

AUTHOR'S INTRODUCTION TO 2026 EDITION

First published in 2002, the intent of this volume was to replace completely the portions of the previous work authored by Professors Yeager and Carlson that dealt with Iowa criminal procedure.¹ As Yeager and Carlson followed by less than two years the enactment of the 1977 Criminal Code, their purpose had been to explain the new code and to attempt to predict its future application. Preparation of the present work was aided by the considerable body of case law that had developed in the quarter century that followed.

There is good news and bad news in the decisions of the Iowa Supreme Court in 2024 and 2025 cases involving criminal procedure. In the area of eyewitness identification, the finding in *State v. Kepner*² of an abuse of discretion in the denial of the defendant's request to present general expert testimony concerning the reliability of eyewitness identification testimony is possibly a notable step beyond the 1998 holding in *State v. Schutz*³ that the trial court has discretion to allow testimony of that nature.

The corresponding step backwards is *State v. Amble*.⁴ In a courageous 2021 opinion in *State v. Wright*,⁵ the Court held that the warrantless seizure and search of trash left out for pickup, while not a violation of the Fourth Amendment under *California v. Greenwood*,⁶ violates the search and seizure provision of article I, section 8 of the Iowa Constitution. After *Wright*, the legislature adopted Iowa Code § 808.16, in which it endeavored to create an exception to the search warrant requirement for garbage set out for collection. A six-Justice majority of the Court was persuaded in *Amble* that, under § 808.16, trash left by the curb for pickup is now “abandoned” property, and article I, section 8 is not violated by the warrantless seizure and search of trash left out for pickup.

¹ Topics involving Iowa criminal law are addressed by Professor Robert R. Rigg in 4 Iowa Practice: Criminal Law.

² *State v. Kepner*, 20 N.W.3d 849 (Iowa Ct. App. 2025).

³ *State v. Schutz*, 579 N.W.2d 317, 320 (Iowa 1998) (en banc).

⁴ *State v. Amble*, 22 N.W.3d 265 (Iowa 2025).

⁵ *State v. Wright*, 961 N.W.2d 396 (Iowa 2021).

⁶ *California v. Greenwood*, 486 U.S. 35 (1988).