

SUPREME COURT OF IOWA

State of Iowa v. Jason Allen Wing

791 N.W.2d 243 (Iowa 2010) · No. No. 08-1048 · Decided December 3, 2010

SUMMARY

The Supreme Court of Iowa held that Jason Allen Wing’s encounter with law enforcement constituted an arrest for purposes of Iowa’s speedy-indictment rule. Because the State filed the criminal complaint and trial information more than forty-five days after the arrest, the court reversed the district court’s judgment and remanded the case.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Hecht, Justice; Cady, Justice; All other justices concurred
JURISDICTION	Iowa
DECIDED	December 3, 2010
DOCKET	No. 08-1048
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Further review of a court of appeals decision affirming the district court's denial of Wing's motion to dismiss for violation of Iowa's speedy-indictment rule.
STANDARD OF REVIEW	A ruling on a motion to dismiss for lack of speedy indictment is reviewed for correction of errors at law. The court is bound by supported district-court factual findings, which are reviewed for substantial evidence.
PRECEDENTIAL VALUE	Published Iowa Supreme Court opinion; precedential.
PARTIES	Jason Allen Wing v. State of Iowa

TOPICS

speedy trial criminal procedure statutory interpretation fourth amendment

PRACTICE AREAS

criminal procedure constitutional law speedy indictment arrest

QUESTIONS PRESENTED

1. Whether Wing's encounter with law enforcement constituted an arrest for purposes of Iowa Rule of Criminal Procedure 2.33(2)(a).
2. Whether the trial information filed approximately six months after the July 7, 2007 encounter was untimely under the forty-five-day speedy-indictment rule.
3. Whether later transportation to Wing's home and discussion of cooperation prevented the speedy-indictment clock from beginning when Wing was handcuffed, Mirandized, searched, and placed in the patrol car.

HOLDINGS

1. Wing was arrested on July 7, 2007, for purposes of Iowa Rule of Criminal Procedure 2.33(2)(a).
2. The State violated Iowa Rule of Criminal Procedure 2.33(2)(a) because it did not file a timely indictment or trial information within forty-five days after Wing's arrest.

KEY QUOTATIONS

“When an arresting officer does not follow the protocol for arrest outlined in section 804.14 and does not provide any explicit statements indicating that he or she is or is not attempting to effect an arrest, we think the soundest approach is to determine whether a reasonable person in the defendant’s position would have believed an arrest occurred, including whether the arresting officer manifested a purpose to arrest.” (791 N.W.2d at 249)

“In reviewing the circumstances surrounding Wing’s interaction with law enforcement on July 7, 2007, we conclude that, despite the fact that late in the encounter there was some discussion about future cooperation, a reasonable person in Wing’s position would have believed an arrest had occurred.” (791 N.W.2d at 252)

“Even if we credit this evidence, however, it is not dispositive because the subjective intent of Detective Proehl and his colleagues is not controlling in the determination of whether a reasonable person in Wing’s position would have believed he had been arrested.” (791 N.W.2d at 253)

FACTUAL BACKGROUND

Police stopped a vehicle in which Jason Wing was a passenger after receiving information that he was transporting marijuana. After a consensual search revealed a brick of marijuana in the trunk, Wing admitted ownership, was advised of his Miranda rights, handcuffed, searched, and placed in a patrol car. Officers then transported him to his home, where he consented to a search and discussed possible cooperation, but no formal cooperation agreement or speedy-indictment waiver was made. The State did not file a complaint until approximately five months later and did not file a trial information until January 2008.

PROCEDURAL HISTORY

After a July 7, 2007 law-enforcement encounter, a criminal complaint was filed on December 18, 2007, and a trial information was filed on January 11, 2008. The district court denied Wing's motion to dismiss under Iowa Rule of Criminal Procedure 2.33(2)(a), concluding that no arrest had occurred during the July encounter; Wing

was convicted on the minutes of testimony. The Iowa Court of Appeals affirmed, and the Supreme Court of Iowa granted further review.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Vacate the court of appeals decision, reverse the district court judgment and conviction, and remand for entry of a dismissal.

CASES CITED

- State v. Dennison, 571 N.W.2d 492 (Iowa 1997)
- State v. Lyrek, 385 N.W.2d 248 (Iowa 1986)
- State v. Schmitt, 290 N.W.2d 24 (Iowa 1980)
- State v. Johnson-Hugi, 484 N.W.2d 599 (Iowa 1992)
- State v. Delockroy, 559 N.W.2d 43 (Iowa Ct. App. 1996)
- State v. Smith, 552 N.W.2d 163 (Iowa Ct. App. 1996)
- State v. Davis, 525 N.W.2d 837 (Iowa 1994)
- State v. Cannon, 201 N.W.2d 715 (Iowa 1972)
- State v. Deases, 476 N.W.2d 91 (Iowa Ct. App. 1991)
- State v. Allnutt, 156 N.W.2d 266 (Iowa 1968)
- State v. Gorham, 206 N.W.2d 908 (Iowa 1973)
- State v. Olson, 528 N.W.2d 651 (Iowa Ct. App. 1995)
- Barker v. Wingo, 407 U.S. 514 (1972)
- Rife v. D.T. Corner, Inc., 641 N.W.2d 761 (Iowa 2002)
- State v. Rains, 574 N.W.2d 904 (Iowa 1998)
- State v. Johnson-Hugi, 484 N.W.2d 599 (Iowa 1992)
- California v. Hodari D., 499 U.S. 621 (1991)
- Berkemer v. McCarty, 468 U.S. 420 (1984)
- United States v. Bengivenga, 845 F.2d 593 (5th Cir. 1988)
- State v. Aldape, 307 N.W.2d 32 (Iowa 1981)
- State v. Kamber, 737 N.W.2d 297 (Iowa 2007)
- United States v. MacDonald, 456 U.S. 1 (1982)
- United States v. Marion, 404 U.S. 307 (1971)
- United States v. Hillegas, 578 F.2d 453 (2d Cir. 1978)
- United States v. Varella, 692 F.2d 1352 (11th Cir. 1982)
- United States v. Sayers, 698 F.2d 1128 (11th Cir. 1983)

