

IN THE COURT OF APPEALS OF IOWA

No. 9-381 / 08-1225
Filed June 17, 2009

STATE PUBLIC DEFENDER,
Plaintiff,

vs.

**IOWA DISTRICT COURT FOR
FRANKLIN COUNTY,**
Defendant,

Appeal from the Iowa District Court for Franklin County, Peter B. Newell,
Judge.

The State Public Defender seeks certiorari contending the district court acted illegally in ordering it to allow the filing of a fee claim outside the forty-five day time period. **WRIT SUSTAINED.**

Mark C. Smith, State Appellate Defender, and Julie Miller, Assistant State Public Defender, for appellant.

Michael Cross, Hampton, for appellee.

Considered by Mahan, P.J., and Eisenhauer and Mansfield, JJ.

EISENHAUER, J.

Attorney Michael Cross was appointed by the court to represent parties in two juvenile cases in Franklin County. Cross did not file fee claims with the State Public Defender within forty-five days of the date of his last service in the cases. Rather, Cross requested the court grant an extension of the time limit for filing claims. After a hearing, the court ruled Cross had established good cause for a late filing and ordered the State Public Defender's Office "to authorize a filing outside the forty-five day time period for good cause."

The State Public Defender filed petitions for writ of certiorari, contending the trial court did not properly apply the law as established by Iowa Code chapters 13B and 815 (2007), as well as Iowa Administrative Code chapter 493. The Supreme Court granted certiorari and consolidated the cases. Our review is for correction of errors at law. *State Pub. Defender v. Iowa Dist. Ct. for Plymouth County*, 747 N.W.2d 218, 220 (Iowa 2008). We may only examine the jurisdiction of the district court and the legality of its actions. *Christensen v. Iowa Dist. Ct.*, 578 N.W.2d 675, 678 (Iowa 1998).

The State Public Defender is authorized to review a claim for payment of indigent defense costs and may deny this claim if, among other things, it is not timely. Iowa Code § 13B.4(4)(c)(2)(a). Therefore, the statute gives the State Public Defender discretion to deny untimely claims.

A claim is untimely when it is not "submitted to the state public defender within forty-five days of. . . the final ruling or dismissal of any [non-criminal] case." Iowa Code § 815.10A(2). It is undisputed Cross did not submit a timely claim.

Despite Cross's failure, the district court waived the statutory forty-five-day deadline and ordered the State Public Defender to authorize Cross's late filing. The State Public Defender argues that the district court acted illegally in ordering it to extend or waive the deadline. We agree.

Under Iowa Code section 13B.4(8), "[t]he state public defender shall adopt rules, as necessary, pursuant to chapter 17A to administer this chapter [public defenders] and chapter 815 [costs-compensation and fees-indigent defense]." The State Public Defender adopted administrative rules identifying three exceptions to the forty-five-day requirement. See Iowa Admin. Code r. 493-7.1. The exceptions include the extended illness, hospitalization, or death of the claimant. *Id.* None of the exceptions created by this administrative rule are applicable to Cross's delay in filing. Nothing in any of the statutes we have discussed or this administrative rule suggests the court can waive or extend the filing time limit by creating good cause exceptions. See *State Pub. Defender v. Iowa Dist. Ct. for Union County*, 744 N.W.2d 321, 322 (Iowa 2008).

These statutes and the administrative rule applying them lead us to conclude the district court exceeded its authority by ordering the State Public Defender's Office to authorize a filing outside the forty-five day time period for good cause. We therefore sustain the writ of certiorari.

WRIT SUSTAINED.