

IN THE SUPREME COURT OF IOWA

No. 22-0818

Scott County No. FECR370819

ORDER

PHILLIP SCOTT, JR.,
Plaintiff,

vs.

IOWA DISTRICT COURT FOR
SCOTT COUNTY,
Defendant.

This matter comes before the court upon plaintiff's petition for writ of certiorari, request for the appointment of counsel, and motion to waive the filing fee. The defendant filed a resistance to the petition, and plaintiff filed a response.

Upon consideration, the petition is denied. The request for the appointment of counsel is denied as moot. The filing fee is waived.

Copies to:

Phillip Scott, Jr.
#1040843
Newton Correctional Facility
P.O. Box 218
Newton, IA 50208

Iowa Attorney General's Office
Criminal Appeals Division
Hoover Building, 2nd Floor
1315 E. Walnut St.
Des Moines, IA 50319

Clerk of District Court, Scott County

Appendix A



IOWA APPELLATE COURTS

State of Iowa Courts

Case Number
22-0818

Case Title
Scott v. District Court

So Ordered

A handwritten signature in cursive script, reading "Bruce B. Zager". The signature is written in dark ink and is positioned above a horizontal line.

Bruce B. Zager, Senior Judge

Electronically signed on 2022-06-08 11:00:51

Appendix A

IN THE SUPREME COURT OF IOWA

No. 22-0818

Scott County No. FECR370819

ORDER

**PHILLIP SCOTT, JR.,
Plaintiff,**

vs.

**IOWA DISTRICT COURT FOR
SCOTT COUNTY,
Defendant.**

This matter comes before the court, Mansfield, McDonald, and Oxley, JJ., upon plaintiff's motion for review pursuant to Iowa Rule of Appellate Procedure 6.1002(5).

Upon consideration, the June 8, 2022 order denying the petition for writ of certiorari is confirmed as the order of the court.

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Des Moines, IA 50319

Appendix B



IOWA APPELLATE COURTS

State of Iowa Courts

Case Number
22-0818

Case Title
Scott v. District Court

So Ordered

A handwritten signature in black ink, appearing to read "Ch McDonald", is written over a horizontal line.

Christopher McDonald, Justice

Electronically signed on 2022-07-18 12:01:23

IN THE IOWA DISTRICT COURT FOR SCOTT COUNTY

STATE OF IOWA

Plaintiff(s),

vs.

PHILLIP SCOTT JR

Defendant(s).

Case No: 07821 FECR370819

ORDER

Defendant's Petition for Writ of Certiorari must be and is hereby denied as it does not comply with the Iowa Rules of Civil Procedure 1.1401 - 1.1412.

ALL ABOVE IS SO ORDERED this 2nd day of May, 2022.

Clerk to notify all self-represented litigants and attorneys of record.

7CV001



State of Iowa Courts

Case Number
FECR370819
Type:

Case Title
STATE OF IOWA VS SCOTT JR, PHILLIP
OTHER ORDER

So Ordered

Marlita A. Greve, Chief District Judge,
Seventh Judicial District of Iowa

Electronically signed on 2022-05-02 15:46:12

IN THE IOWA DISTRICT COURT FOR SCOTT COUNTY

| | |
|---------------------|-------------------------|
| STATE OF IOWA, |) |
| |) No. FECR370819 |
| Plaintiff, |) |
| |) ACCEPTANCE OF PLEA OF |
| vs. |) GUILTY AND SENTENCING |
| |) ORDER |
| PHILLIP SCOTT, JR., |) |
| |) |
| Defendant. |) |

State of Iowa appeared by Assistant County Attorney Amy Devine; Defendant appeared with Attorney Sarah Hradek and Attorney Quint Meyerdirk.

The Court is now informed that Defendant wishes to enter the following pleas of guilty under the Amended Trial Information pursuant to North Carolina v. Alford: **Burglary in the First Degree under Count 2**, in violation of Iowa Code Sections 713.3(2) and 713.3(1); **Burglary in the Second Degree as an Habitual Offender under Count 3**, in violation of Iowa Code Sections 713.5(1)(b) and 713.5(2); **Domestic Abuse Assault with Strangulation with Injury as an Habitual Offender under Count 4**, in violation of Iowa Code Section 708.2A(5).

A plea agreement was presented to the Court and deferred. The Court finds the defendant is aware of his rights and is voluntarily waiving some of those rights at this time, that he understands the nature of the charges and the consequences of a plea of guilty to each charge, that there is a factual basis for each plea and each is voluntarily made. The Court further finds the defendant has concluded that it is in his best interest to require an entry of a guilty plea based on the evidence presented and the Minutes of Testimony, and that there is strong evidence of actual guilt. The Court hereby accepts Defendant's pleas of guilty. **Under Count 2**, pursuant to Section 713.3(3), the Court makes a determination beyond a reasonable doubt based on the Trial Information, Minutes of Testimony, and plea agreement that this offense was sexually motivated.

The Court orders a presentence investigation. Defendant is informed of rights in re Motion in Arrest of Judgment. At this time Defendant waives motion in arrest of judgment, waives 15 days before sentencing, waives consideration of PSI, and requests sentence be imposed immediately.

Pursuant to Defendant's plea of guilty to the crime of **Burglary in the First Degree under Count 2**, in violation of Iowa Code Section 713.3(2) and 713.3(1), it is the judgment and sentence of the Court that he be committed to the custody of the Director of the Department of Corrections for a term not to exceed 25 years. Pursuant to finding this offense was sexually motivated, Defendant is required to register as a sex offender pursuant to Section 692A.126 and will serve a special sentence as if on parole for the rest of his life pursuant to Section 903B.

Pursuant to Defendant's plea of guilty to the crime of **Burglary in the Second Degree as an Habitual Offender under Count 3**, in violation of Iowa Code Sections 713.5(1)(b) and 713.5(2), it is the judgment and sentence of the Court that he be committed to the custody of the Director of the Department of Corrections for a term not to exceed 15 years. Defendant is required to serve a minimum of three years before being eligible for parole.

Pursuant to Defendant's plea of guilty to the crime of **Domestic Abuse Assault with Strangulation with Injury as an Habitual Offender under Count 4**, in violation of Iowa Code Sections 708.2A(5), it is the judgment and sentence of the Court that he be committed to the custody of the Director of the Department of Corrections for a term not to exceed 15 years. Defendant is required to serve a minimum of three years before being eligible for parole.

The sentences imposed under Counts 2, 3, and 4 shall run consecutively. Also, the minimum sentences imposed shall also run consecutively.

Defendant shall receive credit on this sentence for time spent incarcerated in connection with this case. The Iowa Medical and Classification Center at Oakdale is the reception center to which Defendant should be delivered by the Sheriff. Mittimus shall issue.

Defendant is ordered to pay all applicable court costs, surcharges, and fees as assessed by the Clerk of Court. Appearance bond is exonerated. Defendant is advised re appeal rights. Appeal bond is not granted. DNA profiling is ordered.

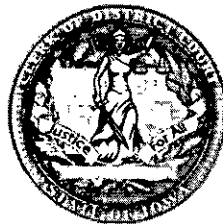
Count 1 is hereby dismissed without prejudice at Defendant's cost.

The No-Contact Order previously entered in this case is hereby extended five years.

After a determination, the court finds Defendant remains indigent and does not have a reasonable ability to pay court-appointed attorney's fees, which shall be paid by the State Public Defender.

Court-appointed counsel is released 30 days following the date of entry of this order.

Defendant is advised that if there is appeal of this ruling, Defendant may be entitled to court appointed counsel in that appeal. Defendant can be assessed the cost of the court appointed appellate attorney when a claim for such fees is presented to the clerk of court following the appeal. Defendant may request a hearing on reasonable ability to pay court appointed appellate attorney fees within 30 days of the issuance of the procedendo following the appeal. If no request for a hearing is made on the issue of reasonable ability to pay court appointed appellate attorney fees, the fees approved by the State Public Defender will be assessed in full to Defendant.



State of Iowa Courts

Type: OTHER ORDER

Case Number **Case Title**
FECR370819 STATE OF IOWA VS SCOTT JR, PHILLIP

So Ordered

A handwritten signature in cursive script that reads "Paul L. Macek".

Paul L. Macek, District Court Judge,
Seventh Judicial District of Iowa