

SUPREME COURT OF IOWA

State of Iowa v. Dantreon Levon Newman

Newman · No. No. 19-1228 · Decided March 4, 2022

SUMMARY

The Iowa Supreme Court affirmed the Iowa Court of Appeals decision and district court judgment in Dantreon Newman’s challenge to his guilty plea for lascivious acts with a child. The court held that his ineffective-assistance claim could not be resolved on direct appeal, but that his claim concerning the district court’s failure to order a competency hearing sua sponte established good cause for appeal; the court nevertheless found no basis for relief.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                    |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Iowa                                                                                                                                                                                                                                                              |
| WRITING FOR THE COURT | McDonald, Justice; Christensen, C.J.; Appel, J.; Waterman, J.; Mansfield, J.; McDonald, J.; Oxley, J.; McDermott, J.                                                                                                                                                               |
| JURISDICTION          | Iowa                                                                                                                                                                                                                                                                               |
| DECIDED               | March 4, 2022                                                                                                                                                                                                                                                                      |
| DOCKET                | No. 19-1228                                                                                                                                                                                                                                                                        |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                           |
| PROCEDURAL POSTURE    | Newman appealed his guilty plea and sentence for lascivious acts with a child. The Iowa Court of Appeals affirmed, and the Supreme Court of Iowa granted further review to address appellate jurisdiction, good cause for a guilty-plea appeal, and the competency-hearing issues. |
| STANDARD OF REVIEW    | The court reviewed appellate jurisdiction and statutory good cause as legal questions. It reviewed the record to determine whether specific facts should have alerted the district court to the need for a competency hearing.                                                     |
| PRECEDENTIAL VALUE    | Published Supreme Court of Iowa opinion; precedential majority opinion.                                                                                                                                                                                                            |
| PARTIES               | Dantreon Levon Newman v. State of Iowa                                                                                                                                                                                                                                             |

TOPICS

- appellate jurisdiction
- appellate procedure
- criminal procedure
- right to counsel
- preservation of error

## PRACTICE AREAS

criminal procedure

appellate jurisdiction

competency to stand trial

ineffective assistance of counsel

## QUESTIONS PRESENTED

1. Whether the Supreme Court of Iowa could permit a delayed appeal after Newman filed a pro se notice of appeal while represented by counsel and appellate counsel later filed a notice of appeal.
2. Whether Newman established good cause under Iowa Code section 814.6 to appeal as a matter of right from a guilty plea to a class D felony.
3. Whether the district court erred by failing to order a competency hearing sua sponte based on the information in the presentence investigation report and the plea and sentencing records.
4. Whether plea counsel's alleged failure to request a competency hearing could be resolved on direct appeal as an ineffective-assistance claim.

## HOLDINGS

1. Under the circumstances, the court granted Newman a delayed appeal despite the pro se notice having been filed while he was represented by counsel.
2. Newman established good cause under Iowa Code section 814.6 because his claim that the district court failed to hold a competency hearing sua sponte was the type of claim for which an appellate court potentially could provide relief.
3. The court lacked authority to resolve Newman's ineffective-assistance claim on direct appeal, and the claim therefore could not independently establish good cause for the appeal.
4. The district court did not err by failing to order a competency hearing sua sponte because the record contained nothing that should have alerted the court that a competency hearing was required.

## KEY QUOTATIONS

*“Generally speaking, a defendant asserts a legally sufficient reason and establishes good cause to appeal as a matter of right by asserting a claim on appeal for which an appellate court potentially could provide relief.”*

(5)

*“Of course, a past history of mental illness, without more, is insufficient to trigger a competency hearing under Iowa Code section 812.3 . . . . The question is one of present competency, not past malady.”* (9)

## FACTUAL BACKGROUND

Newman pleaded guilty to lascivious acts with a child, a class D felony, and received an indeterminate sentence of up to five years. A presentence investigation report stated that he had been diagnosed with attention deficit hyperactivity disorder, bipolar disorder, and schizophrenia and was taking medication while detained before trial. At sentencing, defense counsel stated that discussions with Newman raised no competency concerns, and the district court observed that Newman had processed and understood the plea proceedings. The record showed that Newman was lucid, oriented, able to communicate with counsel, and understood the charge and consequences of his plea.

## PROCEDURAL HISTORY

Newman pleaded guilty in the Iowa District Court for Polk County to lascivious acts with a child and received an indeterminate prison term not exceeding five years. He initially filed a pro se notice of appeal while represented by plea counsel; appellate counsel later filed another notice and sought a delayed appeal. The Iowa Court of Appeals affirmed the district court judgment, and the Supreme Court of Iowa granted further review. The supreme court majority allowed the delayed appeal, held that Newman had good cause to appeal because his challenge to the absence of a sua sponte competency hearing was potentially reviewable, and affirmed; Justice McDermott dissented and would have denied review or granted certiorari with resentencing.

## DISPOSITION

affirmed

## CASES CITED

- State v. Stark, No. 20-1503, 2021 WL 4592246, at \*3 (Iowa Ct. App. Oct. 6, 2021)
- Boring v. State, No. 20-0129, 2021 WL 2453045, at \*3 (Iowa Ct. App. June 16, 2021)
- State v. Davis, 2022 WL 258191, at \*4 (Iowa Jan. 28, 2022)
- State v. Boldon, 954 N.W.2d 62, 69 (Iowa 2021)
- State v. Damme, 944 N.W.2d 98, 104-05 (Iowa 2020)
- State v. Treptow, 960 N.W.2d 98, 108-10 (Iowa 2021)
- State v. Jordan, 959 N.W.2d 395, 399 (Iowa 2021)
- State v. Fetner, 959 N.W.2d 129, 134 n.1 (Iowa 2021)
- State v. Tucker, 959 N.W.2d 140, 151-52, 154 (Iowa 2021)
- State v. Chindlund, No. 20-1368, 2021 WL 2708944, at \*2 (Iowa Ct. App. June 30, 2021)
- State v. Cue, No. 19-2150, 2020 WL 6157813, at \*3 (Iowa Ct. App. Oct. 21, 2020)
- State v. Einfeldt, 914 N.W.2d 773, 779-80, 783 n.3 (Iowa 2018)
- State v. Lucas, 323 N.W.2d 228, 232-33 (Iowa 1982) (en banc)
- Dusky v. United States, 362 U.S. 402, 402 (1960) (per curiam)
- State v. Mann, 512 N.W.2d 528, 531 (Iowa 1994)
- State v. Rieflin, 558 N.W.2d 149, 153 (Iowa 1996)
- State v. Lyman, 776 N.W.2d 865 (Iowa 2010)