



25-6-35
No.

ORIGINAL

IN THE SUPREME COURT OF THE UNITED STATES

MICHELLE R. MORTON

Petitioner,

v.

STATE OF IOWA,

Respondent.

On Petition for a

Writ of Certiorari to

THE SUPREME COURT OF IOWA

PETITION FOR WRIT OF CERTITORARI

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QUESTIONS PRESENTED

1. Whether a conviction initiated by a warrant issued by a magistrate who is later adjudicated not neutral and detached, constitutes a structural, jurisdictional defect rendering the judgment void ab initio, such that the judgment cannot be insulated from review by state Deferred Judgment and Post-Conviction-Relief (PCR) procedures.
2. Whether a state may, consistent with the Due Process Clause and 28 U.S.C. §1257, use Deferred Judgment and PCR rules to bar all state court review of an alleged structural Fourth Amendment violation in the initiation of criminal proceedings, leaving an entire class of defendants without any remedy once the defect is discovered.

LIST OF PARTIES

Petitioner Michelle R. Morton is the defendant in State of Iowa v. Morton, Case No. FECR131050, Iowa District Court for Pocahontas County. The Respondent as State of Iowa, the prosecution in that action.

RELATED CASES

No related cases

NON-CORPORATE DISCLOSURE STATEMENT

Petitioner is an individual and not a corporation. No publicly held corporation owns 10% or more of any stock in petitioner.

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OPINIONS BELOW

The Iowa Supreme Court's order denying discretionary review was entered on September 25, 2025, in Case No. 25-1205 (App. A). The procedendo was issued on October 21, 2025 (App. B). The Iowa Supreme Court acknowledged that petitioner "provided grounds for granting review" but declined to reach the federal constitutional merits.

The Pocahontas County District Court's order denying petitioner's Motion to Vacate Judgment as Void Ab Initio was entered on June 24, 2025 (App. C), with a corrective order entered on July 15, 2025 (App. D). The district court denied the motion without addressing the structural and jurisdictional questions presented, treating petitioner's filing as an improper collateral attack.

The State v. Ferguson suppression order holding Magistrate Meyer not neutral and detached is reproduced at App. E.

JURISDICTION

This Court has jurisdiction under 28 U.S.C. §1257(a), which authorizes certiorari review of "*final judgments or decrees rendered by the highest court of a State in which a decision in the case could be had.*"

The Iowa Supreme Court's order denying discretionary review and issuing procedendo constitutes a final judgment within the meaning of §1257(a). The petition is timely filed within 90 days of the October 21, 2025 procedendo, complying with 28 U.S.C. §2101(c) and Rule 13.1.

This Court has jurisdiction because the petition presents substantial federal questions under the Fourth and Fourteenth Amendments to the United States Constitution, as described in Rule 14.1(a).

1. A substantial federal constitutional question is presented under the Fourth Amendment's neutral and detached magistrate requirement and the Fourteenth Amendment's Due Process Clause.

2. The Iowa Supreme Court's decision conflicts with this Court's precedents holding that structural and jurisdictional defects cannot be insulated by procedural rules.
3. The question involves an important constitutional right of criminal
4. The Iowa Supreme Court's decision conflicts with this Court's precedents holding that structural and jurisdictional defects cannot be insulated by procedural rules.
5. The question involves an important constitutional right of criminal
6. defendants and affects a class of defendants beyond petitioner.
7. The Iowa Supreme Court acknowledged that petitioner "provided grounds for granting review" but failed to address the federal constitutional questions, leaving this Court as the only forum for their resolution.

CONSTITUTIONAL AND STATUTORY PROVISIONS

U.S. Const. amend. IV:

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

The Fourteenth Amendment to the United States Constitution Provides:

"No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Iowa Code §822.3: imposes strict time limits on applications for postconviction relief in criminal cases.

Iowa Code Ch. 907: governs deferred judgment procedures in Iowa

Iowa Code §907.3: Establishes the deferred judgment disposition for eligible defendants.

28 U.S.C. §1257(a): Jurisdiction of this Court to review final state court judgments.

28 U.S.C. §2101(c): Time for filing petition for certiorari.

STATEMENT OF THE CASE

A. Factual Background and the Ferguson Ruling

Petitioner's criminal case in the Iowa District Court for Pocahontas County (Case No. FECR131050) was initiated by a search warrant issued on September 2, 2020, by Magistrate Ben C.C. Meyer. Petitioner ultimately received a deferred judgment under Iowa Code §907.3 (*App. F-Judgment Order, K-Deferred Judgment Order*).

Three years later, petitioner learned of the district court's ruling in *State v. Ferguson* (*Pocahontas County Dist. Ct. 2023*) (*App. E-Ferg. Supp. Ruling*), holding that Meyer was not a neutral and detached magistrate when he issued warrants during a three-year period spanning December 5, 2019 to December 5, 2022.

The court found that Meyer was simultaneously employed by the local police department as a legal topic instructor and certified with the Iowa Law Enforcement Academy (ILEA) (*App. E, App. G*).

In Ferguson, Mr. Meyer testified that while serving as a prosecutor, he was approached by the Pocahontas Police Department and asked to provide training to officers, and he responded: "[W]ell, I'm already prosecuting so that's not a problem." (*Ferguson Suppression Order*, p. 8; *App. E*).

From December 5, 2019 to December 5, 2022, Meyer was certified by the ILEA as a legal instructor for the Pocahontas Police Department, listed on the Academy's "certificate by agency" as an employee of the department, and instructed officers on legal matters (*App. E, G*).

The court concluded that Meyer was simultaneously discharging duties for the judicial branch and "performing duties or services to the executive branch of Iowa" as a law enforcement instructor and was "not a neutral and detached magistrate" (*App. E-pg. 10*).

Petitioner's September 2, 2020 warrant falls squarely within that three-year period of documented non-neutrality and is supported by the same ILEA certification and employment records that Ferguson relied upon (*App. E, F, G*).

A later response from the Pocahontas County Clerk's office confirmed that during Meyer's documented non-neutrality period, 94 search warrant applications were filed in the county; Meyer handled 89 of them, approving and issuing 88—approximately 95% of all warrants approved in that span (*App. I*).

B. District Court Proceedings

Relying on Ferguson, the ILEA records, and the original warrant, petitioner moved on May 21, 2025 to vacate her deferred judgment as void ab initio on the ground that the case was initiated by a warrant issued by a magistrate who lacked the constitutionally required neutrality and detachment (*D0037; App. C, E, F, G, J*).

On May 27, 2025, she filed a Motion for Summary Judgment (*D0040*), and on June 9, 2025, filed a Request for Judicial Notice of Ferguson and the ILEA records (*D0045; App. C, E, G, J*).

On June 16, 2025, the district court held a hearing; the State filed its untimely resistance at midnight the day of the hearing (*D0046; App. H*). On June 18, 2025, petitioner moved to strike the State's untimely resistance (*D0048*).

On June 24, 2025, petitioner moved to compel a ruling on the Request for Judicial Notice (D0049); the same day, the court denied the Motion to Vacate without addressing the Motion for Summary Judgment, the Motion to Strike, or the Motion to Compel, and without reaching the federal merits (D0050; App. C).

C. District Court Hearing and Procedural Dismissal

At the outset of the June 16, 2025 hearing, the judge confirmed petitioner was “[R]elying on a decision in a case of state versus Jason Ferguson” and stated:

"I'm aware of that decision. I'm the one that wrote that decision." (Tr. 3:20-24; App. H).

The judge distinguished petitioner's case from Ferguson on procedural grounds, noting that Ferguson had challenged his warrant before pleading, whereas petitioner pled guilty and received a deferred judgment without filing a suppression motion, treating her motion as an untimely collateral attack (Tr. 4:16-5:3; App. H). Petitioner responded that the defect was:

"Not a procedural error" but "a structural error," arguing that the magistrate "was not neutral, not detached" and that: "anything with a plea deal or anything in that matter is after the structural violation had occurred so, therefore...everything is null and void."(Tr. 5:11-22; 6:5-7; App. H).

She offered copies of the warrant and Ferguson ruling, but the court declined to engage on the merits (Tr. 6:1-7; App. H). The State characterized petitioner's motion as raising constitutional issues "[f]or the first time" after receiving a deferred judgment, arguing such claims *"should be raised during the pendency of the underlying criminal matter"* (Tr. 6:19-7:10; 10:15-21; App. H).

The prosecutor asserted petitioner was improperly trying to *"bootstrap"* the Ferguson ruling and that *"the information was available"* and petitioner was *"similarly situated"* (Tr. 12:24-13:6; App. H).

At one point, the judge even aligned himself with the state using phrases like *"we want to also argue a search warrant wasn't needed in the case"* (Tr. 11:12; App. H), despite the undisputed fact that officers did obtain and execute a warrant signed by Meyer, underscoring the court's reluctance to confront the neutral-magistrate defect directly (Tr. 14:11-20; App. H).

During the hearing, the court suggested petitioner could have discovered the non-neutrality earlier, remarking that *"the information was out there,"* but immediately acknowledged that *"the Iowa Law Enforcement Academy records weren't available when your case was"* (Tr. 20:15-20; App. H).

The magistrate's ILEA certification and law enforcement employment were not matters of public record at the time; they emerged only through Ferguson and subsequent records requests (App. E, G, I).

The court concluded that postconviction relief was unavailable because a deferred judgment is not a conviction citing *Daughenbaugh v. State* and treated petitioner's filing as an improper collateral attack (Tr. 15:19-17:25; App. H; App. C).

D. District Court Corrective Order and Iowa Supreme Court Proceedings

On July 13, 2025, petitioner filed a Notice of Omission and Request to Include Pending Motions (*D0053*).

On July 15, 2025, the court issued a corrective order denying the Motion for Summary Judgment as moot, granting the Request for Judicial Notice and denying the Motion to Strike and Motion to Compel as moot, still without addressing the structural and jurisdictional question (*D0054; App. D*).

Petitioner sought review in the Iowa Supreme Court (Case No. 25-1205). On August 12, 2025, the court granted leave to proceed Pro Se and in Forma Pauperis but ordered her to specify the form of review sought (*App. A*). On August 15, 2025, she filed her statement asking the court to review the structural and jurisdictional defect.

On September 25, 2025, the Iowa Supreme Court treated petitioner's filing as an application for discretionary review, acknowledged that she had "provided grounds for granting review," but denied review without addressing the federal constitutional merits (*App. A, B*). Procedendo was issued on October 21, 2025.

E. Preservation of Federal Questions

Petitioner consistently raised two federal questions:

(1) Whether a warrant issued by a magistrate later adjudicated not neutral and detached constitutes a structural and jurisdictional defect rendering the judgment void ab initio; and

(2) Whether Iowa's deferred judgment and postconviction relief rules may constitutionally bar all review of that defect once discovered (*App. A, C, J*)

REASONS FOR GRANTING THE WRIT

A. The Structural and Jurisdictional Defect Is Not Subject to Procedural Bars

1. Structural Errors and Void Judgments Are Subject to Collateral Attack at Any Time

This Court distinguishes ordinary trial error from structural defects that affect the entire framework of the proceeding and defy harmless error analysis. *Arizona v. Fulminante*, 499 U.S. 279, 309-10 (1991).

Such errors include denial of counsel, *Gideon v. Wainwright*, 372 U.S. 335 (1963), trial before a biased judge, *Tumey v. Ohio*, 273 U.S. 510 (1927), and similar violations that undermine the basic tribunal.

Separately, longstanding doctrine holds that judgments entered without jurisdiction where the tribunal lacks lawful authority to act are void and may be attacked at any time, notwithstanding ordinary finality or default rules.

2. The Neutral and Detached Magistrate Requirement Is a Prerequisite to Lawful Jurisdiction

The warrant requirement demands issuance by a neutral and detached magistrate, not one aligned with law enforcement. *Johnson v. United States*, 333 U.S. 10, 14 (1948). When neutrality is absent, the warrant is invalid and the ensuing search unreasonable. This goes to the magistrate's authority to act at all, not merely probable cause sufficiency. This Court has made clear that:

"[W]hatever else neutrality and detachment might entail, it is clear that they require severance and disengagement from activities of law enforcement."

and upheld a warrant process only where the issuing official was "removed from prosecutor or police" and "disassociated from the role of law enforcement." *Shadwick v. City of Tampa*, 407 U.S. 345, 350-51 (1972).

State courts applying this Court's neutral magistrate doctrine have reached the same conclusion: a magistrate who simultaneously holds a law enforcement commission cannot satisfy the "neutral and detached" requirement because:

"[T]he probable cause determination must be made by a person whose loyalty is to the judiciary alone, unfettered by professional commitment, and therefore

loyalty, to the law enforcement arm of the executive branch." *People v. Payne*, 424 Mich. 475, 483, 381 N.W.2d 391 (1985).

The Ferguson court applied those principles, finding Meyer was simultaneously discharging duties for the judicial branch and "*performing duties or services to the executive branch of Iowa*" as a certified law enforcement instructor, holding he was "*not a neutral and detached magistrate*" (App. E, G). Petitioner's September 2, 2020 warrant falls within the exact period of Meyer's documented non-neutrality (App. E, F, G).

3. The Defect Is Both Structural and Jurisdictional

Because the prosecution was launched by a judicial officer who, as Ferguson held, could not constitutionally perform the neutral magistrate function; the defect is both structural and jurisdictional (App. E, F, G). It is structural because it concerns the basic composition and impartiality of the decisionmaker charged with guarding the Fourth Amendment's warrant requirement. 14

United States v. Gonzalez-Lopez, 548 U.S. 140, 148 (2006) (*structural errors "affect the framework within which the trial proceeds."*) It is jurisdictional because the court never acquired authority to act on a warrant issued by someone who lacked the constitutional capacity to serve as a magistrate. *Claeys v. Moldenshardt*, 259 Iowa 18, 22 (1967) (*jurisdictional defects render judgment void*).

~~4. The Good Faith Exception Does Not Apply to Structural, Jurisdictional Defects~~

The State cannot invoke good-faith or harmless-error doctrines to rescue a judgment resting on a void warrant. In *United States v. Leon*, 468 U.S. 897 (1984), this Court expressly excluded reliance on a "wholly abandoned" neutral judicial role from the good-faith exception, recognizing officers cannot reasonably rely on warrants issued by non-neutral magistrates.

Weaver's prejudice analysis for structural errors on collateral review presupposes valid jurisdiction; where the defect is that the court never acquired jurisdiction at all, good-faith and harmless-error doctrines **do not apply**.

B. This Case Presents a Novel and Important Federal Constitutional Question

1. The Question Is Squarely Presented and Unresolved

This Court has not directly resolved how structural Fourth Amendment defects and the void-judgment doctrine interact with state deferred-judgment and postconviction regimes that bar later review once new evidence of non-neutrality emerges. The question is clearly presented: may a State invoke procedural finality rules to

foreclose all judicial review of a jurisdictional defect in the initiation of criminal proceedings where the defect concerns the constitutional neutrality of the issuing magistrate and is discovered only after state deadlines expire.

The Iowa courts have denied petitioner any forum to adjudicate whether her prosecution was void from inception (*App. C, E, F, G, H*). The Iowa Supreme Court acknowledged petitioner "*provided grounds for granting review*" but declined to reach the federal questions, leaving only this Court to decide whether a State may constitutionally bar all review of such a defect (*App. A*).

2. The Question Is Important and Affects Many Defendants

Iowa makes heavy use of deferred judgments and strictly limits appeals and postconviction relief. Defendants who receive deferred judgments have no right to direct appeal, and under *Daughenbaugh v. State*, 805 N.W.2d 591 (Iowa 2011), are not "*convicted*" for purposes of postconviction relief under *Iowa Code chapter 822* (*App. A, H*). *Iowa Code §822.3* imposes a three-year limitation period, after which even eligible defendants must show "*exceptional circumstances*" to pursue PCR (*Tr. 11:3-6; App. H*).

3. This Problem Is Systemic and Affects Dozens of Defendants

An email from the Pocahontas County Clerk's office confirmed that during Meyer's documented non-neutrality period, he presided over approximately 95 percent of all warrant activity and granted virtually 100 percent (88 of 89 total warrants) of the applications presented to him (*App. I*).

Every defendant whose case was initiated by one of those 88 warrants faces the same structural and jurisdictional defect. The defect was not publicly known until Ferguson was decided in 2023, years after many cases had been closed through deferred judgments or plea agreements (*App. E, I*).

The magistrate's employment and certification overlap were not apparent from the warrant or records reasonably accessible to defendants; they emerged only through Ferguson's evidentiary record and subsequent public records requests (*App. E, G, I*).

Defendants could not challenge what they could not reasonably discover, yet Iowa's rules bar them from raising it, creating an "*impossible no-remedy trap*" for a class of defendants whose prosecutions rest on structurally invalid warrants.

4. The Question Raises Fundamental Due Process and Rule 10 Concerns

Whether a State may, consistent with due process, the neutral-magistrate requirement, and this Court's *void judgment jurisprudence*, use deferred judgment and postconviction rules to foreclose all review of a structural defect in the initiation of criminal proceedings is an important and recurring issue warranting review under *Rule 10(c)*.

It implicates not only petitioner but many other defendants whose serious federal claims emerge only after state deadlines expire.

C. State Interests in Finality Cannot Override Constitutional Jurisdiction

1. Jurisdictional Defects Are Never Subject to Waiver or Default

The neutral and detached magistrate requirement is a "*condition precedent to the exercise of jurisdiction*." *Halverson v. Hegeman*, 249 Iowa 1381 (1958). Just as a defective original notice deprived the court of jurisdiction in *Halverson*, so too does a constitutionally defective magistrate deprive the court of jurisdiction here.

This Court has likewise held that when a court acts without jurisdiction, its judgment:

~~"[w]as not merely erroneous but was beyond its power, void, and subject to collateral attack,"~~

and that whether the jurisdiction issue "was contested in the original proceeding, or could have been contested, is immaterial." *Kalb v. Feuerstein*, 308 U.S. 433, 438-40 (1940).

A judgment void for lack of jurisdiction cannot be revived by passage of time, plea agreement, or procedural bars (*United States v. Throckmorton*, 98 U.S. 61, 65-68 (1878)).

2. Finality Cannot Overcome the Absence of Jurisdiction

Iowa acknowledges that void judgments for lack of jurisdiction may be challenged collaterally at any time, yet in this case has deployed deferred-judgment rules and postconviction time limits to bar petitioner from any state forum once the non-neutrality defect was discovered (*App. A, H*).

This Court has repeatedly held that the Fourth and Fourteenth Amendments:

~~"[S]hould receive a liberal construction, so as to prevent stealthy encroachment upon or 'gradual depreciation' of the rights secured by them."~~

Gouled v. United States, 255 U.S. 298, 304 (1921). Allowing state procedural rules to extinguish all remedies for a structural jurisdictional defect would license exactly the kind of "*gradual depreciation*" *Gouled* warns against.

Iowa's interests in finality and efficiency are legitimate, but they cannot override the Constitution when a court lacks jurisdiction altogether. *Ex parte Siebold*, 100 U.S. 371 (1879), confirms that jurisdictional defects may be raised at any time and are not subject to procedural default.

3. The "*Information Was Out There*" and "*Benefit of the Plea*" Arguments Fail

The State argued petitioner was improperly trying to "bootstrap" the Ferguson ruling, claiming "*the information was available*" and petitioner was "*similarly situated*" while the case was pending (Tr. 12:24-13:6; App. H).

The State also argued petitioner was "*beyond the three-year postconviction relief time*" and that "*constitutional claims should be brought on direct appeal or postconviction relief*" (Tr. 11:3-6; App. H).

But the judge immediately acknowledged the real problem:

"[T]he Iowa Law Enforcement Academy records weren't available when your case was" (Tr. 20:15-18; App. H).

Petitioner confirmed she did not know about Meyer's overlapping law enforcement employment as they were not matters of public record at the time; they emerged only through Ferguson and subsequent records requests (*App. E, G, I*).

CONCLUSION

For the foregoing reasons, petitioner respectfully requests that this Court grant the petition for a writ of certiorari to review the judgment of the Iowa Supreme Court and consider the important federal questions presented.