

SUPREME COURT OF IOWA

State of Iowa v. Taevon Davonte Washington

State v. Washington · No. No. 14-0792 · Decided May 25, 2017

SUMMARY

The Iowa Supreme Court reviewed whether Iowa’s speedy indictment rule required dismissal of a trial information filed more than forty-five days after Taevon Washington was taken into custody, interrogated, and released without a criminal complaint being filed. The court held that an arrest triggers the speedy indictment period only when completed by an initial appearance, vacated the court of appeals decision, and affirmed the district court’s denial of the motion to dismiss. The opinion was issued per curiam, with separate dissenting opinions.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Cady, Chief Justice; Waterman, J.; Mansfield, J.; Zager, J.; Cady, C.J.; Wiggins, J.; Hecht, J.; Appel, J.
JURISDICTION	Iowa
DECIDED	May 25, 2017
DOCKET	No. 14-0792
DISPOSITION	vacated
PROCEDURAL POSTURE	The State sought further review of a court of appeals decision, issued on discretionary review, that reversed the Iowa District Court's denial of Washington's motion to dismiss for violation of the speedy indictment rule.
PRECEDENTIAL VALUE	unpublished
PARTIES	Taevon Davonte Washington v. State of Iowa

TOPICS

- speedy trial
- criminal procedure
- appellate procedure
- statutory interpretation

PRACTICE AREAS

- criminal procedure
- appellate procedure

QUESTIONS PRESENTED

1. Whether Iowa's speedy indictment rule requires dismissal of a trial information filed more than forty-five days after a defendant was taken into custody, interrogated, and released without a criminal complaint.
2. Whether an arrest for purposes of the speedy indictment rule occurs before the defendant makes an initial appearance.

HOLDINGS

1. Under Iowa's speedy indictment rule, the arrest-triggered filing period commences only when the arrest is completed by the defendant's initial appearance.
2. Dismissal of Washington's trial information was not required under the speedy indictment rule.

KEY QUOTATIONS

“We conclude the speedy indictment rule is properly interpreted to commence upon arrest only when the arrest is completed by making an initial appearance.” (3)

“Based on the reasoning in Williams, ___ N.W.2d ___, we vacate the court of appeals decision and affirm the judgment of the district court.” (4)

FACTUAL BACKGROUND

Washington was taken into custody, interrogated, and released without a criminal complaint being filed. More than forty-five days later, on November 1, 2013, a Black Hawk County attorney filed a trial information charging Washington and others with second-degree sexual abuse under Iowa Code section 709.3(3) (2011). Washington moved to dismiss under the speedy indictment rule, arguing that the filing period began when he was taken into custody and reasonably believed he had been arrested.

PROCEDURAL HISTORY

The Iowa District Court for Black Hawk County denied Washington's motion to dismiss the trial information. The Iowa Court of Appeals reversed and remanded for dismissal, concluding that the speedy-indictment period began when Washington reasonably believed he had been arrested. The Supreme Court of Iowa granted further review, vacated the court of appeals decision, affirmed the district court judgment, and remanded for further proceedings.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The decision of the Iowa Court of Appeals was vacated, the district court judgment was affirmed, and the case was remanded for further proceedings.

CASES CITED

- State v. Williams, ___ N.W.2d ___ (Iowa 2017)

OPINION

PER CURIAM.

IN THE SUPREME COURT OF IOWA No. 14–0792 Filed May 25, 2017 STATE OF IOWA, Appellee, vs. TAEVON DAVONTE WASHINGTON, Appellant. On review from the Iowa Court of Appeals. Appeal from the Iowa District Court for Black Hawk County, Bradley J. Harris, Judge.

The State of Iowa seeks further review of a court of appeals decision on discretionary review reversing the district court’s denial of Taevon Washington’s motion to dismiss. DECISION OF COURT OF APPEALS VACATED; DISTRICT COURT JUDGMENT AFFIRMED AND CASE REMANDED FOR FURTHER PROCEEDINGS. Ryan P. Tang of Law Office of Ryan P. Tang, P.C., Cedar Rapids, for appellant.

Thomas J. Miller, Attorney General, Tyler J. Buller, Kevin Cmelik, and Alexandra Link (until withdrawal), Assistant Attorneys General, and Brian J. Williams and Tom Ferguson (until withdrawal), County 2 Attorneys, and Linda M. Fangman (until withdrawal), Assistant County Attorney, for appellee. Alan R. Ostergren, Muscatine, for amicus curiae, Iowa County Attorneys Association.

3 CADY, Chief Justice. In this case, we consider whether the speedy indictment rule requires the dismissal of a trial information against a defendant filed more than forty-five days after the defendant was taken into custody, interrogated, and released without the filing of a criminal complaint.

The district court held the rule did not require the charges to be dismissed. The court of appeals, ruling on case precedent, reversed the district court. On further review, we vacate the court of appeals and affirm the district court.

We conclude the speedy indictment rule is properly interpreted to commence upon arrest only when the arrest is completed by making an initial appearance. This case arises out of the same facts and presents the same issues addressed in a companion case also decided today, State v. Williams, ___ N.W.2d ___ (Iowa 2017).

On November 1, 2013, a Black Hawk County attorney filed a trial information accusing Deantay Williams, Taevon Washington, Cordarrel Smith, and a fourth male with sexual abuse in the second-degree under Iowa Code section 709.3(3) (2011).

The fourth male pled guilty. Williams, Washington, and Smith filed a motion to dismiss for violation of their speedy indictment rights. The district court held a hearing and denied the motions. The district court drew a distinction between an arrest under the Fourth and Fourteenth

Amendments and an arrest under our speedy indictment rule. Williams, Washington, and Smith filed for discretionary review.

In the meantime, the State filed amended charges against Williams, Washington, and Smith. We granted the requests for discretionary review, stayed the proceedings before the district court, and transferred the cases to the court of appeals.

The court of appeals reversed the district court decision, found Washington's 4 rights were violated under the speedy indictment rule, and remanded the case for dismissal of the November 1, 2013 trial information. The court of appeals relied on case precedent interpreting the speedy indictment rule to find the time to file an indictment commenced on June 10, 2012, when Washington reasonably believed he had been arrested.

We granted further review. Based on the reasoning in Williams, ___ N.W.2d ___, we vacate the court of appeals decision and affirm the judgment of the district court. DECISION OF COURT OF APPEALS VACATED; DISTRICT COURT JUDGMENT AFFIRMED AND CASE REMANDED FOR FURTHER PROCEEDINGS. Waterman, Mansfield, and Zager, JJ., join this opinion. Wiggins, J., files a dissenting opinion.

Hecht, J., files a separate dissenting opinion in which Appel and Wiggins, JJ., join. This opinion shall not be published. 5 #14-0792, State v. Washington WIGGINS, Justice (dissenting). I join Justice Hecht's dissent and dissent for the reasons explained in my dissent filed today in State v. Williams, ___ N.W.2d ___ (Iowa 2017). 6 #14-0792, State v. Washington HECHT, Justice (dissenting).

I respectfully dissent for the reasons explained in my dissent filed today in State v. Williams, ___ N.W.2d ___ (Iowa 2017). Wiggins and Appel, JJ., join this dissent.