 539, 563-71 (1974)
- Greenholtz v. Inmates of Nebraska Penal & Correctional Complex, 442 U.S. 1, 14 (1979)
- Sandin v. Conner, 515 U.S. 472, 480-84 (1995)