

IN THE COURT OF APPEALS OF IOWA

No. 0-905 / 10-0405
Filed February 9, 2011

STATE OF IOWA,
Plaintiff-Appellant,

vs.

JOSEPH DUANE GOEMAAT,
Defendant-Appellee.

Appeal from the Iowa District Court for Mahaska County, Joel D. Yates,
Judge.

The State appeals the district court's dismissal of charges against Joseph
Goemaat on speedy-trial grounds. **REVERSED AND REMANDED.**

Thomas J. Miller, Attorney General, Kyle Hanson, Assistant Attorney
General, and Rose Anne Mefford, County Attorney, for appellant.

Mark C. Smith, State Appellate Defender, for appellee.

Heard by Vaitheswaran, P.J., and Eisenhauer and Danilson, JJ. Tabor, J.,
takes no part.

VAITHESWARAN, P.J.

The State appeals the district court's dismissal of charges against Joseph Goemaat on speedy-trial grounds.

I. Background Proceedings

On April 1, 2009, the State charged Goemaat with second-degree robbery, second-degree theft, and second-degree burglary in connection with the taking of a car. Goemaat entered a plea of not guilty and demanded his ninety-day right to a speedy trial. See Iowa R. Crim. P. 2.33(2)(b).¹ In light of his request and absent certain exceptions to be discussed below, the trial had to take place before July 1, 2009.

On May 1, 2009, Goemaat sought an order "directing a mental evaluation to determine [his] mental status . . . at the time of the alleged commission of the offenses charged and determining if [he] is competent to assist in his defense." In support of the motion, Goemaat alleged he had been diagnosed with "schizophrenia with the presence of delusions and hallucinations." The court granted Goemaat's request and ordered the sheriff to transport him to the Iowa Medical and Classification Center (IMCC) for a psychiatric evaluation. In a subsequent order, the court clarified that Goemaat was to be evaluated "for insanity under Iowa Code section 701.4 and competency under Iowa Code section 812.3."

¹ The rule states:

If a defendant indicted for a public offense has not waived the defendant's right to a speedy trial the defendant must be brought to trial within 90 days after indictment is found or the court must order the indictment to be dismissed unless good cause to the contrary be shown.
Iowa R. Crim. P. 2.33(2)(b).

Goemaat was admitted to the IMCC on June 8, 2009. In July, an IMCC psychiatrist informed the court that Goemaat had “not shown any evidence of an active psychosis.” The psychiatrist also noted that Goemaat had “not been seen by our forensic experts, who will render their opinion as to his competency.” Three months later, Goemaat still had not been tested for competency by the forensic experts. The psychiatrist explained that the forensic experts only came to the facility once a week and evaluated patients in order of their dates of admission.

On January 6, 2010, Goemaat filed a motion to dismiss the trial information, noting that more than 275 days had elapsed since it was filed. The district court granted the motion, reasoning as follows:

The Defendant requested the mental evaluation. Accordingly, at least initially, any delay to having his trial within the ninety-day period is attributable to the Defendant.

. . . [S]ince the delay was therefore substantially attributable to Defendant, good cause existed for a short delay. . . .

. . . The question then becomes does good cause exist for the trial having not taken place to date. This Court concludes that good cause does not exist, for an eight month delay, when speedy trial has been demanded.

. . . .
. . . The State of Iowa can and must do a better job of complying with legitimate Defendant requests. The State of Iowa has sent two letters (July 9, 2009 and October 20, 2009) stating that the Defendant’s evaluation has not been completed and providing excuses as to why it has not been done. There is no end in sight as to when, if ever, Defendant Goemaat’s court-ordered evaluation will ever be completed by the Iowa Medical and Classification Center. This is unacceptable.

The State appealed.

II. Analysis

The State asserts (1) Iowa Code section 812.4(1)² tolled Goemaat's right to a speedy trial until he was found competent to stand trial, (2) the delay was attributable to Goemaat, and (3) good cause existed for the delay.

The first issue was not preserved for our review, as it was neither raised by the State in its resistance to Goemaat's motion to dismiss nor decided by the district court. See *Meier v. Senecaut*, 641 N.W.2d 532, 537 (Iowa 2002) ("It is a fundamental doctrine of appellate review that issues must ordinarily be both raised and decided by the district court before we will decide them on appeal."); *Top of Iowa Coop. v. Sime Farms, Inc.*, 608 N.W.2d 454, 470 (Iowa 2000) (stating appellate courts may address error-preservation issues on their own motion).

We need not address the second issue because, whether the delay was attributable to the defendant or the State, the third issue, good cause for the delay, is dispositive. We proceed to that issue.

"In determining whether there is good cause for a delay, we focus only on one factor, the reason for the delay." *State v. Campbell*, 714 N.W.2d 622, 628 (Iowa 2006).

The decisive inquiry in these matters should be whether events that impeded the progress of the case and were attributable to the

² Section 812.4(1) states a hearing shall be held within fourteen days of the arrival of the person at a psychiatric facility for the performance of the evaluation Pending the hearing, no further proceedings shall be taken under the complaint or indictment and the defendant's right to a speedy indictment and speedy trial shall be tolled until the court finds the defendant competent to stand trial.

defendant or to some other good cause for delay served as a matter of practical necessity to move the trial date beyond the initial ninety-day period required by the rule.

Id. Our review is for an abuse of discretion but the discretion is narrow. *Id.* at 627.

The State asserts the outstanding competency evaluation furnished good cause for the delay in bringing Goemaat to trial. Applying the standard set forth in *Campbell*, we agree with the State that the trial had to be delayed as a matter of practical necessity pending a determination of competency. See Iowa Code § 812.3(1) (“If at any stage of a criminal proceeding the defendant or the defendant’s attorney, upon application to the court, alleges specific facts showing that the defendant is suffering from a mental disorder which prevents the defendant from appreciating the charge, understanding the proceedings, or assisting effectively in the defense, the court shall suspend further proceedings”); *State v. Lyman*, 776 N.W.2d 865, 871 (Iowa 2010) (“The trial of an incompetent defendant in a criminal matter violates the defendant’s due process rights”); *State v. Watts*, 244 N.W.2d 586, 588 (Iowa 1976) (“It is undisputed that the delay of scheduled trial was due to the psychiatric evaluation granted at his request.”).

While we recognize the delay was lengthy, this factor is relevant only to the extent it relates to “the sufficiency of the reason” for the delay. *Campbell*, 714 N.W.2d at 628. As we have found the reason sufficient, the fact that the IMCC did not immediately schedule a competency evaluation does not support dismissal of the trial information.

The same holds true for Goemaat's argument that he was prejudiced by the delay. See *State v. Nelson*, 600 N.W.2d 598, 601 (Iowa 1999) (stating prejudice is a legitimate consideration "only insofar as [it] affect[s] the strength of the reason for delay"). Because we have found that the delay was triggered by the "practical necessity" of having to hold a competency hearing, any prejudice to Goemaat does not warrant dismissal of the trial information.

That said, we believe the IMCC's lengthy delay in scheduling the competency hearing came perilously close to defeating the purposes of the speedy trial rule, which are "to relieve an accused of the hardship of prolonged pretrial incarceration," "to avoid the anxiety of awaiting trial," and to prevent "the possible impairment of the accused's defense due to diminished memories and loss of exculpatory evidence." *State v. Olson*, 528 N.W.2d 651, 653–54 (Iowa Ct. App. 1995). But, as the court stated in *Campbell*, "the delay in bringing defendant to trial was for reasons that preclude a finding that his speedy-trial rights were violated." 714 N.W.2d at 629.

We reverse and remand the district court's dismissal of the trial information.

REVERSED AND REMANDED.