

SUPREME COURT OF IOWA

State of Iowa v. Judith Renae Utter

803 N.W.2d 647 (Iowa 2011) · No. No. 09-1411 · Decided September 16, 2011

SUMMARY

The Iowa Supreme Court held that the State violated Iowa's speedy indictment rule by filing the trial information more than forty-five days after issuing a citation to Judith Renae Utter. Counsel rendered ineffective assistance by failing to move for dismissal, and Utter was prejudiced because the charge would have been dismissed with prejudice. The court vacated the court of appeals decision, reversed the district court judgment, vacated Utter's guilty plea, and remanded with instructions to dismiss the information.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Wiggins, Justice
JURISDICTION	Iowa
DECIDED	September 16, 2011
DOCKET	No. 09-1411
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Further review of a Iowa Court of Appeals decision affirming the district court's judgment and preserving Utter's ineffective-assistance-of-counsel claim for possible postconviction relief proceedings.
STANDARD OF REVIEW	Challenges to guilty pleas are generally reviewed for correction of errors at law, but ineffective-assistance-of-counsel claims, as constitutional claims, are reviewed de novo. The court may decide such claims on direct appeal when the record is adequate.
PRECEDENTIAL VALUE	Published Iowa Supreme Court opinion; precedential
PARTIES	Judith Renae Utter v. State of Iowa

TOPICS

- ineffective assistance
- plea bargaining
- speedy trial
- criminal procedure
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the State violated Iowa Rule of Criminal Procedure 2.33(2)(a) by filing the trial information more than forty-five days after Utter's citation.
2. Whether trial counsel rendered ineffective assistance by failing to move to dismiss the charge for violation of the speedy-indictment rule and permitting Utter to plead guilty after the deadline expired.
3. Whether counsel's failure prejudiced Utter and rendered her guilty plea involuntary and unintelligent.

HOLDINGS

1. The State violated Iowa Rule of Criminal Procedure 2.33(2)(a) because Utter's citation constituted an arrest for speedy-indictment purposes, and the State filed the trial information after the forty-five-day period expired without showing good cause or waiver.
2. Trial counsel failed to perform an essential duty by failing to file a motion to dismiss based on the State's violation of the speedy-indictment rule and thereafter permitting Utter to plead guilty after the deadline had expired.
3. Utter established prejudice because, had counsel filed the motion, the court would have dismissed the information and the State would have been barred from prosecuting the charged offense or another violation of Iowa Code section 123.47 arising from the same party. Her guilty plea therefore was not voluntary or intelligent.

KEY QUOTATIONS

"Thus, absent a showing by the State that it had good cause for the delay or that Utter waived her right to a speedy indictment, the State violated the speedy indictment rule." (at 8)

"Accordingly, we hold Utter's trial counsel failed to perform an essential duty by failing to file a motion to dismiss based on the State's violation of the speedy indictment rule and, thereafter, permitting Utter to plead guilty after the speedy indictment time expired." (at 10)

"Utter did not enter her guilty plea voluntarily or intelligently; therefore, we vacate her plea and remand the case for further proceedings." (at 14)

FACTUAL BACKGROUND

On April 10, 2009, a police officer issued Utter a citation and complaint alleging that she knowingly or intentionally purchased and supplied alcohol to individuals under the legal age. The citation was treated as an arrest for purposes of Iowa's speedy-indictment rule, but the State did not file a trial information until June 12, eighteen days after the forty-five-day period expired. Utter later pleaded guilty after counsel failed to move for dismissal, although dismissal would have barred the State from prosecuting the same offense and related lesser-included offenses.

PROCEDURAL HISTORY

Utter was charged with supplying alcoholic beverages to a person under the legal age. She initially pleaded not guilty, later pleaded guilty pursuant to a plea agreement, waived a motion in arrest of judgment, and was sentenced to a fine, surcharge, and restitution. On direct appeal, she argued that trial counsel was ineffective for failing to move to dismiss the charge under Iowa's speedy-indictment rule. The Iowa Court of Appeals preserved the claim because it found the record inadequate to determine prejudice. The Iowa Supreme Court granted further review, addressed the claim on the existing record, vacated the court of appeals decision, reversed the district court judgment, vacated the guilty plea, and remanded with instructions to dismiss the information.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The district court shall dismiss the information pursuant to Iowa Rule of Criminal Procedure 2.33(2)(a).

CASES CITED

- State v. Ortiz, 789 N.W.2d 761, 764 (Iowa 2010)
- State v. Vance, 790 N.W.2d 775, 785-86 (Iowa 2010)
- State v. Palmer, 791 N.W.2d 840, 850 (Iowa 2010)
- Hill v. Lockhart, 474 U.S. 52, 56-57 (1985)
- Brady v. United States, 397 U.S. 742, 748, 756 (1970)
- State v. Straw, 709 N.W.2d 128, 133 (Iowa 2006)
- State v. Carroll, 767 N.W.2d 638, 641-45 (Iowa 2009)
- Tollett v. Henderson, 411 U.S. 258, 266-67 (1973)
- Zacek v. Brewer, 241 N.W.2d 41, 50 (Iowa 1976)
- Strickland v. Washington, 466 U.S. 668, 687, 694 (1984)
- State v. Lyman, 776 N.W.2d 865, 878 (Iowa 2010)
- State v. Wing, 791 N.W.2d 243, 246-47 (Iowa 2010)
- State v. Rains, 574 N.W.2d 904, 910 (Iowa 1998)
- State v. Dennison, 571 N.W.2d 492, 494 (Iowa 1997)
- State v. Schuessler, 561 N.W.2d 40, 41-42 (Iowa 1997)
- State v. Bearse, 748 N.W.2d 211, 217 (Iowa 2008)
- Meier v. State, 337 N.W.2d 204, 207 (Iowa 1983)
- State v. Abrahamson, 746 N.W.2d 270, 273, 275-76 (Iowa 2008)
- State v. Lies, 566 N.W.2d 507, 508-09 (Iowa 1997)
- State v. Sunclades, 305 N.W.2d 491, 494 (Iowa 1981)
- State v. Moritz, 293 N.W.2d 235, 239 (Iowa 1980)
- State v. Stewart, 223 N.W.2d 250, 251 (Iowa 1974)

- State v. Fountain, 786 N.W.2d 260, 266 (Iowa 2010)
- State v. Gilliland, 252 Iowa 664, 668, 108 N.W.2d 74, 76 (1961)
- State v. Duncan, 312 N.W.2d 519, 523 (Iowa 1981)

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