

Table of Contents

PART 1. INITIATION OF THE CASE

CHAPTER 1. INITIATION OF REPRESENTATION

§ 1:1 Representation

CHAPTER 2. THE IOWA CODE OF CRIMINAL PROCEDURE

§ 2:1 Application and scope
§ 2:2 The rules of criminal procedure
§ 2:3 Construction of statutes
§ 2:4 Rules of Electronic Procedure
§ 2:5 Rules of Remote Procedure

CHAPTER 3. INITIATION OF GOVERNMENT INVOLVEMENT

§ 3:1 In general
§ 3:2 Arrest
§ 3:3 Citation in lieu of arrest
§ 3:4 Charging corporate defendants
§ 3:5 Absence of the county attorney

CHAPTER 4. POST-ARREST PROCEDURE

§ 4:1 In general
§ 4:2 Initial appearance
§ 4:3 Preliminary hearing

CHAPTER 5. THE CHARGING PROCESS

§ 5:1 In general
§ 5:2 Simple misdemeanor complaints
§ 5:3 Charging of felonies and serious and aggravated misdemeanors
§ 5:4 Arraignment

CHAPTER 6. SPECIAL ISSUES IN CHARGING

§ 6:1 Joinder or severance
§ 6:2 Lesser offenses

- § 6:3 Aggravating circumstances
- § 6:4 Judicial notice of statutes

PART 2. PRE-TRIAL PRACTICE

CHAPTER 7. LIMITATIONS

- § 7:1 In general
- § 7:2 Statutory limitation of criminal actions
- § 7:3 Speedy indictment and speedy trial

CHAPTER 8. JURISDICTION AND VENUE

- § 8:1 In general
- § 8:2 Jurisdiction
- § 8:3 Subject matter jurisdiction
- § 8:4 Territorial jurisdiction
- § 8:5 “Jurisdiction” v. “Authority”
- § 8:6 Venue
- § 8:7 Jurisdiction over the person
- § 8:8 Extradition
- § 8:9 Detainers

CHAPTER 9. DISCOVERY

- § 9:1 Legal basis
- § 9:2 Discovery tools

CHAPTER 10. MOTIONS AND PLEADINGS

- § 10:1 General principles
- § 10:2 Motions to dismiss
- § 10:3 Other motions

CHAPTER 11. NOTICES OF DEFENSES

- § 11:1 In general
- § 11:2 Particular defenses

CHAPTER 12. CASE RESOLUTION PRIOR TO TRIAL

- § 12:1 In general
- § 12:2 Pretrial conference
- § 12:3 Guilty pleas

CHAPTER 13. VICTIMS’ RIGHTS

- § 13:1 The Victims Rights Act

TABLE OF CONTENTS

- § 13:2 Notification responsibilities
- § 13:3 Protection and assistance of victims
- § 13:4 Juvenile offenders
- § 13:5 Child victims
- § 13:6 Sexual abuse victims

PART 3. TRIAL PRACTICE

CHAPTER 14. PROCURING TRIAL WITNESSES

- § 14:1 Subpoenas
- § 14:2 Witnesses outside the state
- § 14:3 Indigent defendants

CHAPTER 15. INTERPRETERS

- § 15:1 General
- § 15:2 Foreign-language interpreters
- § 15:3 Sign language interpreters

CHAPTER 16. TRIAL TO THE BENCH

- § 16:1 Waiver of the jury
- § 16:2 Procedures in a bench trial
- § 16:3 Stipulated trials on the minutes

CHAPTER 17. JURY TRIAL

- § 17:1 Right to jury trial
- § 17:2 Assembling the jury pool
- § 17:3 Jury selection

CHAPTER 18. EXPANDED NEWS MEDIA COVERAGE

- § 18:1 Historical background
- § 18:2 Rules for implementation
- § 18:3 Technical limitations

CHAPTER 19. THE TRIAL PROCESS

- § 19:1 Reporting of proceedings
- § 19:2 The parties
- § 19:3 The trial
- § 19:4 Jury instructions
- § 19:5 Submission to the jury
- § 19:6 Trial of prior convictions

CHAPTER 20. POST-TRIAL MOTIONS

- § 20:1 General
- § 20:2 Motions for new trial
- § 20:3 Motion in arrest of judgment
- § 20:4 Correction of sentence
- § 20:5 Bills of exception

CHAPTER 21. SENTENCING HEARING PROCEDURES

- § 21:1 Presentence investigation
- § 21:2 Sentencing hearing
- § 21:3 Reconsideration and reopening of sentence
- § 21:4 Violations of parole and probation
- § 21:5 Expungment of records
- § 21:6 Execution of judgment

CHAPTER 22. SEIZED AND FORFEITED PROPERTY

- § 22:1 In general
- § 22:2 The forfeiture process

CHAPTER 22A. CRIMINAL HISTORY AND INTELLIGENCE DATA

- § 22A:1 Criminal history and intelligence data

CHAPTER 23. SIMPLE MISDEMEANORS

- § 23:1 In general
- § 23:2 Simple misdemeanor procedures

PART 4. EVIDENCE AND WITNESSES IN CRIMINAL CASES

CHAPTER 24. EVIDENCE IN CRIMINAL CASES

- § 24:1 Applicable law
- § 24:2 Judicial notice
- § 24:3 Remaining portions of evidence
- § 24:4 Demonstrative evidence

CHAPTER 25. RELEVANCE

- § 25:1 In general

TABLE OF CONTENTS

§ 25:2 Balancing prejudice with probative value

CHAPTER 26. EVIDENTIARY PRIVILEGE

§ 26:1 Sources of law
§ 26:2 Marital communications
§ 26:3 Professional communications
§ 26:4 Sealed Records

CHAPTER 27. WITNESSES

§ 27:1 Qualifications to testify
§ 27:2 Establishing and impeaching credibility
§ 27:3 Immunity
§ 27:4 Sequestration of witnesses

CHAPTER 28. HEARSAY

§ 28:1 The hearsay rule
§ 28:2 Statements constituting hearsay
§ 28:3 Exceptions to the rule of exclusion

CHAPTER 29. WRITINGS, DOCUMENTS, RECORDINGS, AND PHOTOGRAPHS

§ 29:1 Authentication and identification
§ 29:2 The “best evidence rule”

CHAPTER 30. MAINTAINING AND PRESERVING THE INTEGRITY OF THE EVIDENCE

§ 30:1 Chain of custody
§ 30:2 Destruction and spoliation of evidence
§ 30:3 Protection of witnesses

CHAPTER 31. SUFFICIENCY OF THE EVIDENCE

§ 31:1 In general
§ 31:2 Conflicting and discredited evidence
§ 31:3 Corroboration of certain witnesses

PART 5. APPELLATE AND POSTCONVICTION REMEDIES

CHAPTER 32. DIRECT APPEAL

§ 32:1 Theory of appellate practice

- § 32:2 Rights of indigent defendants on review
- § 32:3 Appellate procedures
- § 32:4 The record on appeal
- § 32:5 Appellate advocacy
- § 32:6 Appellate remedies

CHAPTER 33. POSTCONVICTION RELIEF

- § 33:1 Postconviction relief in Iowa
- § 33:2 Applicability of postconviction review
- § 33:3 Postconviction procedure
- § 33:4 Applicability of new rules of law
- § 33:5 D.N.A. profiling
- § 33:6 Civil cause of action for wrongful conviction

CHAPTER 34. FEDERAL REVIEW OF STATE CONVICTIONS

- § 34:1 Avenues of federal review
- § 34:2 Certiorari
- § 34:3 Habeas corpus review

PART 6. CONSTITUTIONAL ISSUES

CHAPTER 35. THE LEGISLATIVE POWER

- § 35:1 In general
- § 35:2 Separation of powers
- § 35:3 Powers of congress
- § 35:4 Ex post facto and bills of attainder
- § 35:5 The single subject rule
- § 35:6 The Privileges and Immunities
- § 35:7 The Supremacy Clause
- § 35:8 The Tenth Amendment

CHAPTER 36. THE FIRST AND SECOND AMENDMENTS

- § 36:1 Scope of the First and Second Amendments
- § 36:2 Freedom of expression
- § 36:3 Free exercise
- § 36:4 Establishment
- § 36:5 The right to bear arms

CHAPTER 37. THE FOURTH AMENDMENT

- § 37:1 Scope of the Fourth Amendment

TABLE OF CONTENTS

- § 37:2 Reasonable expectations of privacy
- § 37:3 Searches pursuant to warrants
- § 37:4 The exclusionary rule and the *Leon* good faith exception
- § 37:5 Warrantless search and seizure
- § 37:6 Non-law enforcement searches and seizures
- § 37:7 Interception of communications
- § 37:8 Nontestimonial identification procedures

CHAPTER 38. THE FIFTH AMENDMENT

- § 38:1 Scope of the Fifth Amendment
- § 38:2 Indictment by the grand jury
- § 38:3 Double jeopardy
- § 38:4 Self-incrimination
- § 38:5 Due process

CHAPTER 39. THE SIXTH AMENDMENT

- § 39:1 In general
- § 39:2 Notice of charges
- § 39:3 Speedy and public trial
- § 39:4 Trial by an impartial jury
- § 39:5 Right to counsel
- § 39:6 The right to confrontation
- § 39:7 Compulsory Process

CHAPTER 40. THE EIGHTH AMENDMENT

- § 40:1 Scope of the Eighth Amendment
- § 40:2 Excessive bail
- § 40:3 Excessive fines
- § 40:4 Cruel and unusual punishment

CHAPTER 41. THE 14TH AMENDMENT

- § 41:1 Scope of the 14th Amendment
- § 41:2 Due process
- § 41:3 Equal protection

PART 7. PRISON LAW

CHAPTER 42. DISCIPLINARY PROCEEDINGS

- § 42:1 Applicable law
- § 42:2 Disciplinary rules

§ 42:3 Prison disciplinary hearings

CHAPTER 43. CONDITIONS OF CONFINEMENT

§ 43:1 In general

§ 43:2 Remedies

§ 43:3 Actions against inmates

Table of Laws and Rules

Table of Cases

Index