

SUPREME COURT OF IOWA

State v. Hoegh

632 N.W.2d 885 (Iowa 2001) · No. No. 00-1633 · Decided September 6, 2001

SUMMARY

The Supreme Court of Iowa held that district courts possess inherent authority to appoint a special prosecutor when necessary to administer justice, notwithstanding Iowa Code section 331.754(1), which grants appointment authority to county boards of supervisors in specified circumstances. The court concluded that the district court was not justified in exercising that inherent authority here because the record did not show that the board's statutory authority was inadequate. The court affirmed dismissal of the trial information filed by the special prosecutor.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Cady, Justice; Snell, Senior Judge; Streit, Justice
JURISDICTION	Iowa
DECIDED	September 6, 2001
DOCKET	No. 00-1633
DISPOSITION	affirmed
PROCEDURAL POSTURE	The State appealed the district court's dismissal of a trial information charging Hoegh with operating while intoxicated. The dismissal followed the court's appointment of a special prosecutor after the county attorney disclosed a conflict of interest.
STANDARD OF REVIEW	Review of the grant of a motion to dismiss is for correction of errors at law.
PRECEDENTIAL VALUE	Published, precedential opinion of the Supreme Court of Iowa.
PARTIES	State of Iowa v. Timothy Karl Hoegh

TOPICS

- criminal procedure
- statutory interpretation
- separation of powers
- appellate procedure
- constitutional law

PRACTICE AREAS

- criminal procedure
- constitutional law
- statutory interpretation
- appellate procedure

QUESTIONS PRESENTED

1. Whether a district court possesses inherent authority to appoint a special prosecutor when the county attorney is disqualified by a conflict of interest.
2. Whether the 2000 amendment to Iowa Code section 331.754(1), granting the county board of supervisors authority to appoint an attorney to act as county attorney in specified circumstances, abrogated or limited the district court's inherent authority.
3. Whether the district court was justified in exercising its inherent authority to appoint a special prosecutor under the circumstances presented.

HOLDINGS

1. A district court has inherent authority to appoint a special prosecutor when necessary for the administration of justice.
2. The 2000 amendment did not abrogate the district court's inherent authority to appoint a special prosecutor, but the statutory grant of appointment authority to the county board of supervisors restricted and limited the circumstances in which the court should exercise its inherent power.
3. The district court was not justified in exercising its inherent authority because the record did not establish a genuine necessity for judicial intervention; consequently, the trial information filed by the special prosecutor was properly dismissed.

KEY QUOTATIONS

“We conclude the district court has the inherent authority to appoint a special prosecutor when necessary for the administration of justice.” (891)

“However, the State failed to demonstrate the necessity of the court's intervention in this case.” (891)

FACTUAL BACKGROUND

Timothy Hoegh was arrested in Atlantic, Iowa, on July 9, 2000, for operating while intoxicated after a breath test showed a blood alcohol concentration of .199. The Cass County Attorney declined to prosecute because he represented Hoegh's former wife in a pending civil action against Hoegh. The district court appointed the Audubon County Attorney as a special prosecutor without a hearing, and the special prosecutor filed a trial information charging Hoegh with operating while intoxicated.

PROCEDURAL HISTORY

Hoegh was arrested for operating while intoxicated. The Cass County Attorney applied for appointment of a special prosecutor because he represented Hoegh's former wife in a pending civil action against Hoegh. The district court appointed the Audubon County Attorney without a hearing; after the special prosecutor filed the trial information, the district court dismissed it as filed by an unauthorized person. The State appealed, and the Supreme Court of Iowa affirmed.

DISPOSITION

affirmed

CASES CITED

- Meyn v. State, 594 N.W.2d 31, 33 (Iowa 1999)
- White v. Polk County, 17 Iowa 413, 414-15 (1864)
- Seaton v. Polk County, 59 Iowa 626, 628, 13 N.W. 725, 726 (1882)
- State v. Brandt, 253 N.W.2d 253, 262 (Iowa 1977)
- Webster County Bd. of Supervisors v. Flattery, 268 N.W.2d 869, 874-77 (Iowa 1978)
- People v. Zapotocky, 869 P.2d 1234, 1243-44 (Colo. 1994)
- Konrad v. Jefferson Parish Council, 520 So. 2d 393, 397 (La. 1988)
- In re Alamance County Ct. Facilities, 329 N.C. 84, 93-94, 405 S.E.2d 125, 129 (1991)
- Superior Ct. v. County of Mendocino, 13 Cal. 4th 45, 57-59, 51 Cal. Rptr. 2d 837, 845, 913 P.2d 1046, 1054-55 (1996)
- Lavelle v. Koch, 532 Pa. 631, 635-36, 617 A.2d 319, 321 (1992)
- Carlisle v. United States, 517 U.S. 416, 426 (1996)
- Degen v. United States, 517 U.S. 820, 823-24 (1996)
- Harding v. McCullough, 236 Iowa 556, 558, 19 N.W.2d 613, 616 (1945)
- Gray v. Comm'r of Revenue, 422 Mass. 666, 672, 665 N.E.2d 17, 22 (1996)
- People v. P.H., 145 Ill. 2d 209, 222-23, 164 Ill. Dec. 137, 143, 582 N.E.2d 700, 706 (1991)
- Brach v. Chief Justice of Dist. Ct. Dep't, 386 Mass. 528, 537-38, 437 N.E.2d 164, 170 (1982)
- United States v. Jacobo-Zavala, 241 F.3d 1009, 1012 (8th Cir. 2001)
- State v. Hager, 630 N.W.2d 828, 834 (Iowa 2001)
- Link v. Wabash R.R., 370 U.S. 626, 630-32 (1962)
- Chambers v. NASCO, Inc., 501 U.S. 32, 46 (1991)
- Polk County Conference Bd. v. Sarcone, 516 N.W.2d 817, 821 (Iowa 1994)
- State v. Rout, 478 N.W.2d 633, 634 (Iowa 1991)