# AUTHOR'S INTRODUCTION TO 2025 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.

This volume includes a discussion of the Iowa Rules of Electronic Search Warrant Procedure adopted in 2024 as Chapter 14 of the Rules of Court.

The stunning finding in *State v. White*[2] that the confrontation clause in article I, section 10 of the Iowa Constitution requires, not only that the defendant be permitted to view a complaining witness during their video testimony at trial, but that the witness must also view the defendant brings Iowa more in line with Justice Scalia's majority opinion in *Coy v. Iowa*[3] than with the tempered interpretation of *Coy in Maryland v. Craig,*[4] and of courts in most other jurisdictions interpreting their own constitutions, which permit a one-way limitation on confrontation following a showing of necessity. *White* is definitely not the last word, as the Legislature is moving quickly to soften its impact.

Interpreting the Sixth Amendment right to confrontation and the hearsay rule, the United States Supreme Court held in *Smith v. Arizona*[5] that where an expert relies upon conclusions of another expert in rendering their opinion the party against whom the expert testimony is offered has a right to cross examine the expert relied upon by the witness, where it is determined that the out of court conclusions are testimonial.

The Court also explained in *State v. Jackson*[6] that the hearsay exception under Iowa R. Evid. 5.803(6) that permits the admis-

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

[2] State v. White, 9 N.W.3d 1 (Iowa 2024).

[3] Coy v. Iowa, 487 U.S. 1012 (1988).

[4] Maryland v. Craig, 497 U.S. 836 (1990).

[5] Smith v. Arizona, 144 S.Ct. 1785 (2024).

[6] State v. Jackson, 4 N.W.3d 298 (Iowa 2024).

sion of records of regularly conducted business activity through the testimony of their custodian does not authorize the testimony of the custodian where the records themselves are not introduced.

Some interesting dicta in Trane v. State, 2025 WL 351664 (Iowa 2025) suggests that counsel's duty to accede to the wishes of his or her client in decisions involving all matters relating to representation may be broader than what is provided by Iowa Rule of Professional Conduct 32:1.2(a), consistent with that of Justice Appel in Krogmann v. State, 914 N.W.2d 293 (Iowa 2018). Counsel should be aware of this potentially higher standard, and should be more diligent than ever in communicating options to the client and in listening carefully to the clients' wishes.