

SUPREME COURT OF IOWA

Pattison Brothers Mississippi River Terminal, Inc. v. Iowa District Court for Clayton County

630 N.W.2d 782 (Iowa 2001) · No. No. 99-0553 · Decided July 5, 2001

SUMMARY

The Iowa Supreme Court reviewed, by certiorari, the denial of a motion to quash a county attorney's subpoena duces tecum issued during a criminal investigation. The court held that the subpoena satisfied Fourth Amendment requirements because the investigation had a lawful purpose, the requested records were relevant, and the records were described with sufficient particularity to permit reasonable compliance. The court annulled the writ of certiorari and affirmed the district court's ruling.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Cady, Justice
JURISDICTION	Iowa
DECIDED	July 5, 2001
DOCKET	No. 99-0553
DISPOSITION	affirmed
PROCEDURAL POSTURE	Pattison sought review of a district court order denying its motion to quash a county attorney's subpoena duces tecum issued in a criminal investigation. The Supreme Court of Iowa treated the appeal as a petition for writ of certiorari.
STANDARD OF REVIEW	Review was at law. A district court's decision refusing to quash a subpoena is reviewed for abuse of discretion and will be reversed only if the grounds relied on were clearly unreasonable or untenable.
PRECEDENTIAL VALUE	Published Iowa Supreme Court opinion; precedential.
PARTIES	Pattison Brothers Mississippi River Terminal, Inc. v. Iowa District Court for Clayton County

TOPICS

- criminal procedure
- fourth amendment
- search and seizure
- appellate procedure
- suppression of evidence

PRACTICE AREAS

criminal procedure

constitutional law

appellate procedure

evidence

QUESTIONS PRESENTED

1. Whether a nonparty subpoena recipient may obtain review of an order denying a motion to quash through a petition for writ of certiorari.
2. Whether the subpoena was issued for a lawful investigative purpose under the Fourth Amendment.
3. Whether the records sought were relevant to the criminal investigation.
4. Whether the subpoena described the requested records with sufficient particularity to permit reasonable compliance.

HOLDINGS

1. A petition for writ of certiorari is the proper mechanism for reviewing a district court order denying a nonparty's motion to quash a county attorney's subpoena duces tecum when ordinary appellate review is unavailable or impractical.
2. A subpoena satisfies the Fourth Amendment when the investigation serves a lawfully authorized purpose, the documents sought are relevant to the inquiry, and the requested materials are described sufficiently to permit reasonable compliance.
3. The subpoena was sufficiently specific because it identified the records concerning three named individuals and a defined period; difficulty caused by Pattison's method of maintaining records did not make the subpoena impermissibly broad or vague.

KEY QUOTATIONS

“(1) the investigation must be for a lawfully authorized purpose although no specific crime need be charged; (2) the documents sought must be relevant to the inquiry; and (3) the items to be produced must be described in a manner permitting the object of the subpoena to properly respond with reasonable effort.” (787)

“Considering the willingness of the county attorney to assist Pattison in complying with the subpoena, we conclude the subpoena sufficiently described the objects to be produced and the district court acted properly in denying the motion to vacate.” (789)

FACTUAL BACKGROUND

Pattison operated grain terminals where incoming trucks were weighed before and after unloading, and it retained scale tickets recording the quantity and grade of grain delivered. The county attorney investigated three truck drivers previously charged with violating Iowa's legal weight limits and subpoenaed Pattison's 1998 load and weight records relating to them. Pattison's records generally identified the grain owner rather than the driver and sometimes listed only a driver's first name, making the records difficult to locate.

PROCEDURAL HISTORY

The Clayton County attorney subpoenaed Pattison's 1998 load receipts and weight records concerning three truck drivers suspected of overweight violations. Pattison and the three drivers moved to quash the subpoena, arguing lack of authority and unreasonable difficulty of compliance. The district court denied the motion, and the Supreme Court of Iowa granted certiorari review, annulled the writ, and affirmed the district court.

DISPOSITION

affirmed

CASES CITED

- Bousman v. Iowa District Court, 630 N.W.2d 789 (Iowa 2001)
- McKeever v. Gerard, 368 N.W.2d 116, 118 (Iowa 1985)
- State Pub. Defender v. Iowa Dist. Ct., 594 N.W.2d 34, 36 (Iowa 1999)
- Allen v. Iowa Dist. Ct., 582 N.W.2d 506, 508-09 (Iowa 1998)
- Church of Scientology of California v. United States, 506 U.S. 9, 18 n. 11 (1992)
- In re Pruett, 133 F.3d 275, 281 n. 10 (4th Cir. 1997)
- Shannon by Shannon v. Hansen, 469 N.W.2d 412, 414 (Iowa 1991)
- Matlock v. Weets, 531 N.W.2d 118, 121 (Iowa 1995)
- Exotica Botanicals, Inc. v. Terra Int'l, Inc., 612 N.W.2d 801, 804 (Iowa 2000)
- State v. Kelley, 353 N.W.2d 845, 847-849 (Iowa 1984)
- Oklahoma Press Publ'g Co. v. Walling, 327 U.S. 186, 208-09 (1946)
- Chidester v. Needles, 353 N.W.2d 849, 852 (Iowa 1984)
- In re Grand Jury Subpoena Duces Tecum, 834 F.2d 1128, 1133 (2d Cir. 1987)
- In re Tax Liabilities, 866 F.2d 1015, 1020-21 (8th Cir. 1989)
- In re Grand Jury Subpoena, 630 F.Supp. 614, 620 (D.N.C. 1986)
- Dir. of the Office of Thrift Supervision v. Ernst & Young, 786 F.Supp. 46, 52 (D.D.C. 1992)