

SUPREME COURT OF IOWA

State of Iowa v. Cynthia Renee Scalise

660 N.W.2d 58 (Iowa 2003) · No. No. 01-1723 · Decided April 2, 2003

SUMMARY

The Iowa Supreme Court reviewed Cynthia Renee Scalise’s conviction for possession of more than five grams of methamphetamine with intent to deliver. The court rejected her ineffective-assistance claims concerning the motion for judgment of acquittal and jury instructions, while preserving for postconviction proceedings her claim that counsel inadequately explained the potential penalty. The court held that the district court applied the wrong standard to Scalise’s motion for a new trial, affirmed the conviction and sentence, reversed the ruling on the new-trial motion, and remanded.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Lavorato, Chief Justice
JURISDICTION	Iowa
DECIDED	April 2, 2003
DOCKET	No. 01-1723
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Scalise appealed her conviction and sentence, asserting ineffective assistance of trial counsel and challenging the denial of her motion for a new trial.
STANDARD OF REVIEW	Ineffective-assistance claims are reviewed de novo. Jury instructions are reviewed to determine whether they correctly state the law and are supported by substantial evidence. A ruling on a motion for a new trial is reviewed for abuse of discretion, including whether the district court applied the correct weight-of-the-evidence standard.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Cynthia Renee Scalise v. State of Iowa

TOPICS

- ineffective assistance
- post-conviction relief
- criminal procedure
- statutory interpretation
- appellate procedure

PRACTICE AREAS

criminal procedure

criminal defense

appellate procedure

post-conviction relief

QUESTIONS PRESENTED

1. Whether trial counsel was ineffective for failing to specifically argue in the motion for judgment of acquittal that the State had to prove Scalise intended to deliver more than five grams of methamphetamine.
2. Whether trial counsel was ineffective for failing to object that the jury instructions and special interrogatory did not require the State to prove intent to deliver the specified statutory amount.
3. Whether Scalise's claim that counsel inadequately explained the penalty should be resolved on direct appeal or preserved for postconviction relief.
4. Whether the district court applied the correct standard in denying Scalise's motion for a new trial based on a verdict contrary to the evidence.

HOLDINGS

1. Iowa Code section 124.401(1)(b)(7) requires the State to prove that the defendant possessed with intent to deliver the specified statutory amount of controlled substance.
2. Scalise failed to establish prejudice because substantial evidence supported a finding that she intended to deliver more than five grams of methamphetamine.
3. The instructions and special interrogatory, read together, adequately required the jury to determine both the amount of methamphetamine Scalise possessed and her intent to deliver that amount.
4. The claim that counsel failed to adequately explain the penalty was preserved for a postconviction relief action because the direct-appeal record was inadequate.
5. On a motion for a new trial asserting that the verdict is contrary to the evidence, the district court must independently weigh the evidence and consider witness credibility; it may not merely determine whether substantial evidence supports the verdict.

KEY QUOTATIONS

“the statute clearly requires the State to prove that a defendant charged under the statute possessed with intent to deliver the specified amount of controlled substance for which the defendant is convicted.” (64)

“the district court must “weigh the evidence and consider the credibility of the witnesses.”” (65)

“The court is not to approach the evidence from the standpoint “most favorable to the verdict.” Rather, the court must independently consider whether the verdict is contrary to the weight of the evidence and that a miscarriage of justice may have resulted.” (66)

FACTUAL BACKGROUND

Police executed a search warrant at Scalise's home and found 5.87 grams of methamphetamine in three quantities, along with cash, drug-related notes, scales, packaging materials, and other drug paraphernalia.

Officers testified that the quantity and surrounding evidence were consistent with distribution, while defense witnesses presented evidence that Scalise was a heavy methamphetamine user and that some of the notes and cash had non-drug-related explanations. The jury convicted Scalise of possession of methamphetamine with intent to deliver and found that the amount exceeded five grams.

PROCEDURAL HISTORY

A jury convicted Scalise of possessing more than five grams of methamphetamine with intent to deliver. The district court denied her motion for a new trial, sentenced her to an indeterminate term not exceeding twenty-five years, and required her to serve one-third of the sentence before parole eligibility. The Supreme Court of Iowa affirmed the conviction and sentence, reversed the denial of the motion for a new trial, and remanded for reconsideration under the proper standard.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand for the district court to reconsider Scalise's motion for a new trial using the weight-of-the-evidence standard, independently weighing the evidence and considering witness credibility.

CASES CITED

- DeVoss v. State, 648 N.W.2d 56, 60-61 (Iowa 2002)
- Earnest v. State, 508 N.W.2d 630, 632 (Iowa 1993)
- State v. Lucas, 323 N.W.2d 228, 232 (Iowa 1982)
- State v. Westeen, 591 N.W.2d 203, 206-07 (Iowa 1999)
- State v. Greene, 592 N.W.2d 24, 29 (Iowa 1999)
- State v. Hepperle, 530 N.W.2d 735, 739 (Iowa 1995)
- State v. Horness, 600 N.W.2d 294, 300-01 (Iowa 1999)
- State v. Atley, 564 N.W.2d 817, 833 (Iowa 1997)
- State v. Arne, 579 N.W.2d 326, 329 (Iowa 1998)
- State v. Crone, 545 N.W.2d 267, 270 (Iowa 1996)
- Henriksen v. Younglove Construction, 540 N.W.2d 254, 258 (Iowa 1995)
- State v. Liggins, 557 N.W.2d 263, 267 (Iowa 1996)
- State v. Simpson, 528 N.W.2d 627, 632 (Iowa 1995)
- State v. Webb, 648 N.W.2d 72, 79 (Iowa 2002)
- State v. Ellis, 578 N.W.2d 655, 658-59 (Iowa 1998)