

IN THE SUPREME COURT OF IOWA

No. 21-0042

Woodbury County No. AGCR107672

ORDER

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

vs.

**JEAN LYNN LILLIE,
Defendant-Appellant.**

This matter comes before the court upon the defendant's application for discretionary review. The defendant seeks review of the district court's December 22, 2020 order denying her motion to dismiss. The State has filed a resistance. Upon consideration, the application for discretionary review is denied. The filing fee is waived.

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Woodbury County Clerk of Court

APPENDIX A



IOWA APPELLATE COURTS

State of Iowa Courts

Case Number
21-0042

Case Title
State v. Lillie

So Ordered

A handwritten signature in black ink, reading "Dana L. Oxley". The signature is written in a cursive, flowing style.

Dana L. Oxley, Justice

Electronically signed on 2021-02-02 14:59:48

IN THE IOWA DISTRICT COURT FOR WOODBURY COUNTY

STATE OF IOWA

Plaintiff

03971 AGCR107672

VS

ORDER

JEAN LYNN LILLIE

Defendant

Defendant's Motion to Dismiss comes to the court's attention. The premise of the Motion is based upon her rights under the Iowa and federal Constitutions for a speedy trial and that she has never requested any continuance or delay in the litigation of this case.

Notwithstanding the requirements of the Iowa Supreme Court's Supervisory Orders that will delay the trial date past the ordinary speedy timeframe, Defendant did request a continuance of this matter on two specific instances - July 31, 2020 and September 24, 2020. Contrary to the statements contained in the defendant's Motion, on October 21, 2020, this court scheduled the Jury Trial for February 23, 2021. Appellate issues instigated by the Defendant may further stay proceedings and the scheduling of hearings or the trial.

This court is not in a position to question the authority and the rules of trial procedure as determined by the Iowa Supreme Court. This court takes direction from the Iowa Supreme Court. Supervisory Orders are implemented pursuant the legal authority available to the Iowa Supreme Court, including Article III, section 1 and Article V, sections 1 and 4 of the Iowa Constitution.

The Iowa Supreme Court has made the specific findings concerning the health situation caused by the Covid pandemic, balancing the need to take measures to reduce the spread of the virus with its commitment to conducting business as necessary. As such, the Iowa Supreme Court has ORDERED that all Iowa courts abide by its order such that "All jury trial that have not commenced as of November 16, 2020 ... shall be continued to a date no earlier than February 1, 2021." (Supervisory Order dated November 10, 2020)

Priority of rescheduled trials is given as set forth in the Supervisory order dated July 9, 2020, which, in part, prioritized trials involving persons who are currently in custody. The Iowa Supreme Court also extended the speedy trial deadline to 180 days for persons who are not in custody, restarting the calendar with February 1, 2021 as Day 1. Good cause is granted for this extension within the meaning of Iowa R. Crim. P. 2.33 for this any other continuance or extension of time. The Iowa Supreme Court suspended the operation of any court rules that are to the contrary. (Supervisory Order, Id.)

This court is without the option to select which Supervisory rules it will and will not abide by.

APPENDIX D

The court has made every available option to schedule matters according to Iowa Supreme Court Supervisory Orders as they are updated.

Defendant's Motion to Dismiss is **OVERRULED**.

Clerk to notify.

If you need assistance to participate in court due to a disability, call the disability coordinator at (712) 279-6035 or information at <https://www.iowacourts.gov/for-the-public/ada/>. Persons who are hearing or speech impaired may call Relay Iowa TTY (1-800-735-2942). **Disability coordinators cannot provide legal advice.**



State of Iowa Courts

Case Number

AGCR107672

Type:

Case Title

STATE VS LILLIE, JEAN LYNN
OTHER ORDER

So Ordered

Mark C. Cord III, District Associate Judge,
Third Judicial District of Iowa

Electronically signed on 2020-12-22 15:38:12

**Additional material
from this filing is
available in the
Clerk's Office.**