

IN THE SUPREME COURT OF IOWA  
Supreme Court No. 19-1760

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STATE OF IOWA,  
Plaintiff-Appellee,

vs.

PRINCE G. PAYE,  
Defendant-Appellant.

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APPEAL FROM THE IOWA DISTRICT COURT FOR POLK COUNTY  
THE HONORABLE KEVIN PARKER, JUDGE (SUPPRESSION) &  
CHRISTOPHER KEMP, JUDGE (TRIAL AND SENTENCING)

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**APPLICATION FOR FURTHER REVIEW**  
(Iowa Court of Appeals Decision: Apr. 27, 2022)

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## **QUESTIONS PRESENTED FOR FURTHER REVIEW**

- I. Did the split panel of the Iowa Court of Appeals err by disregarding the Iowa Supreme Court's conclusion in *State v. Harrison*, as well as prior panel interpretations of Iowa Code section 321.38, that all information on a license plate must be readable?**

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## STATEMENT SUPPORTING FURTHER REVIEW

All information on a license plate must be readable. *State v. Harrison*, 846 N.W.2d 362, 368 (Iowa 2014). Yet here, in a split decision, the Iowa Court of Appeals rejected this Iowa Supreme Court interpretation of Iowa Code section 321.38, adopting an unnatural, unworkable reading instead. Opinion pp. 6–13. A conflict between appellate rulings calls for further review. Iowa R. App. P. 6.1103(1)(b)(1). Multiple prior court of appeals decisions, though unpublished, are also contrary. If *Harrison* and these prior decisions are wrong, the supreme court should say so, not a divided court of appeals panel.

The court of appeals majority here decided it was not bound by *Harrison's* interpretation because section 321.38 was not directly at issue there. Opinion pp. 12–13. Dicta or not, *Harrison's* view is correct. The court of appeals majority went astray because it used tools of interpretation on an unambiguous statute. It also applied them incorrectly. *Harrison's* straightforward analysis of 321.38 shows that the supreme court saw no ambiguity and thus no reason to turn to canons of statutory interpretation. “Unambiguous” is also how

other state and federal appellate courts have described statutory language indistinguishable from section 321.38.

Further review is also called for because the supreme court has never directly interpreted section 321.38. The court of appeals's majority decision here allows obstructed license plates, a public safety concern. Iowa R. App. P. 6.1103(1)(b)(1). Public safety will be diminished because, distilled down, the court of appeals concluded:

- Partially obscured is clearly visible; and
- Mostly readable is clearly legible.

Opinion pp. 13–16. Going forward, owners will obstruct their vehicles' license plates. And this will diminish police officers' and other drivers' ability to identify vehicles. In his dissent, Judge May identifies an internet guide to “cloaking” one's vehicle from law enforcement.

Opinion p. 21. One idea there is to install a bicycle rack over the license plate. In this and other creative ways, Iowa's roadways will be more dangerous.

For police, the reason to identify a vehicle is to learn about its occupants. Officers' safety requires that during a stop law enforcement has as much information as possible about potentially dangerous occupants. The majority's conclusion that the officer could

probably figure it out using other clues is not good enough. Opinion p. 16 n.1. Also, easily readable license plates allow drivers and police to report dangerous driving, identify hit-and-run perpetrators, and describe vehicles involved in accidents without approaching them.

To these ends, the General Assembly said plates must be clearly visible and clearly legible. Iowa Code § 321.38. The Iowa Supreme Court correctly said in *Harrison* that the legislature's words require plates to be completely readable. The court of appeals should have deferred to the higher court's interpretation. Instead, the majority called the conclusion dicta and then employed unnecessary linguistic gymnastics to fly past the statute's real meaning.

The resulting rule is also unworkable. A plate is clearly visible, the majority tells us, if the plate is hung horizontally and above the height limit, even if partially obscured. Opinion p. 13. And it is clearly legible if there isn't dirt on it and it isn't so rusty, scratched, or faded that a person can read most of it. Opinion p. 13–14. Determining whether a plate satisfies these dictates will require a case-by-case fleshing out. How obscured is too obscured? How much of a plate must be readable? Further review can avoid this unnecessary

allocation of judicial resources by confirming *Harrison's* fidelity to the statute's language.

The Court should not allow the court of appeals's unworkable rule to be the last word on this public safety issue, especially because its rule conflicts with *Harrison's* requirement that plates be clearly readable.

## **STATEMENT OF THE CASE**

### **Nature of the Case**

Defendant Prince G. Paye challenges denial of his motion to suppress evidence obtained from a traffic stop. A police officer stopped Paye believing that Paye's partially obstructed, not completely readable, license plate violated Iowa Code section 321.38. Paye contends that his plate was legal, so the stop was not.

### **Course of Proceedings**

The court of appeals has the course of proceedings correct, so does Paye in his brief. Iowa R. App. P. 6.903(3).

### **Facts**

Altoona Police Officer Joshua Starkey stopped Defendant Prince G. Paye for having an obstructed license plate early in the morning hours of July 15, 2019. Mot. Suppress Tr. 5:20–6:12, 10:12–16. The trailer hitch ball on the bumper of the vehicle obstructed the

third letter of the license plate. Mot. Suppress Tr. 5:20–6:12, 8:24–9:14; Paye Truck Photo, Ex. 1; App. Exs. 3. Starkey could not make out that third letter either when he followed Paye or when he parked immediately behind Paye’s vehicle and within a few car lengths. Mot. Suppress Tr. 5:20–6:12, 8:24–9:14.

## **ARGUMENT**

### **I. All information on a license plate must be easily readable to comply with Iowa Code section 321.38.**

#### **Preservation of Error**

Paye preserved error on his argument that his seizure violated the Fourth Amendment to the United States Constitution. Mot. Suppress; Suppression Ruling; App. 9, 11.

#### **Standard of Review**

The Court reviews *de novo* when an appellant alleges a constitutional error occurred. *State v. Tague*, 676 N.W.2d 197, 201 (Iowa 2004).

#### **Merits**

### **A. The stop was legal because Paye violated Iowa Code section 321.38.**

Officer Starkey legally stopped Paye because Paye’s trailer hitch ball obstructed one of the letters of Paye’s license plate, a violation of



Iowa Code section 321.38. Iowa Code section 321.38 governs vehicles' license plates:

Every registration plate shall at all times be securely fastened . . . in a place and position to be clearly visible and shall be maintained . . . in a condition to be clearly legible.

Iowa Code § 321.38 (2019). When a peace officer observes any type of traffic offense, the violation establishes both probable cause to stop the vehicle and reasonable suspicion to investigate. *State v. McIver*, 858 N.W.2d 699, 702 (Iowa 2015). Starkey thus had probable cause and reasonable suspicion to believe that the ball hitch obstructing the license plate violated section 321.38. The stop was legal.

**B. The terms “clearly visible” and “clearly legible” are unambiguous and prohibit a vehicle’s trailer hitch ball from obstructing its license plate.**

The Iowa Supreme Court announced that three Iowa Code sections require readability of all information displayed on a license plate. *Harrison*, 846 N.W.2d at 368. Iowa Code section 321.37(3) prohibits license plate frames from obstructing any numbers or letters; Iowa Code section 321.388 requires plates be lit sufficiently to be legible from fifty feet; and section 321.38 requires “ ‘[e]very registration plate’ ‘to be clearly visible and . . . maintained free from

foreign materials and in a condition to be clearly legible.’ ” *Harrison*, 846 N.W.2d at 368 (omissions in original).

The supreme court’s omissions from its quotation of section 321.28 are telling. Unlike the court of appeals majority here, but agreeing with prior panel decisions, *Harrison* noticed that the clearly visible requirement is not modified by the preceding mounting requirements. *Id.*; see also *State v. Peden*, No. 08-1039, 2009 WL 606236, at \*1 (Iowa Ct. App. 2009) (interpreting Iowa Code sections 321.37 and 38 to prohibit a license plate cover that blurred the plate’s digits: “The statutes plainly state that the license plate must be in full view, clearly visible, and clearly legible.”); *State v. Miller*, No. 02-0965, 2003 WL 22015974, at \*1 (Iowa Ct. App. 2003) (concluding an obstructed license plate violates section 321.38 even if the officer could have read it from a closer vantage point). Like other courts in the country, *Harrison* recognized that section 321.38 reads like this:

Every registration plate (1) shall at all times be securely fastened (a) in a horizontal position to the vehicle for which it is issued so as to prevent the plate from swinging and at a height of not less than twelve inches from the ground, measuring from the bottom of the plate, (b) in a place and position to be clearly visible and (2) shall be maintained (a) free from foreign materials and (b) in a condition to be clearly legible.

Iowa Code § 321.38 (subsections inserted) Other appellate courts interpreting indistinguishable laws agree. *Parks v. State*, 247 P.3d 857, 859–61 (Wyo. 2011) (collecting cases). And all but very few also agree that the language is unambiguous. *Id.* So, tools of statutory interpretation are unnecessary. *State v. Ross*, 941 N.W.2d 341, 346 (Iowa 2020).

“The term ‘clearly’ means ‘free from obscurity . . . unmistakable . . . unhampered by restriction or limitation, unmistakable.” *People v. White*, 1022, 1026 (Cal. Ct. App. 4 Dist. 2001) (citing *Webster’s 9th New Collegiate Dict.* (1987) p. 247). “‘Visible’ means ‘capable of being seen,’ ‘perceptible to vision,’ ‘exposed to view,’ ‘conspicuous.’” *Id.* (citing *Webster’s* p. 1318). A plain language interpretation of “[e]very registration plate shall at all times be securely fastened in a horizontal position to the vehicle for which it is issued . . . in a place and position to be clearly visible” thus requires that a license plate be entirely readable and prohibits its obstruction in any manner. *Id.*

The phrase “clearly legible” is also unambiguous. *Parks*, 247 P.3d at 859–60. Besides the above definition of clearly, it can also mean “without equivocation; decidedly.” *People v. Duncan*, 160 Cal.App.4th 1014, 1019 (Cal. Ct. App. 4 Dist. 2008) (citing *Random*

*House Unabridged Dict.* (2d ed. 1993) p. 384)). “ ‘Legible is defined as ‘capable of being read or deciphered, esp. with ease . . . easily readable.’ ” *Id.* (citing *Random House* p. 1099). A plain language interpretation of “[e]very registration plate . . . shall be maintained free from foreign materials and in a condition to be clearly legible” requires that the information on the plate “be read with ease and without doubt or mistake.” *Id.*

If, based on the statute’s context, reasonable minds could differ about its meaning, only then does the analysis turn to canons of statutory construction. *State v. Iowa Dist. Ct.*, 889 N.W.2d 467, 471 (Iowa 2017). The primary objective is to honor the intent of the legislature. *Harrison*, 846 N.W.2d at 367. *Harrison* read section 321.38 in context with sections 321.37 and 321.388 to conclude “that the legislature intended that all information to be displayed on a license plate must remain readable.” *Id.*

Section 321.38 is unambiguous and the plain language requires complete readability of the content of a license plate. The ball hitch obstructing Paye’s license plate made the plate not able to “be read with ease and without doubt or mistake,” and violated section 321.38’s “clearly visible” requirement.

**C. Iowa should adopt the majority position on what constitutes a “clearly legible” and “clearly visible” license plate.**

The court of appeals majority erred because every prior panel interpreting section 321.38, as well as a federal district court, has come down against Paye’s position; so has nearly every state or federal court to evaluate a materially identical, or even similar, state statutory requirement. *See Peden*, 2009 WL 606236, at \*1 (“The statutes plainly state that the license plate must be in full view, clearly visible, and clearly legible.”); *Miller*, 2003 WL 22015974, at \*1 (concluding an obstructed license plate violates section 321.38); *State v. Klinghammer*, 2010 WL 200058, at \*3 (Iowa Ct. App. 2010) (concluding a partially snow-covered plate violated section 321.38); *United States v. Cade-Gilson*, No. CR14-2035, 2014 WL 4277244, at \*7 (N.D. Iowa Aug. 29, 2014), *report and recommendation adopted*, No. 14-CR-2035-LRR, 2014 WL 4843895 (N.D. Iowa Sept. 29, 2014), *aff’d sub nom. United States v. Gilson*, 654 F. App’x 247, 2016 WL 3227317 (8th Cir. 2016); *see also Parks*, 247 P.3d at 859–61 (concluding that a trailer hitch obstructing a license plate violated Wyo. Stat. Ann. § 31–2–205(a) with materially identical language to section 321.38 and also collecting cases); *State v. Tregeagle*, 391 P.3d

21, 24 (Idaho Ct. App. 2017) (concluding that I.C. § 49-428(2), with materially identical language to section 321.38, prohibits obstruction of a license plate by a trailer hitch ball); *White*, 93 Cal.App.4th at 1026 (concluding that a plate obscured by a ball hitch was not “clearly visible” and was a violation of Cal. Vehicle Code § 5201 with nearly the same requirements as section 321.38); *State v. Hill*, 34 P.3d 139, 147 (N.M. Ct. App. 2001) (concluding that a trailer hitch blocking the plate’s registration sticker from some angles made it not clearly visible or clearly legible in violation of N.M. Stat. § 66-3-18 with materially identical language to section 321.38); *State v. Smail*, No. 99COA1339, 2000 WL 1468543, at \*2 (Ohio Ct. App. Sept. 27, 2000) (unpublished) (holding plate was not “clearly visible” because a trailer hitch blocked the two middle numbers); *State v. McCue*, No. 29554-7-II, 2003 WL 22847338, at \*3 (Wash. Ct. App. Dec. 2, 2003) (concluding a trailer hitch blocking one number of the plate, except when the vehicle turned a corner, violated the state’s law requiring the plate be “plainly seen and read at all times”); *Burriss v. State*, 954 S.W.2d 209, 212, 330 Ark. 66, 72 (Ark. 1997) (concluding that materially identical language of Ark.Code Ann. § 27-14-716(b) (Repl.1994) prohibited a trailer plate from either being partially

obscured or flipping up in the wind); *State v. Hayes*, 660 P.2d 1387, 1389 (Kan. Ct. App. 1983) (requiring that all of the plate be legible and holding that an obscured state name was a violation of K.S.A. 8-133, which has language materially identical to section 321.38); *United States v. \$45,000.00 in U.S. Currency*, 749 F.3d 709, 716 (8th Cir. 2014) (interpreting Nebraska statute N.R.S. § 60-399(2) stating that plate must be “plainly visible” as requiring the plate be “generally readable for law enforcement and identification purposes from within a reasonable distance,” and concluding that there was no violation because the officer was able to read the plate despite a back-up camera covering part of the state name); *Duncan*, 160 Cal.App.4th at 1019 (concluding that an upside down license plate was not “clearly legible” because it was not readily readable); *United States v. Ledesma*, 447 F.3d 1307, 1313 (10th Cir. 2006) (concluding that temporary registration behind tinted window was not “clearly visible” in violation of K.S.A. § 8-133).

*People v. Gaytan*, 32 N.E.3d 641, 644 (Ill. 2015), is the only appellate decision to hold otherwise and not get reversed later,<sup>1</sup> but it addresses different language modifying “clearly legible.” As here, *Gaytan* involved a trailer hitch ball partially obstructing at least one number of the license plate. *Id.* at 646. Section 3–413(b) of the Illinois Vehicle Code, 625 ILCS 5/3–413(b), was the operative statute and has a lot of the same language as Iowa Code section 321.38:

Every registration plate shall at all times be securely fastened in a horizontal position to the vehicle for which it is issued so as to prevent the plate from swinging and at a height of not less than 5 inches from the ground, measuring from the bottom of such plate, in a place and position to be clearly visible and shall be maintained in a condition to be clearly legible, free from any materials that would obstruct the visibility of the plate, including, but not limited to, glass covers and plastic covers.

625 ILCS 5/3–413(b) (West 2010). Unlike Iowa interpretive principles that require Iowa courts to look only at the language of a statute to determine whether it is ambiguous, Illinois courts make that decision by also considering statute’s purpose and necessity, as

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<sup>1</sup> The only other case taking an arguably contrary position was later abrogated. *Harris v. State*, No. 2Do8-571, 2009 WL 188049, at \*2 (Fla. Ct. App. Jan. 23, 2009), *abrogated by*, *English v. State*, 191 So.3d 448, 450–51 (Fla. 2016).



well as consequences that will flow from a particular construction. *Gayton*, 32 N.E.3d at 647, 649–50. *Gayton* thus put great weight on not reading the “materials clause” of section 3–413(b) to prohibit mounted wheelchair carriers. It read the clause to be limited by materials like the examples included: glass and plastic covers. The court extrapolated that limitation to the rest of the statute, concluding that the clause informed both “clearly visible” as well as “clearly legible” with “great force.” *Id.* at 649.

Here, section 321.38 has no materials clause. Like Illinois, Iowa does have a prohibition on license plate frames but in a different section. *See Harrison*, 846 N.W.2d at 368 (interpreting Iowa Code section 321.37(3)). Section 321.38 simply begins with the requirement that the plate be mounted and maintained in a manner to be clearly visible. Iowa Code § 321.38. Mounting the plate behind a trailer hitch ball would not make it clearly visible, so Paye’s plate was not clearly visible. The court of appeals erred in concluding that visibility is simply a mounting requirement. Opinion p. 13. Under its view, once a vehicle owner mounts a plate visibly the requirement is satisfied; afterward, the owner can apparently obstruct it at will.

Section 321.38 does say license plates “shall be maintained free from foreign materials and in a condition to be clearly legible.” *Id.* Applying canons of construction, the court of appeals majority concluded the language “in a condition to be” only governs fading, dents, scratches, and rust. Opinion p. 15. This unnecessarily restrictive reading only comes about as a result of the majority’s adoption of Paye’s unbriefed argument, first raised in oral argument, that the meaning of section 321.38 is informed by a progression of license plate provisions in the Code from 1907 to 1938. Opinion p. 9–10, 13–16. Nothing in Iowa’s law as currently written, however, limits “clearly visible” and “clearly legible” the way Illinois’ law is limited. *Harrison’s* natural reading that plates must be completely readable should control.

What unites *Harrison’s* approach with interpretations of each other state’s law, whether the specific law says that a license plate be “clearly visible,” “clearly legible,” “plainly visible,” “unobscured,” or something similar, is that the plate must be readable. *See In re \$45,000*, 749 F.3d at 716 (interpreting “plainly visible” to mean “generally readable for law enforcement and identification purposes from within a reasonable distance”); *see also White*, 113 Cal. Rptr. 2d

at 586 (interpreting “clearly visible” to require a plate to “be read with ease and without doubt or mistake); *Duncan*, 34 P.3d at 147 (construing “clearly legible” to mean easily readable without doubt or mistake). “License plates need to be easily read in order to facilitate law enforcement and ordinary citizens in reporting and investigating hit-and-run accidents, traffic violations, gas-pump drive offs, and other criminal activity.” *Parks*, 247 P.3d at 860. Even more importantly, licence plate readability allows officers to avoid walking into dangerous situations unprepared. Opinion p. 16 n.13.

*Harrison’s* natural reading of section 321.38’s language, as well as conclusions of prior court of appeals panels and interpretations from sister states, demonstrate that the terms “clearly visible” and “clearly legible” are unambiguous. *See Peden*, 2009 WL 606236, at \*1; *see also Miller*, 2003 WL 22015974, at \*1. Together, the terms mean that a plate must at all times be unobstructed and easily readable without doubt or mistake from a reasonable vantage point. *Parks*, 247 P.3d at 859; *White*, 113 Cal. Rptr. 2d at 586; *In re \$45,000.00*, 749 F.3d at 716. Just because a smart lawyer or brilliant judge can craft a contrary argument does not mean language is ambiguous. *See State v. Iowa Dist. Ct.*, 902 N.W.2d 811, 816 & n.4

(Iowa 2017). This Court should interpret section 321.38 like the vast majority of other appellate courts.

**D. The Code treats a vehicle and a trailer as a “combination,” which requires only a licence plate on the trailer, so a vehicle plate obscured by a trailer is not a violation of section 321.38.**

Paye contends in an unpreserved facial challenge to section 321.38 that the State’s interpretation of “clearly visible” and “clearly legible” would prohibit a truck from hauling a trailer. Appellant Br. 39–40. Paye contends that this would effectively give law enforcement general warrant power to seize any truck hauling a trailer. *Id.* at 40. The court of appeals applied this unpreserved argument in its analysis though the trailer issue was not before it. Opinion p. 6 n.3. The State, in its appellee brief, did agree that interpreting section 321.38 as prohibiting hauling trailers would be problematic, Appellee Br. 38–40, but only after explaining why that analysis is inappropriate here, Appellee Br. 20–21, 38. Facial ambiguity is unpreserved and does not apply here.

Section 321.38 is not ambiguous as applied to a ball hitch obstructing a vehicle’s license plate; but, hypothetically, it is ambiguous if applied to a trailer doing the same. Many traffic code provisions regulate hauling trailers. *See e.g.*, Iowa Code § 321.105

(requiring yearly registration of trailers operated on public highways); *id.* at § 321.123 (setting registration fees for trailers and truck-trailer combinations); *id.* at § 321.166 (requiring that trailers have license plates attached to their rear). So, a reading of section 321.38 that an attached trailer violates it would conflict with cited sections allowing vehicles to haul trailers.

Yet, a look at the Code’s treatment of “combination vehicles” resolves this ambiguity. “When more than one statute is relevant, we consider the statutes together and try to harmonize them.” *State v. Snyder*, 634 N.W.2d 613, 615–16 (Iowa 2001). “‘Combination’ or ‘combination of vehicles’ . . . mean[s] . . . a group consisting of a motor vehicle and one or more trailers . . . which are coupled or fastened together for the purpose of being moved on the highways as a unit.” Iowa Code § 321.1. Section 321.38 requires that a combination comply with the “clearly visible” and “clearly legible” requirements. The Code views a vehicle and a trailer (or trailers) as one vehicle. So, for a combination, if the trailer’s rear plate complies with section 321.38, the obscured vehicle plate is not in violation.

This interpretation validates the legislature’s clear command that trailers are allowed on state highways as well as its requirements

that those vehicles are registered and readily identifiable. *See Burris*, 954 S.W.2d at 212 (applying statute materially identical to section 321.38 to a trailer’s license plate). The seeming conflict with the State’s interpretation is not a conflict at all.

**E. Bicycle racks and wheelchair carriers violate section 321.38 if they make a license plate less than completely readable.**

Commercial availability and widespread use of bicycle racks and wheelchair carriers does not affect the requirement that license plates be completely readable. Under the State’s interpretation, if a bicycle rack, or even a wheelchair carrier,<sup>2</sup> obscures a vehicle’s license plate, section 321.38 is violated. Unlike sections governing trailers, neither the court of appeals nor Paye identified traffic code provisions allowing bicycle racks or wheelchair carriers. *Harrison’s* treatment of license plate frames shows that neither commercial availability of a product, nor its ubiquitous use, means it complies with the law.

*Harrison*, 846 N.W.2d at 368.

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<sup>2</sup> The Americans with Disabilities Act may have something to say about this, but it is beyond the scope of the facts immediately before the court. The State may have more information on this subject by the time of oral argument.

**F. Officer Starkey had reasonable suspicion to believe that the unreadable license plate violated section 321.38.**

A plate that an officer cannot fully read, except from a specific, unusual, and inconvenient angle, is not easily readable and thus not clearly visible or clearly legible. *See Peden*, 2009 WL 606236, at \*1 (a license plate unreadable one car length behind and one lane to the left violates section 321.38); *see also Smail*, 2000 WL 1468543, at \*2 (concluding a trailer hitch blocking two numbers rendered the plate not clearly visible); *McCue*, 2003 WL 22847338, at \*3 (holding that a plate was not “plainly seen and read at all times” despite being readable when the vehicle made a turn).

Paye’s license plate was not at all times unobstructed and was not easily readable from a reasonable vantage point without doubt or mistake. Mot. Suppress Tr. 5:20–6:12, 10:12–16. The ball hitch prevented Starkey from deciphering the third letter of the license plate. Mot. Suppress Tr. 5:20–6:12, 8:24–9:14; DashCam Video 1:00, Ex. A.; Truck Photo, Ex. 1, App. Exs. 3. The license plate was not easily readable because Starkey had a doubt as to the third letter. *See White*, 93 Cal.App.4th at 1026 (concluding a ball hitch obstructing a plate made it not clearly visible); *In re \$45,000.00*, 749 F.3d at 716.

Due to the hitch, the plate was not clearly visible or clearly legible.

*Parks*, 247 P.3d at 859; *Hill*, 34 P.3d at 147.

Only after Starkey exited his vehicle, stood next to Paye's truck, and observed the plate from a sharp angle was he able to completely read the license plate. Mot. Suppress Tr. 14:19–25. From this inconvenient angle to the rear and left of Paye's vehicle, the entire plate was unobstructed. Mot. Suppress Tr. 15:4–8. Seeing it from that angle, Starkey was then able to relay the full plate number to dispatch. Mot. Suppress Tr. 15:9–11. This was not a reasonable vantage point for Starkey to read the plate, and it was thus not easily readable. *Peden*, 2009 WL 606236, at \*1; *contra In re \$45,000.00*, 749 F.3d at 716 (concluding that there was no reasonable suspicion that plate was not plainly visible because the officer was able to read the temporary tag from 100 feet directly behind the vehicle).

Officer Starkey had reasonable suspicion to seize Paye's vehicle to issue him a warning or citation for his unreadable license plate violating section 321.38. Mot. Suppress Tr. 7:1–4. Starkey was thus justified in approaching Paye's window and asking for his license, registration, and proof of insurance. Mot. Suppress Tr. 19:13–16. Paye almost immediately informed the officer that he did not have a valid



license. Dashcam Video 1:00–5:00, Ex. A. This resulted in the driving-while-barred charge and conviction.

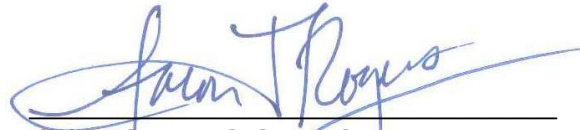
The stop was legal. So, the conviction is legal.

### **CONCLUSION**

This Court should grant further review, vacate the court of appeals opinion, and affirm the district court’s judgment and sentence.

Respectfully submitted,

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A handwritten signature in blue ink, appearing to read "Aaron Rogers", is written over a horizontal line.

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## CERTIFICATE OF COMPLIANCE

The application complies with the typeface and type-volume requirements of Iowa R. App. P. 6.1103(4) because:

- This application has been prepared in a proportionally spaced typeface using Georgia in size 14, and contains **4,371** words, excluding the parts of the application exempted by Iowa R. App. P. 6.1103(4)(a).

Dated: May 17, 2022

A handwritten signature in blue ink that reads "Aaron Rogers". The signature is written in a cursive style and is positioned above a horizontal line.

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