

**IN THE COURT OF APPEALS OF IOWA**

No. 22-1076  
Filed March 27, 2024

**STATE OF IOWA,**  
Plaintiff-Appellee,

**vs.**

**RODNEY FITZGERALD JACKSON,**  
Defendant-Appellant.

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Appeal from the Iowa District Court for Pottawattamie County, Richard H. Davidson, Judge.

On discretionary review, a defendant challenges a five-year sentencing no-contact order. **AFFIRMED.**

Brian S. Munnely, Omaha, Nebraska, for appellant.

Brenna Bird, Attorney General, and Kyle Hanson (until withdrawal) and Joseph D. Ferrentino, Assistant Attorneys General, for appellee.

Considered by Bower, C.J., and Greer and Chicchelly, JJ.

**GREER, Judge.**

After being turned down for a job, Rodney Jackson started calling various Iowa Western Community College (IWCC) employees to express his frustration. The calls and messages escalated and, after failing to heed a warning to refrain, Jackson was charged with third-degree harassment, a simple misdemeanor, in violation of Iowa Code section 708.7(4) (2021) in May 2021. A district associate judge issued a temporary criminal no-contact order the next day, listing IWCC as the protected party. After he was found guilty of harassment, Jackson—here on discretionary review—now disputes the authority of the magistrate court to extend the no-contact order at sentencing for an additional five-years and that IWCC can be a protected party under the law. The district associate court answered these questions in the affirmative, and we agree. We affirm.

At the bench trial to a magistrate judge held in November, three IWCC employees testified. The human resources director testified that Jackson applied and was hired for a position in food service at IWCC, but he did not pass his background check, so the employment offer was rescinded. After she told Jackson that he would not be employed by IWCC, Jackson called her four times, used profanity, and got upset. Jackson then began and continued calling IWCC's main line. The vice president of finance testified that Jackson called him a handful of times, became irate and swore, and threatened to file complaints against IWCC. He also stated that Jackson called IWCC employees in various departments including "sometimes just our switchboard operator." The director of safety and security also spoke with Jackson and testified that after he told Jackson not to call IWCC anymore, Jackson continued calling and "basically just disregarded my—

my warning of him not to call anymore.” The State offered a call log from March to May 2021 that showed dozens of phone calls to IWCC from Jackson. Officer Travis Jarzynka from the Council Bluffs Police Department also testified; he stated that when he arrested Jackson, Jackson stated that he intended to keep calling “all those punk-ass bitches at [IWCC]”. But at trial, Jackson denied all of the allegations by the State. Instead, he claimed that the only contact he had with IWCC was completing the paperwork for the job application and learning that the offer was rescinded.

The magistrate judge found Jackson guilty as charged two days later. The court imposed a one-day sentence with credit for one day already served but modified the temporary no-contact order to a five-year permanent no-contact order. Jackson appealed the magistrate’s decision to the district court. In June 2022, the district court issued an order affirming the magistrate’s decision to impose the no-contact order. In its order, the court wrote that the magistrate judge had the authority to continue the no-contact order for five years pursuant to Iowa Code section 664A.5 and that IWCC is a “person” that is included as a protected party under Iowa Code section 4.1(20), which defines “person” as including a public corporation. Jackson applied for discretionary review, which our supreme court granted before transferring the case to this court for resolution.

### **I. Standard of Review.**

Because these arguments we resolve today involve statutory interpretation, we review the imposition and application of this five-year sentencing no-contact order for correction of errors at law. See *State v. Wiederien*, 709 N.W.2d 538, 540 (Iowa 2006) (explaining the court reviews issues of statutory interpretation for

correction of errors at law). “Illegality exists when the court’s findings lack substantial evidentiary support, or when the court has not properly applied the law.” *State Pub. Def. v. Iowa Dist. Ct.*, 747 N.W.2d 218, 220 (Iowa 2008) (quoting *Christensen v. Iowa Dist. Ct.*, 578 N.W.2d 675, 678 (Iowa 1998)).

## II. Analysis.

### A. Authority of Magistrate to Enter Permanent No-Contact Order.

Jackson first argues that the magistrate judge did not have authority to enter the permanent no-contact order. In this argument, Jackson confuses a *sentencing* permanent no-contact order with the *extension* of a permanent no contact order. Compare Iowa Code § 664A.5 (allowing entry of a sentencing permanent no-contact order), with *id.* § 664A.8 (allowing the extension of a permanent no-contact order). Magistrate judges have authority to preside over all pre- and post-trial stages of simple misdemeanor cases. *Id.* § 602.6405(1) (“Magistrates have jurisdiction of simple misdemeanors . . . .”); *Vance v. Iowa Dist. Ct.*, 907 N.W.2d 473, 480 (Iowa 2018) (“[N]othing in the language of Iowa Code section 602.6405 or chapter 664A specifically limits the magistrate’s jurisdiction to the trial phase of simple misdemeanor cases.”). That authority includes the simple misdemeanor harassment charge here and the sentencing phase connected with conviction for that offense. The magistrate court did not exceed its authority in ordering the sentencing permanent no-contact order.

**B. IWCC as Protected Party under Permanent No-Contact Order.** Next, Jackson argues that because IWCC is not a “person,” it cannot be the protected party under a no-contact order, and thus the district court did not properly apply the law in approving it. The State responds that because the statute governing no-

contact orders does not include a separate definition for “person,” we must apply Iowa Code section 4.1(20) defining a person as a corporation, and IWCC was the proper protected party here as it was harmed as a result of Jackson’s harassment.

No-contact orders can be entered in third-degree harassment cases or “any other public offense for which there is a victim.” See Iowa Code §§ 664A.2(1) (stating that the chapter on no-contact orders applies to violations of section 708.7), 708.7 (defining harassment). Following conviction, a court may modify a temporary no-contact order and continue it as a permanent no-contact order for a period of five years at sentencing. *Id.* § 664A.5; see also *State v. Epping*, 878 N.W.2d 277, 279 (Iowa Ct. App. 2016) (holding that because the modification of the no-contact order to a permanent, five-year no-contact order was part of the criminal sentence, it was in compliance with section 664A.5). “‘Victim’ means a person who has suffered physical, emotional, or financial harm as a result of a public offense . . . .” Iowa Code § 664A.1(3). A person includes an “individual, corporation, limited liability company, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.” *Id.* § 4.1(20). However, the listed victim on a no-contact order may not be so overbroad as to render the no-contact order meaningless. See *State v. Hall*, 740 N.W.2d 200, 204–05 (Iowa Ct. App. 2007) (finding that a no-contact order with “any child under eighteen years of age” with the exception of the defendant’s biological nephew as the protected party was invalid); accord *State v. Smith*, No. 13-1268, 2014 WL 2600325, at \*3 (Iowa Ct. App. June 11, 2014) (finding the same for a no-contact order with “juveniles under the age of eighteen”).

IWCC, as a public corporation,<sup>1</sup> is a person who has suffered physical, emotional, or financial harm as a result of Jackson's harassment, and it is a proper protected party on the no-contact order. In addition, IWCC as the victim is not so overbroad as to render the no-contact order meaningless as IWCC only had one location and one general number that Jackson repeatedly called. Three employees from IWCC testified that Jackson called them multiple times, became angry, swore at them, and made threats of additional actions, causing them to fear for their personal welfare. He also told the officer who arrested him that he intended to continue to call even though cautioned earlier about his actions. Jackson's phone calls were not directed at any specific individual, but at IWCC generally, and he harassed whoever there would answer. The call log exhibit demonstrated that Jackson called multiple numbers at IWCC indiscriminately, and he did so dozens of times making aggressive comments, regardless of who answered. Thus, the employees suffered harm and IWCC did as well, making it a properly protected party under the no-contact order. Therefore, we find that the district court did not improperly apply the law in modifying the temporary no-contact

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<sup>1</sup> As defined by the Iowa Code,

“Community college” means a publicly supported school which may offer programs of adult and continuing education, lifelong learning, community education, and up to two years of liberal arts, preprofessional, or occupational instruction partially fulfilling the requirements for a baccalaureate degree but confers no more than an associate degree; or which offers as the whole or as part of the curriculum up to two years of career and technical education, training, or retraining to persons who are preparing to enter the labor market.

Iowa Code § 260C.2(3).

order to a permanent no-contact order with IWCC as the protected party. We affirm.

**AFFIRMED.**