

**IN THE COURT OF APPEALS OF IOWA**

No. 14-0812  
Filed January 13, 2016

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

**vs.**

**CORDARREL DONTYA SMITH,**  
Defendant-Appellant.

---

Appeal from the Iowa District Court for Black Hawk County, Bradley J. Harris, Judge.

The defendant appeals from the district court's denial of his motions to dismiss for violation of the speedy indictment rule. **REVERSED AND REMANDED WITH DIRECTIONS.**

Zorana Wortham-White of Wortham-White Law Office, Waterloo, for appellant Smith.

Thomas J. Miller, Attorney General, and Alexandra Link, Assistant Attorney General, for appellee.

Considered by Danilson, C.J., and Vogel and Tabor, JJ.

**DANILSON, Chief Judge.**

Our original opinion in this case was vacated when we granted Smith's petition for rehearing. See Iowa R. App. P. 6.1204(5). Smith's case is a companion case to *State v. Washington*, No. 14-0792, 2015 WL \_\_\_\_ (Iowa Ct. App. Nov. 25, 2015). Smith, as his co-defendant Washington did, appeals from the district court's denial of his motion to dismiss, claiming the State violated the speedy indictment rule. After the State filed a second trial information on May 22, 2014, both Smith and Washington again filed motions to dismiss on the same grounds, and the motions were denied. But only Smith filed a second application for discretionary review. Our supreme court granted both of Smith's applications, consolidated the appeals, and transferred them to us.

For the same reasons enumerated in *Washington*, Smith was arrested for speedy indictment purposes on June 10, 2012, and any trial informations filed more than forty-five days after that date were untimely. See Iowa R. Crim. P. 2.33(2)(a). Accordingly, we find the district court erred in denying Smith's motions to dismiss. We reverse the district court's rulings and remand for entry of dismissal of the charges

**REVERSED AND REMANDED WITH DIRECTIONS.**