

SUPREME COURT OF IOWA

State of Iowa v. David J. Treptow

State of Iowa v. David J. Treptow · No. No. 19-1276 · Decided May 28, 2021

SUMMARY

The Iowa Supreme Court dismissed David J. Treptow’s direct appeal from convictions entered following guilty pleas. The court held that Iowa Code sections 814.6 and 814.7 do not violate separation-of-powers, equal-protection, or due-process principles, and that Treptow failed to establish good cause for an appeal as a matter of right. Because he waived a motion in arrest of judgment and could not raise ineffective-assistance claims on direct appeal, the court concluded it lacked jurisdiction to provide relief.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Justice McDonald; Chief Justice Christensen; Justice Waterman; Justice Mansfield; Justice Oxley; Justice McDermott
JURISDICTION	Iowa
DECIDED	May 28, 2021
DOCKET	No. 19-1276
DISPOSITION	dismissed
PROCEDURAL POSTURE	Direct appeal from convictions entered following guilty pleas. Treptow challenged the factual basis for one conviction and raised constitutional challenges to Iowa Code sections 814.6, 814.7, and 814.29.
STANDARD OF REVIEW	Constitutional challenges and equal-protection claims are reviewed de novo.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Iowa; majority opinion is binding Iowa precedent.
PARTIES	David J. Treptow v. State of Iowa

TOPICS

appellate jurisdiction

appellate procedure

plea bargaining

ineffective assistance

due process

PRACTICE AREAS

criminal appellate procedure

criminal procedure

post-conviction relief

constitutional law

QUESTIONS PRESENTED

1. Whether Iowa Code section 814.6(1)(a)(3), restricting direct appeals from convictions following guilty pleas absent good cause, violates separation of powers.
2. Whether Iowa Code section 814.7, requiring ineffective-assistance claims to be presented and resolved initially in postconviction-relief proceedings, violates separation of powers.
3. Whether Iowa Code sections 814.6 and 814.7 violate federal or state equal-protection guarantees.
4. Whether Iowa Code section 814.7 violates due process by preventing presentation of ineffective-assistance claims on direct appeal.
5. Whether Treptow established good cause to pursue a direct appeal following his guilty plea.
6. Whether the court could decide Treptow's challenge to Iowa Code section 814.29 despite dismissing the appeal for lack of jurisdiction.

HOLDINGS

1. Iowa Code sections 814.6(1)(a)(3) and 814.7, whether considered separately or together, do not violate the separation-of-powers doctrine.
2. Requiring defendants who plead guilty to non-class-A offenses to establish good cause for a direct appeal, and requiring ineffective-assistance claims to be brought initially in postconviction proceedings, does not violate federal or state equal-protection guarantees.
3. There is no due process right to present ineffective-assistance-of-counsel claims on direct appeal; due process requires only an opportunity to present those claims in some forum.
4. Treptow did not establish good cause to pursue a direct appeal as a matter of right under Iowa Code section 814.6(1)(a)(3).
5. The court declined to adopt plain-error review and reiterated that Iowa courts have repeatedly rejected it.

KEY QUOTATIONS

“There is no due process right to present claims of ineffective assistance of counsel on direct appeal. Due process merely requires an opportunity to present those claims in some forum.” (14)

“Because Treptow has not established good cause to pursue a direct appeal as a matter of right, this court is without jurisdiction to hear the appeal.” (17)

FACTUAL BACKGROUND

Police responding to a domestic-disturbance call entered Treptow's residence, smelled marijuana, and observed what appeared to be marijuana in an ashtray. A cotenant consented to a search, during which officers seized approximately .17 grams of methamphetamine, 885.33 grams of marijuana, 81.62 grams of marijuana concentrate, and drug paraphernalia. Treptow pleaded guilty to three drug-related offenses under a plea

agreement, waived his right to delay sentencing and to file a motion in arrest of judgment, and was sentenced immediately.

PROCEDURAL HISTORY

Treptow pleaded guilty to possession with intent to deliver marijuana, failure to affix a drug tax stamp, and gathering where controlled substances are used. The Iowa District Court for Buchanan County accepted the pleas, imposed an indeterminate sentence not exceeding twelve years, and sentenced him immediately. Treptow did not file a motion in arrest of judgment. The Supreme Court of Iowa held that he had not established good cause to appeal following a guilty plea and dismissed the appeal for lack of jurisdiction.

DISPOSITION

dismissed

CASES CITED

- State v. Tucker, Iowa 2021
- State v. Damme, 944 N.W.2d 98 (Iowa 2020)
- State v. Boldon, 954 N.W.2d 62 (Iowa 2021)
- State v. Loye, 670 N.W.2d 141 (Iowa 2003)
- State v. Straw, 709 N.W.2d 128 (Iowa 2006)
- Varnum v. Brien, 763 N.W.2d 862 (Iowa 2009)
- State v. Mitchell, 757 N.W.2d 431 (Iowa 2008)
- State v. Ceaser, 585 N.W.2d 192 (Iowa 1998)
- State v. Bruegger, 773 N.W.2d 862 (Iowa 2009)
- State v. Dudley, 766 N.W.2d 606 (Iowa 2009)
- State v. Martin, 877 N.W.2d 859 (Iowa 2016)
- State v. Rutledge, 600 N.W.2d 324 (Iowa 1999)
- Ledezma v. State, 626 N.W.2d 134 (Iowa 2001)
- State v. Kress, 636 N.W.2d 12 (Iowa 2001)
- State v. Nichols, 698 A.2d 521 (Me. 1997), modified by Petgrave v. State, 208 A.3d 371 (Me. 2019)
- State v. Trucke, 410 N.W.2d 242 (Iowa 1987)
- State v. Kukowski, 704 N.W.2d 687 (Iowa 2005)
- Massaro v. United States, 538 U.S. 500 (2003)
- Hunt v. Nuth, 57 F.3d 1327 (4th Cir. 1995)
- State v. Gines, 844 N.W.2d 437 (Iowa 2014)
- State v. Schminkey, 597 N.W.2d 785 (Iowa 1999)
- State v. Weitzel, 905 N.W.2d 397 (Iowa 2017)
- State v. Brown, 930 N.W.2d 840 (Iowa 2019)

- United States v. Vonn, 535 U.S. 55 (2002)
- United States v. Olano, 507 U.S. 725 (1993)
- Missouri v. Frye, 566 U.S. 134 (2012)
- Brady v. United States, 397 U.S. 742 (1970)
- Boykin v. Alabama, 395 U.S. 238 (1969)

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