IN THE SUPREME COURT OF IOWA

SUPREME COURT NO. 16-1720

STATE OF IOWA,
Plaintiff-Appellee,

vs.

TERRY LEE COFFMAN,
Defendant-Appellant.

APPEAL FROM THE DISTRICT COURT
OF STORY COUNTY
THE HONORABLE JAMES MALLOY (TRIAL AND MOTION TO SUPPRESS)

APPELLANT'S APPLICATION FOR FURTHER REVIEW OF THE IOWA COURT OF APPEALS DECISION ENTERED AUGUST 2, 2017 AND REQUEST FOR ORAL ARGUMENT

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QUESTION PRESENTED FOR REVIEW

I. WHETHER THE SEIZURE OF A MOTORIST LAWFULLY PARKED ON THE SIDE OF A ROADWAY EXHIBITING NO SIGNS OF DISTRESS IS PERMISSIBLE PURSUANT TO THE PUBLIC SERVANT DOCTRINE UNDER THE FOURTH AMENDMENT OF THE UNITED STATES CONSTITUTION AND ARTICLE 1, SECTION 8 OF THE IOWA CONSTITUTION.

CERTIFICATE OF FILING

I, Matthew T. Lindholm, hereby certify that I will file the attached Brief by filing an electronic copy thereof to the Clerk of the Supreme Court, Judicial Branch Building, 1111 East Court Avenue, Des Moines, Iowa, on August 18, 2017, via the Iowa Electronic Document Management System.

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I, Matthew T. Lindholm, hereby certify that on August 18, 2017, I served a copy of the attached brief on all other parties to this appeal by electronically filing a copy of the attached brief with the Iowa Electronic Document Management System:

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STATEMENT SUPPORTING FURTHER REVIEW

Appellant specifically requests further review to answer the question of whether the public servant doctrine of the community caretaking exception allows a police officer to effectuate the seizure of the occupants of a vehicle that is lawfully parked on the shoulder of a road with no discernible signs of distress. The Appellate further requests that further review be granted to determine whether Article 1, Section 8 of the Iowa Constitution provides greater protections from the public servant doctrine than the Fourth Amendment of the United States Constitution.

The Court of Appeals decision needs to be revisited by the Iowa Supreme Court for the following reasons. First, the present decision appears to be at odds with *State v. Sellers*, No. 14-0521 2015 WL 1055087 (Iowa Ct. App. Mar 11, 2015), in which the Iowa Court of Appeals found a stop under almost identical facts to be unconstitutional. Second, the rationale used by the Iowa Court of Appeals to distinguish *Sellers* establishes an illogical and illegal suggestion to the public that a motorist who is lawfully parked on the side of the road should attempt to drive away from an approaching patrol car that has the emergency lights activated in order to preserve their right to be free from unreasonable searches and seizures. Third, if the Court of Appeal's decision is not overturned, the protections

of the Fourth Amendment and Article 1, Section 8 of the Iowa Constitution vanish when the general motoring public engages in a completely innocent, legal, and responsible activity by legally pulling to the side of a road. This is especially important in light of the recent ban on the use of electronic devices while driving which will likely increase the number similarly situations. See Iowa Code Section 321.276(2). Fourth, the Court should take this opportunity to expand on and clarify the seemingly scarce legal precedent in the State of Iowa surrounding the applicability of the public servant doctrine. Finally, further review should be granted to determine whether the Iowa Constitution provides greater protections to the public than the United States Constitution when the public servant doctrine may be applicable.

Each of the above reasons fall within the parameters Iowa Rule of Appellate Procedure 6.1103(1)(b), thereby providing this Court with factual, legal, and public policy support for granting further review of this case.

APPELLANT'S BRIEF

Nature of the Case and Course of Proceedings

Mr. Coffman was charged by way of Trial Information filed on June 16, 2016, with Operating While Intoxicated, First Offense, in violation of Iowa Code section 321J.2. Trial Information (6/16/16); App. P.1-2. Prior to Trial, the Mr. Coffman filed a timely Motion to Suppress Evidence seeking to suppress all evidence obtained

due to an illegal seizure of his person under both the Fourth Amendment of the United States Constitution and Article 1, Section 8 of the Iowa Constitution. Motion to Suppress Evidence (8/25/16); App. P.3-5. The Trial Court found that a seizure occurred, but denied the Motion citing the "community caretaking" exception to the warrant requirement as a basis to justify the warrantless seizure of Mr. Coffman despite the fact Deputy Hochberger did not notice any indicia of distress prior to effectuating the seizure. Supp. Tr. PP.11 (10/21/16); App. P.18.

Mr. Coffman ultimately filed a Motion to Reconsider and Request for Expanded Finding of Facts and Conclusions of Law. Motion to Reconsider (9/12/16); App. P.41-61. Although the Court expanded on the findings of facts, the Court nonetheless denied Mr. Coffman's request to reconsider specifically finding that neither the Fourth Amendment nor Article 1, Section 8 of the Iowa Constitution was violated. Order Denying Motion to Reconsider (9/14/16); App. P.62-65. Mr. Coffman waived his right to a jury trial and stipulated to a trial on the minutes of testimony. Written Waiver and Stipulation (9/15/16); App. P.102-107. Prior to Trial, a joint stipulation of additional facts was entered to supplement to the record made at the hearing on the motion to suppress. Written Stipulation (10/11/16); App. P.101.

The matter proceeded to a stipulated trial on the minutes of testimony on October 12, 2016, and the District Associate Court found Mr. Coffman guilty of

operating while intoxicated, first offense, in violation of Iowa Code section 321J and sentenced Mr. Coffman to two days in jail and statutory minimum fine. Findings of Fact, Conclusion of Law, and Verdict; Judgment Entry (10/12/16); App. P.66-68; 69-71. Notice of Appeal was timely filed on October 12, 2016. Notice of Appeal (10/12/16); App. P.72-73. The Court of Appeals issued a decision in this matter on August 2, 2017, affirming the district court order denying the Appellant's motion to suppress. See *State v. Coffman*, 16-1720, August 2, 2017 (Slip Copy), 2017 WL3283312. A copy of which is attached hereto in compliance with Iowa Rule of Appellate Procedure 6.1103(1)(c)(5).

Statement of Facts

Deputy Nicholas Hochberger, of the Story County Sheriff's Department, was on patrol in the early morning hours of May 22, 2016. Supp. Tr. 5 (10/21/16); App. P.12. He was in uniform driving a fully marked patrol vehicle when he encountered Mr. Coffman's vehicle stopped facing east on the south side of 320th Street, which is a gravel road. Supp. Tr. 5-6 (10/21/16); App. P.12-13. He first noticed Mr. Coffman's vehicle when he was roughly one-half to one-quarter of a mile away and realized that the vehicle was stopped and had the brake lights engaged. Supp. Tr. 7 (10/21/16); App. P.14. Deputy Hochberger did not know how long the vehicle had been stopped, did not see it move as he approached, and there was no indication the hazard lights were activated. Supp. Tr, P. 8 (10/21/16); App. P.15. Upon

approaching the vehicle and prior to stopping his vehicle, Deputy Hochberger activated his overhead red and blue flashing lights. Supp. Tr. 10-11 (10/21/16); App. P. 17-18.

The reason he stopped and ultimately approached Mr. Coffman's vehicle, was to determine if the people in the vehicle needed help. Supp. Tr. P. 15 (10/21/16); App. P.22. However, Deputy Hochberger admitted that he did not have any specific facts prior to activating his red and blue flashing lights that led him to believe the occupants of the vehicle were in need of assistance other than the vehicle being stopped on the side of the road with the brake lights engaged. Supp. Tr. P. 17 (10/21/16); App. P.24. To the contrary, Deputy Hochberger testified that he comes into contact with five (5) to fifteen (15) vehicle a week that are stopped on the side of the road and he routinely activates his red and blue emergency lights in those circumstances despite the fact that the majority of those vehicles don't need assistance. Supp. Tr. P. 9, 11 (10/21/16); App. P.16, 18. Deputy Hochberger did not have any facts to believe the occupants of the vehicle were engaged in any criminal activity or had been involved in an accident the record is devoid of any evidence that the location of Mr. Coffman's vehicle on the side of a gravel road posed a danger to the occupants or any other vehicles. Supp. Tr. P. 17, 18 (10/21/16); App. P.24, 25. When asked why he was stopped on the side of the road, Mr. Coffman told him that

the reason he pulled over was to rub his wife's neck. State's Exhibit 1 (9/9/16); App. P.6.

Legal Argument

I. THE SEIZURE OF THE APPELLANT'S VEHICLE WHILE LAWFULLY STOPPED ON THE SHOULDER OF A HIGHWAY EXHIBITING NO INDICIA OF DISTRESS VIOLATED THE FOURTH AMENDMENT OF THE UNITED STATES CONSTITUTION AND ARTICLE 1, SECTION 8 OF THE IOWA CONSTITUTION.

Preservation of Error: Mr. Coffman preserved error by timely filing a Motion to Suppress Evidence, obtaining a ruling on same, filing a Motion to Reconsider, obtaining a ruling on the same, timely filing his Notice of Appeal, and filing this Application for Further Review.

Standard of Review: Mr. Coffman alleges a violation of his constitutional rights so the court's review is de novo. *State v. Naujoks*, 637 N.W.2d 101, 106 (Iowa 2001).

Argument: Subject to a few carefully drawn exceptions, warrantless searches are *per se* unreasonable and the only way to overcome this presumption of unreasonableness is if the State proves by a preponderance of the evidence with specific and articulable facts that a recognized exception to the warrant requirement applies. *State v. Carlson*, 548 N.W.2d 138, 140 (Iowa 1996). When an officer has no objective facts to support a reasonable belief that a seizure is necessary in order to perform a function as a public servant and has other viable means short of

effectuating a seizure, the public servant doctrine cannot justify the seizure because the privacy interests of the individual outweigh those of the public.

A. Community Caretaking Framework.

One recognized but often criticized exception to the warrant requirement is the so-called "community caretaking" exception which was first developed in *Cady v. Dombrowski*, 413 U.S. 433, 441, 93 S.Ct. 2523, 2528, 37 L.Ed.2d 706, 714-15 (1973). "As the name implies, this exception permits a warrantless search of an automobile for the *protection of the public and is 'totally divorced from the detection, investigation, or acquisition of evidence relating to the violation of a criminal statute*.'" *Id*. (emphasis added). However, there are limits under the community caretaking function and "[a] person's Fourth Amendment rights are not eviscerated simply because a police officer may be acting in a non-investigatory capacity." *United States v. King*, 990 F.2d 1552, 1560(10th Cir. 1993) citing *United States v. Brignoni-Ponce*, 422 U.S. 873, 878 (1975).

Anytime a court is faced with a purported community caretaking situation implicating an individual's right to be free from unreasonable search and seizure, the court is to engage in a three-part analysis. *State v. Kurth*, 813 N.W.2d 270, 277 (Iowa 2012) (Appel, J. concurring specially). First, the court determines if a seizure took place. *Id.* Second, the court determines if the law enforcement official's conduct constituted a bona fide community caretaking activity. *Id.* Recognized categories of

such conduct include 1) the emergency aid doctrine; 2) the automobile impoundment/inventory doctrine, and 3) the 'public servant' exception noted in *Cady v. Dombrowski, 413 U.S. 433 (1973)*. Finally, if the first two prongs are satisfied, the court must consider whether the public interest outweighs the intrusion upon the privacy of the citizen. *Kurth*, 813 N.W.2d at 280.

Since the Court of Appeals concluded that a seizure occurred and that the emergency aid and impound inventory doctrines did not apply, this brief will not address those issues and will focus solely on the lack of applicability of the public servant doctrine and the privacy intrusion outweighing the public interest.

i. The Deputy's Conduct did not Constitute a Bonafide Community Caretaking Activity Under the Public Servant Doctrine.

Although similar to the emergency aid function, there are very few Iowa cases specifically discussing the "public servant" function and the distinction between the two doctrines has become blurred.[1] The only legal description of a

[1] Unfortunately, analogies used by the courts in attempting to explain the public servant function have confused this point. In *Crawford*, the court used the example of a police officer assisting an individual with a flat tire. *Crawford*, 659 N.W.2d at 542. Frankly, the flat tire analogy is a misplaced application of the public servant exception. It creates more confusion than clarity and does not adequately articulate what a true public servant exception is meant to encompass. A law enforcement officer does not and certainly should not seize a motorist when helping change a tire. In fact, many situations described as potentially falling under the public servant function are in all reality, better described as consensual encounters where the search and seizure provisions are not implicated.

qualifying public servant action provided by the Iowa Supreme Court is when the officer "might or might not believe there is a difficulty requiring his general assistance." *State v. Crawford*, 659 N.W.2d 537, 542 (Iowa 2003); citing Naumann, *The Community Caretaker Doctrine: Yet another Fourth Amendment Exception,* 26 Am.J.Crim.L 325, 330-41 (1999). This is markedly different than the emergency aid exception that also falls under "community caretaking" wherein law enforcement searches or seizes an individual in order to protect or preserve life or avoid serious injury. See *Mincy v. Arizona*, 437 U.S. 385, 392 (1978). Emergency aid comes about by a need to protect whereas the public servant comes about by a duty to serve the individual citizen or community in general.

At first blush, the *Crawford* description of the public servant function is not a model of clarity and leaves much to be desired from a real world, application standpoint. In fact, it runs the risk of being crosswise with the constitutional requirement that a standard regulating a search or seizure of a person cannot leave application and implementation to the discretion of the officer in the field. *State v. Hilleshiem*, 291 N.W.2d 314, 316 (Iowa 1980). However, when *Crawford's* public servant description is taken into context with a couple of well-established search and seizure principals, a workable solution comes into focus.

First, the reasonableness of governmental action that intrudes upon a privacy interest of a citizen is always analyzed under an objective standard. "In

determining the reasonableness of the particular search or seizure, the court judges the facts 'against an objective standard: would the facts available to the officer at the moment of the seizure or search warrant a man of reasonable caution in the belief that the action taken was appropriate?'" *State v. Heminover*, 619 N.W.2d 353, 357 (Iowa 2000) (*abrogated* on other grounds); quoting *Terry*, 391 U.S. at 21-22. Second, actions taken under the community caretaking function "must be limited to the justification thereof, and the officer may not do more than is reasonably necessary to determine whether a person is in need of assistance, and to provide that assistance." *Kurth*, 813 N.W.2d at 278; quoting *State v. Carlson*, 548 N.W.2d 138, 142 (Iowa 1996).

The aforementioned principals being established; the plain language of the *Crawford* public function standard first requires objective facts that lead a reasonable officer to conclude that a difficulty or problem exists. The difficulty or problem to be addressed must be one facing the person to be seized since after all, the purported purpose behind the seizure would be to render assistance. If there is no objective evidence to believe there is a difficulty or problem confronting a citizen, there is no service to be rendered by the officer.

Examples of specific difficulties or problems implicating the public servant function may include things like:

- A burned out taillight, even though this was not a traffic violation at that time. *State v. Mitchell*, 498 N.W.2d 691 (Iowa 1993).

- Headlights not illuminated when driving at night in a parking lot in a "high crime area" full of pedestrians, some of whom were intoxicated and less likely to see a vehicle with its headlights off. *State v. Rave*, 2009 WL 3381520, *4. (Iowa App.).

- A possibly drunk individual, wearing dark clothing and stumbling in the road at night in a high crime area. *U.S. v. Rideau*, 969 F.2d 1572, 1573 (5th Cir. 1992).

- Personal property in peril due to being left on the top of a vehicle driving down a highway, *State v. Chisholm*, 696 P.2d 41 (Wash. App. 1985).

- Specific road hazards ahead. See discussion in *United States v. Dunbar*, 470 F.Supp 704, 707 (D.Conn 1979).

Specific instances where no objective evidence established a problem or difficulty, include:

- Brake lights of a parked vehicle illuminating two times. *State v. VanWyk*, 2011 WL 2420708 (Iowa App) (unpublished)

- A motorist appearing to be potentially lost. *State v.* Casey, 2010 WL 2090858 *4 (Iowa App.).

- A motorist stopped on the side of the road with the lights on. *Sellers*, 2015 WL 1055087 *5 (Iowa App) (unpublished)

Here, there was no objective evidence of a problem or difficulty confronting Mr. Coffman at the time the seizure occurred. Mr. Coffman was legally parked on the side of a rural road with his brake lights activated. Deputy Hochberger admitted that he did not have any specific facts prior to activating his red and blue flashing lights that led him to believe the occupants of the vehicle were in need of

assistance other than the vehicle being stopped on the side of the road with the brake lights engaged. Supp. Tr. P. 17 (10/21/16); App. P.24. More importantly, Deputy Hochberger testified that he comes into contact with five (5) to fifteen (15) vehicle a week that are stopped on the side of the road and he routinely activates his red and blue emergency lights in those circumstances despite the fact that the majority of those vehicles don't need assistance. Supp. Tr. P. 9, 11 (10/21/16); App. P.16, 18. As such, the inquiry ends the. Nevertheless, in the spirit of thorough analysis, further exploration of the flaws with the Court of Appeals decision should be completed.

If there is an identifiable problem the next question is whether a seizure is necessary in order to remedy that problem. The Iowa Supreme Court in *State v. Kurth*, provided one of the most thorough analysis of the "community caretaking" exception and part of the opinion included a brief analysis under the public servant function. Interestingly, the Court stated, "assuming that Kurth needed a friendly reminder to take a look at the front end of his vehicle, this could have been provided without activating the patrol car's emergency lights and blocking him in." *Id*. at 280. "A balancing of public interest and privacy considerations does not favor the State." *Id*.

In *State v. Tague*, the Iowa Supreme Court found a violation of Article 1, Section 8, after an officer stopped a motorist at 2 a.m. based on an "isolated incident

of the driver briefly crossing an edge line" of a divided roadway, 676 N.W.2d 197, 205-206 (Iowa 2004). One basis asserted by the State to justify the stop was under the community caretaking exception alleging that the driver could have been fatigued. In concluding that the totality of the circumstances could not justify the community caretaking function, the court noted that many circumstances could lead to a vehicle momentarily crossing the center line other than intoxication or fatigue. *Id.* at 205.

Furthermore, the Court of Appeals in *Sellers*, 2015 WL 1055087 also refused to justify the seizure under the public servant function of the community caretaking exception under almost identical facts as presented in this case by concluding "there was no indication Sellers needed the deputy to perform any public service function or to assist her." 2015 WL 1055087 at 4. The driver in *Sellers* had stopped the vehicle once (possibly in the traveled portion of the paved highway), and then moved the vehicle and was stopped again on the side of the same highway. Those facts more strongly suggest that *Sellers* needed assistance since she had stopped on the side of a paved highway twice in a short distance than Mr. Coffman's action of stopping once on the shoulder of the road. Nevertheless, the Court of Appeals distinguished *Sellers* from the present on the sole basis that the driver began driving away after the officer activated his spot light.

Officers may not use the public servant exception when the circumstances do not indicate the subject of the encounter needs aid. Mary E. Neumann, *The Community Caretaker Doctrine: Yet Another Fourth Amendment Exception*, Am. J. Crim L. 325, 341 (1999). Other States addressing similar circumstance have refused to justify the seizure of a stopped motorist without any further indicia of distress under the community caretaking exception. See *State v. Button*, 86 A.3d 1001 (Vt. Supreme Court 2013)(finding that the community caretaking exception did not justify the seizure of a car stopped on the shoulder of a back-country road with it's engine running, where there was no danger to oncoming traffic, no signs of erratic driving, and no signs of distress); *State v. Schmidt*, 47 P.3d 1271 (Idaho App. 2012) (stop not justified under community caretaking where the vehicle was lawfully stopped off of a road, no evidence of the vehicle being driven recklessly, no exterior damage to believe an accident occurred, and not observation about the occupant that they were in need of assistance); *State v. Graham*, 175 P.3d 885 (Mont. 2007) (finding a seizure unjustified under the community caretaking function when the officer observed a stopped vehicle on the side of the road and the occupants kissing); *State v. Boutin*, 13 A.3d 334 (N.H. 2010) (seizure of vehicle legally stopped on side of the road not justified under the community caretaking doctrine when the trooper did not observe any signs of an accident, that the car was disabled, or that the passengers were in any type of distress; *United States v. Gross*, 662 F.3d 393, 396

(6th Cir. 2011) (finding community caretaking exception did not justify a seizure of a parked car with the engine running, no apparent driver, and a barely-visible individual slumped down in the passenger seat).

Much like the conclusions reached by other jurisdictions, the observations of Deputy Hochberger were consistent with someone who stopped off the beaten path to use their cell phone, switch drivers, read a map, give a spouse wife a shoulder rub. The lack of any reasonably objective facts to support the conclusion that aid was needed cannot support the application of the public servant doctrine. *Tague*, 676 N.W.2d at 205. Thus, the Court of Appeals decision creates the very real proposition that if you pull to the side of the road and legally park your car for any reason, you forgo any protections under the Fourth Amendment of the United States Constitution or Article 1, Section 8 of the Iowa Constitution. See *State v. Standley*, 2003 WL 22336257 * 4 (Iowa App Unpublished) (finding the stop unconstitutional because upholding it "would be tantamount to holding that the mere act of being in a cemetery after dark constitutes reasonable and arcticulable cause to justify an investigatory stop"). The Court's holding will likely have significant effects on the public in light of the recent legislation prohibiting the use of electronic devices while driving as it can reasonably be anticipated that more people will be pulling to the side of roadways to use their electronic devices. *See* Iowa Code Section 321.276(2).

Finally, in distinguishing the holding in *Sellers*, the Court of Appeals appears to suggest that had Mr. Coffman attempted to drive away from Deputy Hochberger as he was approaching with his red and blue lights activated, this may have removed any indicia of distress that was created by him driving away. This is a scary proposition because (1) driving away from an approaching emergency vehicle that has red and blue flashing lights activated would violate Iowa Code Section 321.324 and (2) do we really want the public believing that in order to preserve their right to be free from unreasonable searches and seizures, a person must attempt to drive away from an approaching law enforcement vehicle that has the red and blue lights activated? I think not.

ii. The public need and interest DOES NOT outweigh the intrusion upon the privacy of Mr. Coffman.

Assuming *arguendo* that there was a bona fide community caretaking function, the public need and interest do not outweigh the constitutional right to be free from unreasonable searches and seizures under these facts. Actions under the community caretaking doctrine "must be limited to the justification thereof, and the officer may not do more than is reasonably necessary to determine whether a person is in need of assistance, and to provide that assistance." *Kurth*, 813 N.W.2d at 278; (quoting *Carlson*, 548 N.W.2d at 142). If the intrusion upon the private citizen is not outweighed by the public need, then the stop cannot be valid. *Id.* at 279.

The Court of Appeals concluded the location of the Appellants vehicle posed an increased safety risk to the Appellant and other motorists as one of the factors justifying why the public need outweighed Mr. Coffman's privacy interest. The Court of Appeals further found that "Deputy Hochberger had no clues to the condition of the car's occupants" and "no way of knowing if Coffman's car was driveable or if he or his wife were in need of assistance" which further tipped the scales in favor of the public need outweighing the privacy interest of Mr. Coffman. This logic is a tangled mess of non-sense.

First, it is hard to imagine how the Court could conclude that lawful activity (i.e. parking on the side of the road) somehow poses a danger to the public when the legislature has failed to recognize such a danger and pass legislation to avoid that danger. *See* Iowa Code Section 321.358 (prohibiting the stopping and/or parking of vehicles in certain locations but not prohibiting the stopping of a vehicle in the present circumstance). Second, that Mr. Coffman's vehicle was completely off the traveled portion of the roadway on a rural road with little to no traffic and the brake lights were activated thereby alerting approaching traffic to the cars presence. Third, the fact that the Court concluded "Deputy Hochberger had no clues to the condition of the car's occupants" and "no way of knowing if Coffman's car was driveable or if he or his wife were in need of assistance" is counterintuitive to the conclusion that there was a need to assist. Finally, the Court of Appeals completely ignored the fact

that Deputy Hochberger encounters people parked on the side of the road on several occasions each week and the vast majority do not need assistance. Supp. Tr. P. 9, 11 (10/21/16); App. P.16, 18.

When determining whether an officer did "more than is reasonably necessary to determine whether a person is in need of assistance", the Courts have looked at what other options were available to the officer other than effectuating a seizure. See *State v. Anderson,* 417 N.W.2d 411 (Wis. App. 1987), (finding the court should look at what alternatives were available to the officer aside from the intrusion accomplished). In *Kurth,* the Court noted that the office did not need to block the motorists vehicle in and activate his lights to inform him that he needed to look at his vehicle. 813 N.W.2d at 280. Seizures have also been found unconstitutional when a consensual encounter could have been effective in determining whether someone was in need of assistance. See *United States v. Gross*, 662 F.3d 393, 401 (6th Cir.2011).

Several different approaches could have been taken by Deputy Hochberger which would have been less intrusive. For example, he could have simply driven by and made observations about the vehicle and the occupants and then determined if assistance was warranted. He could have pulled up beside Mr. Coffman and engaged him in a consensual encounter to determine if assistance was needed as was suggested in *Kurth* and *Gross*. Finally, given that his car had rear facing amber

lights and hazard lights, he simply could have parked either behind or in front of Mr. Coffman and activated those lights in an attempt to engage Mr. Coffman in a consensual encounter while at the same time alerting other traffic of his presence.

The Court failed to address why Deputy Hochberger could not have first driven by and made observations of the car in an attempt to determine any signs of distress or why he could not have pulled behind the car without activating his red and blue lights. See *State v. Anderson*, 439 N.W.2d 840, 848 (Wis. App) *rev'd on other grounds*, 454 N.W.2d 763 (1990) ("Given the relatively minor nature of the societal interest and the alternatives available short of seizure to pursue the matter…the seizure of Anderson's vehicle was unreasonable.") The failure to address these other alternatives undermines the Court's conclusion that the public interest outweighed the intrusion.

B. Even if the Seizure was Justified as a "Community Caretaking" Function under the Fourth Amendment of the United States Constitution, Article 1 section 8 of the Iowa Constitution Provides a Higher Degree of Protection from Unreasonable Searches and Seizures; as Such, the Seizure of the Defendant's Vehicle Violated Article I Section 8 of the Iowa Constitution.

If the Court determines that the officer's stop of Mr. Coffman's vehicle did not violate the Fourth Amendment to the United States Constitution, Article 1 Section 8 of the Iowa Constitution should provide greater protection to Mr. Coffman. Iowa courts are free to interpret our constitution as providing greater protection for our citizens' constitutional rights. *State v. Cline*, 617 N.W.2d 277, 285 (Iowa 2000).

The Iowa Supreme Court has had a strong record of providing more protections to Iowans through the Iowa Constitution than those provided through the United States Constitution. This is especially true in the Iowa Supreme Court's search and seizure jurisprudence. See e.g., *State v. Cline*, 617 N.W.2d 277, 278 (Iowa 2000); *State v. Ochoa*, 792 N.W.2d 260, 292 (Iowa 2010).

Previous Iowa cases involving searches made pursuant to the "community caretaking" doctrine have previously been challenged on both federal and state constitutional grounds. *See e.g. State v. Kurth*, 813 N.W.270 (Iowa 2012)*; State v. Garrison*, 791 N.W.2d 428, 2010 WL 3661815, *1 (Iowa App) (unpublished). The Iowa Supreme Court, however, has only briefly analyzed the "community caretaking" doctrine under Article I Section 8 of the Iowa Constitution. *See State v. Tague,* 676 N.W.2d 197 (Iowa 2004). While the Court declined to decide *Kurth* on independent state constitutional grounds, the Court has the opportunity to develop this area of law independently from the Federal Constitution and should take advantage of the opportunity to do so in this case. *See Kurth* 813 N.W.2d at 281-83 (Appel, J., concurring specially) (explaining that while *Kurth* was decided on federal constitutional grounds, the Court reserves the right to develop a different doctrinal approach under Iowa law).

The Appellant's position under the Iowa Constitution is a simple one: prohibit seizures and/or the introduction of evidence obtained during a search or seizure

conducted under the "public servant" component of the community care taking exception pursuant to Article 1 Section 8 of the Iowa Constitution. Officer's should only be allowed to search or seize, and introduce the fruits of that search and/or seizure in a criminal case only if objective facts support application of the emergency aid doctrine. The Court should find that, under article I section 8 of the Iowa Constitution, a seizure is unnecessary and unconstitutional under the "public servant" doctrine if a search or seizure occurs in a public servant context, the exclusionary rule should prohibit the introduction of that evidence in a criminal proceeding gathered in that context.

"The core of the community-caretaking doctrine ...—where police act to protect or assist the public—has been left with little doctrinal guidance from the Supreme Court other than the vague command of reasonableness." Michael R. Dimino, *Police Paternalism: Community Caretaking, Assistance Searches, and Fourth Amendment Reasonableness*, 66 Wash. & Lee L.Rev. 1485, 1490 (2009); *see also Tinius v. Carroll Cnty. Sheriff Dep't*, 321 F.Supp.2d 1064, 1075 (N.D.Iowa 2004) (observing that "in community caretaking cases, as elsewhere, reasonableness has a fluid quality"). The community caretaking doctrine has also been described as "an amorphous doctrine" with "little basis for principled decision making and a substantial risk that the exception may engulf search and seizure law." *See Kurth.* 813 N.W.2d at 281-83 (Appel, J., concurring specially) (discussing the problems

with community caretaking exception and cautioning that the exception may swallow the rule).

The Court should limit the application of the community caretaker function to situations where an officer has "an immediate, reasonable belief that a serious, dangerous event is occurring"- i.e. that emergency aid is required. "It is vital to recognize that '[t]he community caretaking exception should be cautiously and narrowly applied to minimize the risk that it will be abused or used as pretext for conducting an investigatory search for criminal evidence.'" *State v. Nikolsky*, 796 N.W.2d 458 (Table), 2004 WL 151070, at *6, quoting *State v. Rinehart*, 617 N.W.2d 842, 844 (S.D. 2000) (citations omitted). Allowing the exception to apply to the facts of this case would open the door for such abuse to continue to occur.

The Appeals Court of Massachusetts, recognized the potential for abuse in the "public servant" function of the community caretaking exception. *See Comm. v. Canavan*, 667 N.E.2d 264, 267 (Mass. 1996). The Court stated that "'[t]he policy of the Fourth Amendment is to minimize governmental confrontations with the individual,' and this is not promoted by permitting the police to stop nonoffending citizens." *Id*., citing *U.S. v. Dunbar*, 470 F.Supp 704, 707 (D. Conn. 1979). The court noted that, in a situation where a motorist may have needed assistance because they were lost, for example, the governmental interest would have been as well

served if the officer had "merely ma[de] his presence known and offer[ed] help if needed." *Id*. at 268.

This is the best way to "encourage genuine police caretaking functions while deterring bogus or pretextual police activities." The Court should find that the community caretaking exception under article I section 8 of the Iowa Constitution does not apply to the instant case because no emergency situation existed to justify the stop of Mr. Coffman' vehicle. Other options existed for the officer to determine whether the driver or occupants were in need of assistance short of effectuating a seizure and the failure to exercise those options under these facts should preclude any evidence obtained as a result of those actions.

Conclusion

It is imperative that the Iowa Supreme Court grant this Application for Further Review for the reasons expressed above.

Request for Oral Argument

Request is hereby made that, upon submission of this case, counsel for Appellee requests to be heard in oral argument.

Certificate of Compliance with Type-Volume Limitations, Typeface Requirements, and Type-Style Requirements.

1. This brief complies with the type-volume limitations of Iowa R. App. P. 6.1103(4) and 6.903(1)(f) because this brief contains 5,585 words, excluding the parts of the brief exempted by Iowa R. App. P. 6.903(1)(g)(1).

2. This brief complies with the typeface requirements of Iowa R. App. P. 6.903(1)(e) and the type-style requirements of Iowa R. App. P. 6.903(1)(f) because this brief has been prepared in a proportionally spaced typeface using Times New Roman in size 14 font.

/s/ *Matthew Lindholm* August 18, 2017
Matthew T. Lindholm Date

Attorney's Cost Certificate

I, Matthew T. Lindholm, attorney for the Appellant, hereby certifies that the actual cost of reproducing the necessary copies of this Brief was $0.

Respectfully Submitted,

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IN THE COURT OF APPEALS OF IOWA

No. 16-1720
Filed August 2, 2017

STATE OF IOWA,
Plaintiff-Appellee,

vs.

TERRY LEE COFFMAN,
Defendant-Appellant.

Appeal from the Iowa District Court for Story County, James B. Malloy, District Associate Judge.

A defendant appeals his conviction for operating while intoxicated, claiming the district court erred in denying his motion to suppress evidence obtained from a warrantless seizure. **AFFIRMED.**

Matthew T. Lindholm of Gourley, Rehkemper & Lindholm, P.L.C., West Des Moines, for appellant.

Thomas J. Miller, Attorney General, and Kevin R. Cmelik, Assistant Attorney General, for appellee.

Considered by Vaitheswaran, P.J., and Tabor and Mullins, JJ.

TABOR, Judge.

This appeal presents the question whether the community-caretaking doctrine justified the initial seizure of a motorist parked on the shoulder of a rural Iowa highway. Terry Coffman challenges his conviction for operating while intoxicated (OWI), first offense. He claims the district court erred in denying his motion to suppress evidence obtained in violation of constitutional protections against unreasonable searches and seizures. Because the record reveals a good-faith effort by a peace officer to assist the motorist as a public servant rather than to launch a criminal investigation, we affirm.

I. Facts and Prior Proceedings

While on late-night patrol, Story County Sheriff's Deputy Nick Hochberger noticed a car parked on the side of a rural highway outside of Slater. Deputy Hochberger testified he routinely patrols the area and was drawn to the car because it was stopped on the shoulder of the dark roadway, just after 1:00 a.m., with its brake lights engaged. Deputy Hochberger turned on the flashing red and blue lights of his patrol car as he pulled behind the parked vehicle. The deputy testified he was checking on "the welfare of the people in the vehicle." Hochberger approached the driver's window and asked the occupants: "Hi guys, everything okay tonight?" The driver, later identified as Terry Coffman, replied: "Yeah." Coffman's wife, who was in the passenger seat, piped in: "We're fine." The deputy continued the conversation: "Pulled over to the side of the road, what's going on?" Coffman told the deputy his wife was "having a neck issue" and he was "trying to do a massage or whatever."

The deputy "detected the odor of an alcoholic beverage when the defendant spoke," according to the findings of fact reached by the district court when ruling on Coffman's guilt. The court further found Coffman "had red and watery eyes" and admitted consuming four beers that night, the last drink within thirty minutes of the stop. The court also noted Hochberger gave Coffman three field sobriety tests, all of which he failed. The deputy invoked implied consent, but Coffman refused to provide a breath sample.

The State charged Coffman with first-offense OWI, in violation of Iowa Code section 321J.2 (2016). Coffman filed a motion to suppress evidence obtained during the seizure of his car, alleging violations of the Fourth Amendment of the United States Constitution and article I, section 8 of the Iowa Constitution. The State argued the deputy's actions were justified under the community-caretaking exception to the constitutional protections against unreasonable search and seizure. Following a hearing, the district court denied Coffman's motion to suppress. Coffman waived his right to a jury trial and stipulated to a bench trial. The court found Coffman guilty of first-offense OWI and sentenced him to two days in jail.

Coffman now appeals and claims the community-caretaking exception did not justify the seizure of his vehicle.[1]

[1] Coffman urged our supreme court to retain this case to limit the scope of the community-caretaking exception under the Iowa Constitution. But the supreme court transferred the case to us; therefore, reconsideration of established case law is not possible. *See State v. Hastings*, 466 N.W.2d 697, 700 (Iowa Ct. App. 1990) ("We are not at liberty to overturn Iowa Supreme Court precedent.").

II. Scope and Standard of Review

"This controversy arises from an alleged violation of a constitutional right, making our review de novo." *State v. Tague*, 676 N.W.2d 197, 201 (Iowa 2004). The court "make[s] an independent evaluation of the totality of the circumstances as shown by the entire record." *State v. Breuer*, 577 N.W.2d 41, 44 (Iowa 1998).

III. Analysis

"Evidence obtained by illegal . . . seizure is not admissible." *State v. Stump*, 119 N.W.2d 210, 216 (Iowa 1963). "[S]ubject to a few carefully drawn exceptions, warrantless searches are per se unreasonable." *State v. Carlson*, 548 N.W.2d 138, 140 (Iowa 1996). Coffman claims Deputy Hochberger illegally seized his vehicle in violation of his constitutional rights. *See* U.S. Const. amend. IV; *see also* Iowa Const. art. I, § 8.[2] The State agrees a seizure took place but argues it was justified by the community-caretaking exception to the warrant requirement.

The United States Supreme Court first established the community-caretaking exception in *Cady v. Dombrowski*, finding state and local police officers "engage in what, for want of a better term, may be described as community caretaking functions, totally divorced from the detection, investigation, or acquisition of evidence relating to the violation of a criminal statute." 413 U.S.

[2] We realize the Iowa Supreme Court "zealously guard[s] [its] ability to interpret the Iowa Constitution differently from authoritative interpretations of the United States Constitution by the United States Supreme Court." *State v. Wilkes*, 756 N.W.2d 838, 842 n.1 (Iowa 2008). And while that court may impose more restrictions on the community-caretaking exception under article I, section 8 of the Iowa Constitution in future cases, s*ee State v. Kurth*, 813 N.W.2d 270, 282 (Iowa 2012) (Appel, J., concurring specially), we do not see that as the role of our court here. Accordingly, we decline Coffman's invitation to interpret the Iowa Constitution as having "more teeth" than its federal counterpart under these circumstances.

433, 441 (1973). Our own supreme court recognizes police officers are "charged with public safety duties that extend beyond crime detection and investigation." *State v. Mitchell*, 498 N.W.2d 691, 693 (Iowa 1993).

"[T]he community caretaking exception encompasses three separate doctrines: (1) the emergency aid doctrine, (2) the automobile impoundment/ inventory doctrine, and (3) the 'public servant' exception. . . ." *State v. Crawford*, 659 N.W.2d 537, 541 (Iowa 2003) (citing Mary E. Naumann, *The Community Caretaker Doctrine: Yet Another Fourth Amendment Exception*, 26 Am. J. Crim. L. 325, 330-41 (1999) (hereinafter Naumann)). Here, only the first and third doctrines are relevant. "The [first and third] doctrines . . . are closely related." *Id.*

We perform a three-step analysis when considering community-caretaking cases: "(1) was there a seizure within the meaning of the Fourth Amendment?; (2) if so, was the police conduct bona fide community caretaking activity?; and (3) if so, did the public need and interest outweigh the intrusion upon the privacy of the citizen?" *Id.* at 543. Each case is evaluated objectively "according to its own unique set of facts and circumstances." *Kurth*, 813 N.W.2d at 277.

The first step of the analysis is not up for debate; the State concedes the deputy seized Coffman. The second step requires us to determine if Deputy Hochberger was engaged in bona fide community-caretaking activity. We address the emergency-aid doctrine first. "Under the emergency aid doctrine, the officer has an immediate, reasonable belief that a serious, dangerous event is occurring." *Crawford*, 659 N.W.2d at 541-42 (quoting Naumann, at 333). "For example, an officer providing first aid to a person slumped over the steering wheel with a bleeding gash on his head acts pursuant to the emergency aid

doctrine." *Id.* at 542 (quoting Naumann, at 334). "[A] police officer may have occasion to seize a person, as the Supreme Court has defined the term for Fourth Amendment purposes, in order to ensure the safety of the public and/or the individual, regardless of any suspected criminal activity." *Kurth*, 813 N.W.2d at 275-76 (quoting *United States v. King*, 990 F.2d 1552, 1560 (10th Cir. 1993)). But "[t]he stop is not permitted unless 'the facts available to the officer at the moment of the seizure would have warranted a reasonable person to believe an emergency [or public service need] existed.'" *State v. Sellers*, No. 14-0521, 2015 WL 1055087, at *4 (Iowa Ct. App. Mar. 11, 2015) (quoting *Crawford*, 659 N.W.2d at 543) (alteration in original). Coffman's situation did not support an officer's "immediate, reasonable belief that a serious, dangerous event" was occurring; therefore, the seizure cannot be justified under the emergency-aid doctrine.

We next examine whether the public-servant doctrine applies. "[A]ssisting a motorist with a flat tire might be an example of the public servant doctrine." *Kurth*, 813 N.W.2d at 277. In general, an officer's community-caretaking function allows him or her to "stop vehicles in the interest of public safety." *Tague*, 676 N.W.2d at 204. "The State has a valid interest in the safety of its citizens on its roads and highways." *Mitchell*, 498 N.W.2d at 694. "Every community caretaking case must be assessed according to its own unique set of facts and circumstances because reasonableness is not a term that can be usefully refined 'in order to evolve some detailed formula for judging cases.'" *Kurth*, 813 N.W.2d at 277 (quoting *Cady*, 413 U.S. at 448). Because the public-servant doctrine has

not been extensively discussed in Iowa cases, both parties have pointed us to other jurisdictions for guidance.[3]

We find the Utah Supreme Court's recent decision in *Anderson* to be both instructive and persuasive. 362 P.3d at 1234. In that case, two deputies stopped a car pulled over on the side of a rural highway late at night with its hazard lights engaged. *Id.* Given the lights, the late hour, and the cold weather conditions, the deputies decided to check on the welfare of the vehicle's occupants. *Id.* As soon as the deputies approached Anderson, they asked if he needed assistance and noticed his bloodshot eyes. *Id.* The deputies obtained a warrant to search Anderson's vehicle and found marijuana and drug paraphernalia. *Id.* at 1235. Anderson moved to suppress the evidence, but the trial court upheld the search under the community-caretaking doctrine. *Id.* *Anderson* explained: "[C]ourts must determine whether 'the degree of the public interest and the exigency of the situation' justified the seizure." *Id.* at 1239 (citation omitted). The court concluded "a reasonable officer would have cause to be concerned about the welfare of a motorist in Mr. Anderson's situation," given he was parked along the side of the highway late at night with his hazards flashing. *Id.* at 1240.

[3] Coffman cites *Provo City v. Warden*, 844 P.2d 360, 364-65 (Utah Ct. App. 1992), ***aff'd*** 875 P.2d 557 (Utah 1994), which held evidence obtained in a community-caretaking stop without "life-threatening circumstances" must be excluded. But the State directs us to *State v. Anderson*, 362 P.3d 1232, 1237 (Utah 2015), in which the Utah courts expressly abandoned that approach and overturned *Warden*, concluding "subsequent U.S. Supreme Court opinions have fatally undermined the *Warden* standard." Coffman also relies on *Commonwealth v. Canavan*, 667 N.E.2d 264, 267 (Mass. App. Ct. 1996), which observed the "risk of abuse is real" in cases where officers are allowed to stop motorists who appear to be lost. But the Massachusetts Supreme Judicial Court subsequently upheld a vehicle seizure involving similar facts as those presented here under the community-caretaking exception. *See Commonwealth v. Evans*, 764 N.E.2d 841, 844 (Mass. 2002).

Here, Coffman asserts *he* did not require any assistance from Deputy Hochberger, and therefore, the community-caretaking doctrine should not apply to this kind of seizure. But as the *Anderson* court observed:

> A motorist may have many motivations for pulling to the side of a highway and engaging hazard [or brake] lights, ranging from the mundane to the life-threatening. The motorist could be lost, disciplining rowdy children, sleeping, or answering a cell phone call. But there is also a good chance that the motorist has run out of gas, has mechanical problems, or, worse, is experiencing a medical emergency. . . . Given the decent odds that a motorist in this situation may need help, an officer would have reason to be concerned and to at least stop to determine whether assistance is needed.

Id. On these facts, the Utah Supreme Court affirmed the validity of the stop under the community-caretaking exception. Other states have reached similar conclusions. *See, e.g.*, *People v. Laake*, 809 N.E.2d 769, 770-71, 773 (Ill. App. Ct. 2004) (holding community-caretaking exception justified officer stopping behind a car in the early morning hours with its brake lights engaged); *Evans*, 764 N.E.2d at 844 (holding the community-caretaking exception applied when an officer stopped a car pulled over in the breakdown lane late at night with its right blinker flashing).

The situation faced by Deputy Hochberger bears a striking similarity to the facts of *Anderson*. Coffman's car was pulled just off a rural highway with its brake lights engaged in the early morning hours. No other traffic or possible assistance appeared to be nearby. Deputy Hochberger justifiably seized Coffman to check if he needed assistance. *See Carlson*, 548 N.W.2d at 143 (opining the public would have been "surprised and disappointed" if officers had done less).

Coffman asserts a welfare check could have been accomplished without seizing his vehicle. *See Kurth*, 813 N.W.2d at 280 (suggesting an officer can provide "a friendly reminder" without stopping the driver). Coffman asserts in his brief the deputy could have pulled up next to his car to check on him. The facts suggest otherwise. In *Kurth*, the officer blocked the defendant's car into a parking space in a restaurant parking lot. *Id.* at 272. In that case, pulling in next to the defendant may have been a practical way to check on his welfare. But in this case, pulling up next to Coffman's car would have forced Deputy Hochberger to stop his car on the traveled portion of a highway, creating a potentially dangerous situation. The deputy testified he used his red and blue lights to alert Coffman and other potential travelers that he was stopped on the side of the road. Under the facts of this case, we cannot say the deputy's actions were unreasonable.

Most state courts that have considered the question recognize the community-caretaking doctrine is not confined to strictly consensual police encounters. *See State v. McCormick*, 494 S.W.3d 673, 685 (Tenn. 2015) (observing only North Dakota still limits the community-caretaking doctrine to consensual police encounters). "It is clear . . . the 'community caretaking' doctrine is analytically distinct from consensual encounters and is invoked to validate a search or seizure as reasonable under the fourth amendment." *People v. Luedemann*, 857 N.E.2d 187, 198 (Ill. 2006).

Coffman urges our recent decision in *Sellers* governs here. In that unpublished opinion, we rejected the application of the community-caretaking exception to a vehicle stopped along the road. *Sellers*, 2015 WL 1055087, at *5.

But the facts of *Sellers* are distinguishable from Coffman's case. In *Sellers,* the officer pulled behind a motorist in the early morning hours after noticing the car stopped on the shoulder with its lights on. *Id.* at *1. The officer did not use his overhead lights; instead, he shined a plain white spotlight onto the car. *Id.* Critically, the driver of the car then used her turn signal to indicate her intention to merge back onto the roadway, shifted her car into gear, and began moving forward. *Id.* Only then did the officer turn on his overhead lights and seize the car. *Id.*

In contrast to *Sellers*, Deputy Hochberger pulled behind Coffman with his red and blue lights flashing from the onset of the encounter. Coffman did not try to pull away to show he did not need assistance. The deputy testified he was concerned about the safety of the vehicle's occupants given the rural road, the lack of help available nearby, the early morning hour, and the brake lights being engaged, which indicated the driver was still in the car. The deputy's testimony was corroborated by the dashcam video showing his first inquiry was whether the driver and passenger were alright. *Sellers* does not govern the outcome here. Deputy Hochberger was justified in checking if Coffman and his wife needed help under the public-servant doctrine of the community-caretaking exception.

The third and final step of the analysis is balancing the public need and interest against the intrusion on Coffman's privacy. An officer may not do more than is reasonably necessary to determine if a vehicle's occupants require assistance. *See Crawford*, 659 N.W.2d at 543. Our supreme court engaged in this balancing in *Kurth*, concluding "the State's public safety concern . . . seem[ed] marginal at best," where a driver struck a road sign but maintained

control of the car and parked in a restaurant lot, and the officer saw the car's damage was "not significant." 813 N.W.2d at 280. But in *Kurth*, the court noted the motorist "was not on the shoulder of the road, but in the safer territory of a parking lot of an open restaurant." *Id.* at 281. In contrast to *Kurth*, Deputy Hochberger's concern for Coffman's safety was more than marginal. Coffman's car—pulled barely off the travelled portion of a dark, rural highway—posed a greater risk to its occupants and any passing motorists than Kurth's safely parked car. Deputy Hochberger had no clues to the condition of the car's occupants. He had no way of knowing if Coffman's car was drivable or if he or his wife were in need of assistance. These factors weigh in favor of the public need and interest in a welfare check. On the other side of the equation, the intrusion into Coffman's privacy was somewhat diminished because he was already pulled over. *See id.*

Balancing the minimal interference with Coffman's privacy against the public interest in determining if the vehicle's occupants needed assistance, we conclude the scale tips in favor of the State. *See Anderson*, 362 P.3d at 1240. The totality of the circumstances justified seizing Coffman's vehicle.[4] "When evidence is discovered in the course of performing legitimate community

[4] We emphasize that for the purpose of applying the community-caretaking exception to these facts, we consider only the time from Deputy Hochberger's activation of his lights to his inquiry whether Coffman needed assistance. As soon as Hochberger spoke to Coffman he noticed the smell of alcohol and the driver's red, watery eyes. At this point, Hochberger grew concerned Coffman was driving while intoxicated, and the nature of the seizure changed from community caretaking to an investigatory seizure based on reasonable suspicion. After administering the field sobriety tests, Hochberger believed he had probable cause to arrest Coffman for OWI. Because Coffman does not challenge the investigation following Hochberger's initial arrival at his driver's window on appeal, we limit our analysis to the community-caretaking seizure. *See Anderson*, 362 P.3d at 1240 n.1.

caretaking or public safety functions, the exclusionary rule is simply not applicable." *Mitchell*, 498 N.W.2d at 694. Thus, we affirm the district court's denial of the motion to suppress.

IV. Conclusion

Given the totality of the circumstances, we conclude the stop of Coffman's vehicle was justified under the community-caretaking exception to warrant requirement. Accordingly, we affirm his OWI conviction.

AFFIRMED.

IOWA APPELLATE COURTS

State of Iowa Courts

Case Number	**Case Title**
16-1720	State v. Coffman

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