

SUPREME COURT OF IOWA

State of Iowa v. Joann Minnie Kamber

Kamber · No. No. 76 / 05-1868 · Decided August 17, 2007

SUMMARY

The Iowa Supreme Court held that prior deferred sentences do not constitute deferred judgments or similar relief that would make a defendant ineligible for another deferred judgment under Iowa Code section 907.3(1)(c). The court vacated the Iowa Court of Appeals decision and the defendant’s sentence, remanding for resentencing.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Ternus, Chief Justice
JURISDICTION	Iowa
DECIDED	August 17, 2007
DOCKET	No. 76 / 05-1868
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Kamber pleaded guilty to second-degree theft and appealed her sentence, arguing that the district court improperly concluded she was ineligible for a deferred judgment because she had previously received two deferred sentences. The Iowa Court of Appeals affirmed, and the Iowa Supreme Court granted further review.
STANDARD OF REVIEW	Correction of errors at law because the case presents a question of statutory interpretation.
PRECEDENTIAL VALUE	published Iowa Supreme Court decision
PARTIES	Joann Minnie Kamber v. State of Iowa

TOPICS

- sentencing
- statutory interpretation
- criminal procedure
- appellate procedure
- standard of review

PRACTICE AREAS

- criminal law
- sentencing
- statutory interpretation
- appellate procedure

QUESTIONS PRESENTED

1. Whether Iowa Code section 907.3(1)(c) bars a defendant who previously received two deferred sentences from receiving a deferred judgment.
2. Whether the district court erred by refusing to consider a deferred judgment as a sentencing option based on Kamber's prior deferred sentences.

HOLDINGS

1. Section 907.3(1)(c) prohibits a defendant who previously received two or more deferred judgments, including substantially equivalent relief from another jurisdiction, from obtaining another deferred judgment; it does not bar a defendant solely because she previously received two or more deferred sentences.
2. The district court erred by refusing to consider a deferred judgment because Kamber's prior convictions resulted in deferred sentences rather than deferred judgments.

KEY QUOTATIONS

“When the statute is considered as an integrated whole, it is apparent that when the legislature intended to include both deferred judgments and deferred sentences, it expressly referred to both sentencing options.” (at 6)

“We hold section 907.3(1)(c) prohibits a defendant who has previously received two or more deferred judgments from obtaining another deferred judgment, but it does not prohibit a defendant who has only received two or more deferred sentences for prior offenses from receiving a deferred judgment.” (at 7)

FACTUAL BACKGROUND

Joann Kamber pleaded guilty to second-degree theft under Iowa Code sections 714.1 and 714.2(2). Before sentencing, she requested a deferred judgment, but the State argued that two prior deferred sentences made her ineligible under Iowa Code section 907.3(1)(c). The district court treated the prior deferred sentences as similar relief to deferred judgments and imposed a suspended five-year sentence with two years of probation.

PROCEDURAL HISTORY

After pleading guilty in the Iowa District Court for Polk County, Kamber requested a deferred judgment. The district court denied consideration of that option, sentenced her to a suspended five-year term, and placed her on probation. The court of appeals affirmed. On further review, the Iowa Supreme Court vacated the court of appeals decision and Kamber's sentence and remanded for resentencing.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The sentence was vacated and the case was remanded to the district court for resentencing, with consideration of the deferred-judgment option.

CASES CITED

- State v. Wiederien, 709 N.W.2d 538, 540 (Iowa 2006)
- State v. Beach, 630 N.W.2d 598, 600 (Iowa 2001)
- State v. Pickett, 671 N.W.2d 866, 870 (Iowa 2003)
- State v. Durgin, 328 N.W.2d 507, 509 (Iowa 1983)