

SUPREME COURT OF IOWA

State of Iowa v. Larry Gene Dudley, Sr.

766 N.W.2d 606 (Iowa 2009) · No. No. 06-0049 · Decided May 29, 2009

SUMMARY

The Supreme Court of Iowa held that imposing a repayment obligation on an acquitted indigent defendant without first determining the defendant's ability to pay violated the right to counsel under the federal and state constitutions. The court also held that Iowa's reimbursement scheme violated equal protection by effectively denying acquitted defendants statutory exemptions available to ordinary civil judgment debtors and by treating certain indigent defendants differently in repayment obligations. The court reversed and remanded for further proceedings, including a hearing on Dudley's reasonable ability to pay, and held that a court reporter fee was improperly included in the judgment.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                         |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Iowa                                                                                                                                                                                                                                                   |
| WRITING FOR THE COURT | Ternus, Chief Justice                                                                                                                                                                                                                                                   |
| JURISDICTION          | Iowa                                                                                                                                                                                                                                                                    |
| DECIDED               | May 29, 2009                                                                                                                                                                                                                                                            |
| DOCKET                | No. 06-0049                                                                                                                                                                                                                                                             |
| DISPOSITION           | reversed_and_remanded                                                                                                                                                                                                                                                   |
| PROCEDURAL POSTURE    | Dudley appealed postacquittal orders requiring him to reimburse the State for the costs of court-appointed legal assistance. The Iowa Court of Appeals rejected his constitutional and ineffective-assistance claims. The Supreme Court of Iowa granted further review. |
| STANDARD OF REVIEW    | Constitutional claims are reviewed de novo. Issues involving statutory construction are reviewed for correction of errors at law.                                                                                                                                       |
| PRECEDENTIAL VALUE    | published precedential opinion                                                                                                                                                                                                                                          |
| PARTIES               | Larry Gene Dudley, Sr. v. State of Iowa                                                                                                                                                                                                                                 |

TOPICS

- right to counsel
- equal protection
- due process
- criminal procedure
- appellate procedure

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether imposing a mandatory reimbursement obligation on an acquitted indigent defendant without first determining his reasonable ability to pay violates the federal and state rights to counsel.
2. Whether the repayment plan violated equal protection by denying Dudley the statutory exemptions from execution available to ordinary civil judgment debtors.
3. Whether equal protection prohibited requiring an acquitted indigent defendant to repay attorney fees exceeding the statutory fee limitation applicable to convicted defendants represented by a public defender.
4. Whether Dudley had a right to appointed counsel in postacquittal proceedings under Iowa Code chapter 815.
5. Whether counsel was ineffective for failing to raise the equal-protection claims and to object to the court reporter fee.
6. Whether the reimbursement process violated procedural due process because Dudley lacked adequate notice or a meaningful opportunity to be heard.
7. Whether the inclusion of a statutory court reporter fee in the reimbursement judgment was authorized.

## HOLDINGS

1. A cost judgment may not constitutionally be imposed on an acquitted indigent defendant unless the court first determines that the defendant is or will be reasonably able to pay it. Iowa Code section 815.9, as applied to acquitted defendants without that safeguard, infringes the federal and state rights to counsel.
2. A repayment plan for an acquitted indigent defendant violates equal protection if it deprives the defendant of statutory exemptions from execution that are available to other civil judgment debtors.
3. It violates equal protection to impose on an acquitted indigent defendant a cost judgment exceeding the statutory attorney-fee limitation applicable to a convicted defendant represented by a public defender when no rational basis supports the distinction.
4. An indigent acquitted defendant is entitled to appointed counsel in postacquittal proceedings involving the entry of a chapter 815 cost judgment because those proceedings remain part of the criminal prosecution through final judgment on behalf of the State.
5. Dudley established ineffective assistance because reasonably competent counsel should have challenged the lack of a rational basis for charging an acquitted defendant attorney fees exceeding the statutory public-defender limitation, and the omission prejudiced him.
6. A statutory court reporter fee is not part of the legal-assistance costs recoverable from an acquitted defendant under Iowa Code section 815.9, and the district court erred by including the fee in Dudley's cost judgment.
7. Dudley was not denied procedural due process because he received notice of the reimbursement obligation and a hearing before the final cost judgment was entered.

## KEY QUOTATIONS

*“A cost judgment may not be constitutionally imposed on a defendant unless a determination is first made that the defendant is or will be reasonably able to pay the judgment.” (615)*

*“Because the criminal case did not end, by definition, until the cost judgment had been entered against Dudley and in favor of the State, Dudley was entitled to counsel for the postacquittal proceedings.” (620)*

*“The hearing afforded Dudley was “at a meaningful time” and was conducted “in a meaningful manner” as required by the Due Process Clause.” (626)*

## FACTUAL BACKGROUND

Dudley, an indigent criminal defendant, was provided appointed counsel and was later acquitted by a jury. After dismissal of the criminal case, the district court ordered him to reimburse the State for the full costs of his legal assistance and imposed a \$200 monthly payment plan. Dudley testified that his only income was Social Security benefits and challenged the repayment obligation, the payment plan, the inclusion of a court reporter fee, and the effectiveness of counsel in the postacquittal proceedings.

## PROCEDURAL HISTORY

Dudley was acquitted by a jury, and the criminal case was dismissed. The district court later entered a cost judgment for the full costs of his legal assistance and ordered payment of \$200 per month after an evidentiary hearing. The court of appeals affirmed, but the Supreme Court of Iowa vacated that decision, reversed the district court judgment, and remanded.

## DISPOSITION

reversed\_and\_remanded

## REMAND INSTRUCTIONS

The district court must conduct a hearing and determine Dudley's reasonable ability to pay before entering any cost judgment. Any repayment order must limit attorney fees to the applicable \$1,000 statutory fee limitation, exclude statutory court reporter fees and other court costs, and preserve the protections available to ordinary civil judgment debtors.

## CASES CITED

- In re Det. of Morrow, 616 N.W.2d 544 (Iowa 2000)
- State v. Sluyter, 763 N.W.2d 575 (Iowa 2009)
- State v. Hernandez-Lopez, 639 N.W.2d 226 (Iowa 2002)
- Fuller v. Oregon, 417 U.S. 40 (1974)
- State v. Haines, 360 N.W.2d 791 (Iowa 1985)
- Goodrich v. State, 608 N.W.2d 774 (Iowa 2000)
- Olson v. James, 603 F.2d 150 (10th Cir. 1979)

- Fitch v. Belshaw, 581 F. Supp. 273 (D. Or. 1984)
- State v. Tennin, 674 N.W.2d 403 (Minn. 2004)
- Hanson v. Passer, 13 F.3d 275 (8th Cir. 1994)
- State v. Drayton, 175 P.3d 861 (Kan. 2008)
- State v. Ellis, 167 P.3d 896 (Mont. 2007)
- State v. Morgan, 789 A.2d 928 (Vt. 2001)
- In re Attorney Fees in State v. Helsper, 724 N.W.2d 414 (Wis. Ct. App. 2006)
- Sanchez v. State, 692 N.W.2d 812 (Iowa 2005)
- State v. Mann, 602 N.W.2d 785 (Iowa 1999)
- Varnum v. Brien, 763 N.W.2d 862 (Iowa 2009)
- Chicago Title Ins. Co. v. Huff, 256 N.W.2d 17 (Iowa 1977)
- James v. Strange, 407 U.S. 128 (1972)
- Alexander v. Johnson, 742 F.2d 117 (4th Cir. 1984)
- White v. Schotten, 201 F.3d 743 (6th Cir. 2000)
- Lopez v. Wilson, 426 F.3d 339 (6th Cir. 2005)
- State v. Alspach, 554 N.W.2d 882 (Iowa 1996)
- State v. Jones, 964 P.2d 398 (Wash. Ct. App. 1998)
- State v. Ceaser, 585 N.W.2d 192 (Iowa 1998)
- State v. Tesch, 704 N.W.2d 440 (Iowa 2005)
- State v. Taylor, 689 N.W.2d 116 (Iowa 2004)
- State v. Maxwell, 743 N.W.2d 185 (Iowa 2008)
- State v. Westeen, 591 N.W.2d 203 (Iowa 1999)
- State v. Schoelerman, 315 N.W.2d 67 (Iowa 1982)
- State v. Schaer, 757 N.W.2d 630 (Iowa 2008)
- State v. Henderson, 537 N.W.2d 763 (Iowa 1995)
- Teggatz v. Ringleb, 610 N.W.2d 527 (Iowa 2000)
- State v. Hall, 227 N.W.2d 192 (Iowa 1975)
- State v. Fremont, 749 N.W.2d 234 (Iowa 2008)
- People v. Bramlett, 455 N.E.2d 1092 (Ill. App. Ct. 1983)
- People v. Nunez, 553 N.E.2d 1123 (Ill. App. Ct. 1990)
- Citizens for Responsible Choices v. City of Shenandoah, 686 N.W.2d 470 (Iowa 2004)
- State v. Hunter, 550 N.W.2d 460 (Iowa 1996)
- State v. Robinson, 618 N.W.2d 306 (Iowa 2000)