

A GUIDE TO IOWA'S CRIMINAL JUSTICE SYSTEM DURING THE PANDEMIC

FOR DEFENDANTS, THEIR FAMILIES, AND THEIR FRIENDS

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RISE UP

All we need, all we need is hope
And for that we have each other
And for that we have each other

And we'll rise up
Rise like the waves
We'll rise up
In spite of the ache
We'll rise up
And we'll do it a thousand times again

Andra Day & Jennifer Decilveo

Contents

Introduction.....	4
Retaining Counsel.....	4
Iowa Supreme Court Coronavirus-Related Orders.....	4
Criminal Cases.....	4
Misdemeanors.....	5
Prioritizing After Trials Resume.....	5
Law Enforcement	5
Search Warrants.....	5
Arrest Warrants.....	5
Visiting and Communicating With Your Lawyer.....	5
Do Not Talk About Your Case.....	6
If You Are in Jail Awaiting Trial.....	6
Telephone and Videoconferencing.....	7
Court Documents Accepted in Writing.....	7
Exchanging Documents With Your Lawyer If You Are Incarcerated.....	8
How To Get Written Forms While in Jail.....	8
Discovery.....	8
Pre-Trial Motions.....	9
Non-Jury Trials.....	9
Jury Trials.....	10
Presentence Reports.....	10
Allocution.....	11
Protect Your Health.....	11
Disclose Your Pre-Existing Medical Conditions.....	11
Notify Appropriate Persons if You Develop Coronavirus Symptoms.....	11
Obligation To Notify the Court Regarding Coronavirus.....	12
Frequently Asked Questions.....	12
Keeping Up To Date.....	15
Summary.....	15
Appendix	
Links to Relevant Court Orders.....	A
Important Contacts	B
Summary of Critical Dates.....	C
Fifth Judicial District Administrative Order, March 26, 2020.....	D

INTRODUCTION

The world is in the midst of a pandemic called Covid-19, or Coronavirus. Over 1.7 million Americans have contracted the virus, including nearly 20,000 Iowans. Over 500 Iowans have died from it. Iowa's courts have modified their operations in response to Coronavirus, and defendants and their families face rapidly changing and complex temporary rules and procedures to which they must adjust. We hope this free pamphlet will help in that process.

This pamphlet is *not* legal advice. Consult a lawyer and listen to their guidance.

RETAINING COUNSEL

Public Defender: If you cannot afford a lawyer, the court will appoint a lawyer for you at your initial appearance (a public defender or a lawyer who participates in the state public defender's program). A public defender cannot provide assistance until you are in court. If you need a lawyer before going to court, you will have to rely on private lawyers.

Private Lawyer: For recommendations, call your family lawyer or check with friends or family. You can also use Google, or call the Iowa State Bar Association, the State Public Defender, or a bondsman for a recommendation. Search for lawyers who practice criminal defense. They are generally in smaller firms with a general practice. The more serious your case, the more experienced lawyer you will need. Most lawyers in Iowa will provide you some direction, or a referral, without cost. If you think you may be arrested, get in touch with a lawyer immediately.

IOWA SUPREME COURT CORONAVIRUS-RELATED ORDERS

The Iowa Supreme Court has issued Supervisory Orders indicating its priorities. Criminal cases are given priority after emergency matters. Among criminal cases, priority is given to those involving defendants in custody.

Criminal Cases. Once a defendant is arrested, a magistrate or associate district court judge must conduct an initial appearance without necessary delay. You will see a magistrate or district associate judge within 24 hours.

If you are in custody, you are entitled to have a preliminary hearing within 10 days of your initial appearance. If you are not in custody, you are entitled to a preliminary hearing within 20 days. Preliminary hearings are rare occurrences in any event, and are less likely to occur during the pandemic. Your lawyer can waive a preliminary hearing if you agree. You do not have to sign anything to waive the preliminary hearing.

Your initial appearance may be by video. You will not see your lawyer in person before the initial appearance. If a preliminary hearing is held, it will be conducted by video. In an abundance of caution, always enter a NOT GUILTY plea until you meet with a lawyer.

Misdemeanors. The Iowa Supreme Court has ordered the Clerk of Iowa District Court to outline a list of priorities. Scheduled misdemeanors are listed as 9. Non-scheduled are listed as 13. Therefore, misdemeanors are not given high priority. Out of a list of 17, criminal-simple misdemeanors, excluding scheduled violations are listed as 9th and criminal-simple misdemeanor, scheduled violations are number 13.

Prioritizing After Trials Resume. The Iowa Supreme Court has ordered that when jury trials are rescheduled, courts shall give priority to cases for which a speedy trial has not been waived and the defendant is in custody. The second priority is for cases for which speedy trial has not been waived and the defendant is *not* in custody. The third priority is for cases for which speedy trial has been waived and the defendant is in custody.

LAW ENFORCEMENT

Law Enforcement is using discretion in making arrests. Normal law enforcement is being conducted but in situations where tickets or summons can be issued, officers are doing so. If you are arrested and have Coronavirus, or have been in contact with anyone within the last two weeks who has it, let the arresting officers know so they can protect themselves and other people you may come in contact with.

SEARCH WARRANTS

Law enforcement continues to execute search warrants and may come to your house to search for evidence of a crime.

ARREST WARRANTS

Arrest warrants are being enforced. If you are aware you are the subject of one, the best course of action is to contact a lawyer who can arrange both to turn you in and for your release. There is no guarantee you will be released pending trial, but courts sometimes look favorably on persons who voluntarily turn themselves in. It is a factor courts and prosecutors may consider.

VISITING AND COMMUNICATING WITH YOUR LAWYER

Many law firms and the state public defender have stopped face-to-face meetings. Should an appointment be required, call in advance. If you visit the lawyer's office, wear a mask and, if possible, take disposable gloves. Hand sanitizer will be available in the office.

Before your meeting, the lawyer or their support staff will likely ask you a series of health questions. These questions will be about your temperature, any coughing, recent illnesses, recent travel, and the medical and travel histories of persons with whom you live and associate. These questions are to assess if you are healthy enough to visit the lawyer's office, to protect all lawyers and support staff potentially involved in your case, and to meet the lawyer's ethical duty should you be required to go to court. Be honest with your lawyer and provide any relevant medical records regarding underlying conditions (these may be relevant as your case progresses).

Your lawyer may want to schedule an appointment by telephone or video. Some lawyers will use videoconferencing tools such as Zoom, GoToMeeting, Webex, Skype, Google Hangouts, Google Meet and FaceTime. They will use iWebVisits if you are incarcerated. They may send mail through USPS, FedEx or email. Each time you call your lawyer leave a phone number (and alternate if available) and email address. If it is urgent, make that known.

A close working relationship with your defense lawyer is critical in preparing your defense. Schedule regular video or phone conferences with your lawyer. While video conferencing, phone calls and emails are important during this pandemic, it's difficult to establish trust through those means and they are not a substitute for personal office and jail visits. Let your lawyer know if you feel you are not getting information that is critical to your defense. Some lawyers allow you to access your files in their office with your computer or mobile device. If your lawyer is not setting up meetings and sending letters or emails outlining your case and keeping you updated on motions being filed and court hearings, you or a family member or friend must let them know. If you are incarcerated, write two copies of a letter to your lawyer outlining concerns, and keep one for your records. If the jail facility is not letting you make calls to your lawyer, make a note of their refusals and keep it for your lawyer and the judge.

If you send letters to your lawyer, keep copies on your mobile device or computer if possible. Because many lawyers are working remotely, this information can get misplaced. Your lawyer may agree to text with you, but information conveyed through texting may not always make it into your regular file and may therefore be overlooked down the road.

DO NOT TALK ABOUT YOUR CASE

Conversations with your family, friends, girlfriend or boyfriend are not privileged! In other words, anything you tell them may be used against you. Do not talk about your case with anyone but your lawyer!

IF YOU ARE IN JAIL AWAITING TRIAL

As before Coronavirus, you will not be allowed personal visits in jail. Phone calls are permitted. Because of Coronavirus, many jail and correctional facilities are now also prohibiting lawyers from personally visiting their clients. Calls between lawyers and clients can still be scheduled though. Lawyers and clients can visit through iWebVisit and any documents they need to

discuss can be sent to the client in advance. Clients can also review documents on trips to the courthouse.

It is important to be patient with jail personnel, whether you are being held for trial or held overnight awaiting a bond hearing. They are stressed. As of this writing, 524 Iowa inmates have been tested for Coronavirus and 119 have tested positive. Of 200 jail staff tested, eight have tested positive. For updates, go to <https://www.polkcountyiowa.gov/county-sheriff/news-press-releases/covid-19-quick-stats/>.

Masks are available at the jail. Use them. Do not talk on the telephone without having it cleaned before and after you use it.

Persons in jail awaiting trial who contract Coronavirus are quarantined for 14 days. If you or a family member have been exposed to Coronavirus in jail and are released, you or the family member should self-quarantine for 14 days.

TELEPHONE AND VIDEOCONFERENCING

The Iowa Judiciary uses GoToMeetings to conduct most of its hearings. The defendant or the lawyer, with the consent of the defendant, must waive a personal appearance consenting to any video hearing. The majority of lawyers are advising defendants to waive personal appearance. Personal appearances are rare.

Initial appearances, bond reviews*, some sentencings, probation violation hearings, pre-trial motions, post-judgment motions, and no contact orders (related to criminal cases) are being conducted by videoconferencing and/or telephone conferencing. For more information, see Chief Judge Huppert's March 26, 2020, Administrative Order (Appendix).

*A lawyer can waive both a personal appearance and videoconferencing for bond hearing and the judge can decide the issue of bond on the affidavits and statements of counsel.

COURT DOCUMENTS ACCEPTED IN WRITING

The court may accept pleadings in writing including the following:

- Arraignment;
- Waiver of Preliminary Hearing;
- Plea of Not Guilty;
- Petition to Plead to Guilty (if represented by a lawyer);
- Pre-trial Conferences;
- Sentencing (agreed on);
- Waiver of Certain Rights; and
- Stipulations to Probation Violations.

If you are incarcerated, jail personnel will help facilitate signing paperwork. Your lawyer will call or write you so you can fully understand what papers you are signing. *Do not sign documents you have not discussed with your lawyer.* Accepting written pleadings may expedite your case and avoids transfers from the jail to the courthouse.

EXCHANGING DOCUMENTS WITH YOUR LAWYER IF YOU ARE INCARCERATED

Written communications with your lawyer while incarcerated should be confidential. Any writings to your lawyer should have the lawyer's name written clearly on it (the letter *and* envelope) and should be labeled "LEGAL MAIL" (the letter *and* envelope). The jail or correctional facility cannot read this letter. Mail is slower now than usual, and many lawyers are not opening mail until it is disinfected. If you can, write two copies of your letter and keep a copy.

Take notes about the facts of your case as you remember. Write down telephone numbers, email addresses and regular addresses of potential witnesses. Draw diagrams if you believe they will be helpful. List character witnesses you want your lawyer to speak with. List past employers.

It is helpful to write out a short autobiography that includes your family structure, education, criminal history, medical history, and a history of the incident.

During iWebVisits with your lawyer, you may be able to show documents to your lawyer or your lawyer may be able to share documents with you. If the inability to share documents prevents you from preparing your defense, your lawyer may need to get a court to allow it. Your lawyer may also send you a paper copy of the relevant documents.

Do not discuss the facts of your case by telephone or video with your family or friends on the jail telephone. Your conversations will be recorded. **Prosecutors will listen to all of your jail conversations and use them against you in court.** Likewise, do not share materials or correspondence you prepare for your lawyer, or correspondence you receive from your lawyer, with anyone else at the jail.

HOW TO GET WRITTEN FORMS WHILE IN JAIL

Your lawyer can send you any written forms you are required to fill out in relation to your case, or you can request certain forms, along with a stamped envelope, from jail personnel. Your lawyer can direct you on this. Do not fill out any forms related to your case without discussing them first with your lawyer. This is especially true if you are addressing the factual basis of your case. You should mail forms to your lawyer only, in a sealed envelope marked clearly as "attorney mail." The forms will be confidential and will not be reviewed by jail personnel. Once a form is sent to your lawyer, you can review it with them during an iWebVisit or telephone

conference. It is important that you put the correct name and address of your lawyer on the envelope before giving to jail personnel.

DISCOVERY

“Discovery” is the information the government is required to give to you before your trial. This includes all exculpatory and inculpatory evidence. It includes witness statements, police reports, medical records, telephone records, and photographs that may or may not be used at trial. It also includes all experts’ reports from the state.

Discovery will be in various forms. It may be photographs, bodycams, police reports, videos of the scene, telephone records, Google records, snapchat records and physical items (guns, bullets, money, etc.). You will be able to take sworn statements of the state’s witnesses during the discovery process. A record will be kept of these statements by a court reporter.

The state has set up electronic portals through which discovery is shared between prosecutors and defense lawyers, omitting the need for in-person exchanges. But while the discovery is readily obtainable, it is more difficult now to review it with counsel. If you are incarcerated, rather than going over it with your lawyer in person, you will need to review it on your own, after you receive copies, and then discuss it with your lawyer by iWebVisit or telephone. It is possible you can request a personal meeting with your lawyer by filing a request with the court, but that may be difficult. Policies around discovery are fluid and subject to frequent modification.

Your discovery is critical to your trial preparation. It is important your lawyer send you all discovery in your case for review. Do not share the discovery with your POD mates if you are incarcerated, *or with anyone else*. Any notes you take on your discovery should be shared only with your lawyer. If your case involves sensitive discovery, it’s possible it may only be available for review at the courthouse.

PRE-TRIAL MOTIONS

You and your lawyer will need to review the “discovery” (evidence) in your case and decide if pre-trial motions are warranted. Request to review it. When you have video or phone conferences with your lawyer, explain the facts of your case, the issuance of any warrants, and your arrest. If there were witnesses present related to any of these, let your lawyer know during the first interview. Make notes of your arrest and any search, and make sure they get to your lawyer as soon as possible. Write down any telephone numbers, addresses or video of which you are aware. Your notes should *only* be shared with your lawyer.

Your lawyer will work with you to incorporate this information into pre-trial motions, such as motions to suppress, produce, compel, present a theory of defense, etc.

NON-JURY TRIALS

Non-Jury trials are continued until July 13, 2020 (sooner if proper precautions can be implemented). If you waive a jury trial, it is possible for you to have a trial by a judge. This type of trial can be conducted with a smaller staff, subjecting fewer people to the virus. However, there is no guarantee your trial will proceed within a given time if you waive a jury.

JURY TRIALS

All jury trials are continued until September 14, 2020. If you are requesting a jury trial, there is no circumstance in which you will be able to have a trial with jurors before that date. There will be no exceptions. Discovery may proceed, and you should discuss that process with your lawyer,

Jury trials, when resumed in September, will be challenging. Defendants will be brought from a jail that may be struggling with Coronavirus outbreaks and jurors may have issues serving related to illness from or exposure to Coronavirus, and to increased unemployment. Jury selection – made from large pools of persons -- will be tricky. Jurors, witnesses, lawyers, and clients will have to maintain social distancing.

Jurors will be rightfully concerned with contracting Coronavirus or possibly spreading it themselves during their service. Testing or screening jurors for the virus won't solve this. Jurors go home every night and interact with family and others. Clients go home or back to jail to be housed with other inmates. During recesses, jurors commingle. They use the same bathrooms and interact walking through security with their personal effects. Unless the parties, lawyers, courthouse personnel, jurors, and witnesses are quarantined during trial, the virus may be contracted. If that happens, the courtroom will require disinfecting, likely resulting in a delay in the restart of trial and consideration of a mistrial.

Lawyers will have to conduct jury selection while jurors are wearing masks. Masks make it difficult to read faces, and individual voir dire (questioning) of jurors will be more difficult. Likewise, jurors' reactions during trial will be difficult to read.

These issues are not insurmountable; there are innovative ways to work around them. Protecting the constitutional rights of defendants must be a priority, and jurors must feel safe, comfortable and unrushed in their search for truth. Defense lawyers, prosecutors and judges must be vigilant in that regard. The obligation of the judicial system is, foremost, that it dispense justice.

PRESENTENCE REPORTS

Presentence reports are what judges, prosecutors and defense lawyers rely on to determine your sentence. They contain a broad range of information about you. Normally, your lawyer is sent a copy and you are given the opportunity to review it and make corrections or add vital information. Lawyers often supplement pre-sentence reports with letters from family members, close friends and co-workers. You are usually given an in-person interview by a presentence writer from the probation office.

Probation interviews are now being conducted by telephone. Before the interview, you will be given forms to fill out. The information requested is very personal. You will also be asked for information about the facts of the incident with which you are charged. Your answers give the court, among other things, information about your chances of re-offending. All of this information factors into whether the court grants you probation or a deferred judgment, or sends you to prison. If you are sent to prison, the information is reviewed by the Parole Board and your prison counselors. It is critical the report be accurate. If you don't understand questions or are confused, contact your lawyer. **DO NOT FILL OUT THE FACTUAL BACKGROUND WITHOUT CONSULTING YOUR LAWYER.** Without your lawyer or the presentence writer able to visit with you personally, it will be easy to overlook important information. Thoroughly review the presentence report before your sentencing.

ALLOCUTION

You will be given the opportunity to speak to the court before your sentence. It is an absolute right that every judge allows. If you are incarcerated, your allocution will now be given by video from the jail. Whether or not you choose to speak is between you and your lawyer. If you choose to speak, look into the camera and speak clearly. Take your time since a court reporter will be taking notes. Write out your statement if you think you will not be able to remember what you want to say. Judges consider your allocution a very important factor in your sentencing. Put forth your best effort.

PROTECT YOUR HEALTH

- Stay 6 feet away from others;
- Wash your hands 6-7 times a day for 20 seconds. Use soap and water and/or hand sanitizer;
- Do not touch your face;
- Wear a mask;
- Stay home when you are able;
- Clean your cell phone often; and
- Use the inside of your elbow if you sneeze or cough.

DISCLOSE YOUR PRE-EXISTING MEDICAL CONDITIONS

Tell law enforcement, jail personnel, and your lawyer if you are on dialysis or have any of these conditions: COPD, asthma, a serious heart condition, diabetes, or a weakened immune system.

You may be at exceptional risk if you contract Coronavirus. Check with CDC.org for guidelines on Coronavirus.

NOTIFY APPROPRIATE PERSONS IF YOU DEVELOP CORONAVIRUS SYMPTOMS

Advise your lawyer, and jail personnel if applicable, if you have these symptoms:

- fever, chills, sweating;
- difficulty breathing;
- new or worsening cough;
- sore throat;
- whole body aches; and
- vomiting or diarrhea.

Let them know additionally if you have 1) been in close contact with someone with Coronavirus; 2) recently traveled internationally; or 3) lived in place where there is an outbreak of Coronavirus.

OBLIGATION TO NOTIFY THE COURT REGARDING CORONAVIRUS

If you have Coronavirus, or reasonably suspect you may, and are participating in a scheduled hearing, conference, deposition, trial, or other proceeding that may have an elevated risk of transmitting the virus, before you attend the in-person hearing, you must notify your lawyer, the opposing counsel and the clerk of court. Simply call your lawyer and let them know beforehand.

If you have an elevated risk of transmitting Coronavirus, you will not be allowed to go to the courthouse or attend hearings, conferences, depositions, trial, or other court proceedings unless the court issues an order allowing you to attend.

If you cannot attend these proceedings, arrangements will be made to reschedule the hearing or handle the matter by video or telephone.

FREQUENTLY ASKED QUESTIONS

1. When will jury trials start again?

Jury trials are scheduled to start in September 2020. This may change as we learn more about the virus and its data change. Traditional trials subject all participants to the sort of close quarters that can heighten risk of contracting Coronavirus. Courts across the country are grappling with solutions.

2. How can I get in touch with the judge?

I urge caution contacting a judge without your lawyer's advice. Judges are still working daily and review documents filed in every case assigned to them. If you have a legal emergency and are unable to contact your lawyer, you can call the Clerk of Court to get the judge's email address.

3. Are judges going to allow jurors to wear masks?

We don't know yet. It has been suggested and some grand jurors have worn masks. The Iowa Supreme Court has established a commission to study and report recommendations to the court as to the protocol for reopening courts and proceeding with jury trials.

4. How can I review my discovery to prepare for trial?

If you are on bond, your lawyer will schedule a time for you to review discovery in their law office or, if that's not possible, make copies for you to review. You must be familiar with the discovery so you can understand the nature of the government's evidence.

5. Are prosecutors going to court?

Yes. Prosecutors still "go" to court. Sometimes by GoToMeeting, sometimes by telephone hearings and sometimes in person. There has been a flare-up in domestic violence cases and the court is giving those cases priority, allowing, as an exception, in-person hearings for them. Some prosecutors are working on their caseloads remotely, still filing pleadings, reviewing discovery and attending hearings through various electronic means.

6. Are judges working?

Yes. They are working their normal hours. They are conducting hearings and issuing rulings. Many of these hearings are conducted by video conferencing using GoToMeetings and telephone. Some hearings are held in person.

7. Will Coronavirus impact my appeal??

No. Appeals are moving according to the regular schedule. From time to time, lawyers may request continuances related to working remotely, but appeals are proceeding timely. The court announced recently that some appeals will be argued remotely. This should not impact either the quality of arguments or the court's decisions.

8. Am I able to "attend" court hearings?

Yes. You should download GoToMeeting or have access to a telephone through which you can call in. Depending on the nature of the hearing, you may be able to attend in person. Consult with your lawyer. If you go to the courthouse, wear a mask and gloves. You will have to answer some questions related to your recent health. If you are being held without bond, the jail will make arrangements for you to attend by video, unless you waive your attendance.

9. Will my family and friends be able to go to court hearings?

Yes. The same standard applies as stated in Question 8.

10. Will I be able to attend video depositions?

Yes. You will be able to download software to be part of video deposition. You can also waive your right to be present. I do not anticipate lawyers will take critical or key witnesses by video.

11. What happens at a video deposition?

The same questions will be asked as if the witness is in person. Video depositions have been used in civil cases for years.

12. Do I have to agree to video depositions?

If you do not agree, a video deposition cannot proceed. It is possible a judge could overrule your objections. If you do object, your trial may be delayed or your lawyer may suggest waiving the depositions of certain witnesses.

13. How do I get in touch with my lawyer?

If you are incarcerated, have the jail tell your lawyer to give you a call. If you are on bond, call your lawyer's regular number. Leave your number and email address. If you do not hear from your lawyer, call again. The lawyer's staff may be working remotely, resulting in extra delays. Check the law firm's website and Facebook page, and documents filed in court, for alternate contacts.

14. Do I have to wear a mask to court?

Yes. It will be a requirement and is the safe thing to do for all attendees. You should also be careful to exercise social distancing when in the courthouse.

15. How do I get copies of all my court documents?

Your lawyer should send you copies of all your court documents as they are filed with the court. Normally, hard copies are sent but many law firms are sending court documents by email. Check with your lawyer and work out an arrangement that works with your equipment. If you need regular mail, it will take longer.

16. How long will my case be delayed?

No one knows. Once jury trials start, there will be substantial reshuffling of the schedule. Defendants who do not have complicated cases and have not waived speedy trials will get some priority. Defendants who are incarcerated will get priority. Court normally works from the oldest filed cases to the newer cases, but this may change temporarily.

17. If I get put into Polk County Jail, will I contract Coronavirus?

It is not an automatic. The numbers are high for both inmates and staff, but the jails do have some strategies in place to minimize spread of the virus.

18. How do I find out if lawyers are having face to face meetings?

Call their office and ask. Some are allowing face-to-face meetings, but it is rare.

19. Can law enforcement access telephone exchanges and video conferences with my lawyer?

Yes, technically, with a proper search warrant. But exchanges with your lawyer are considered attorney-client privilege, so let your lawyer know if law enforcement attempts to take your cell phone or computer, and whether it contains privileged communications.

20. Is my lawyer required to tell the judge that I or my family has contracted Coronavirus?

Yes. A lawyer has an ethical obligation to advise the court and opposing counsel if their client has been exposed to Coronavirus.

21. If I do not want a continuance, am I able to go to trial?

No. It is unlikely the Supreme Court's order will change.

22. Are my lawyers recording conversations with me?

No. If they are recording your conversations, a lawyer should advise you it is being done.

23. Do I have an alternative to Zoom meetings with my lawyer?

Yes. You can use GoToMeeting, Webex, Skype, Google Hangouts, Google Meet and FaceTime.

24. Why won't my lawyer take cash payments?

Cash payments can contribute to the spread of Coronavirus. They are broadly discouraged.

25. Do I have to go to court to enter a guilty plea?

No. Many pleas are being taken in writing. You and/or your lawyer will have to agree to and sign consent to a written plea. Your lawyer will need to obtain approval from the county attorney and judge. Once approved, the plea can be filed with the court.

26. If I get sick, while I am in jail, will I get medical treatment?

Yes. All jail and prison facilities are required to have access to medical personnel. You can report any medical issues by sending a kite (note).

27. How do I get in touch with my lawyer if I am in jail?

There are presently no personal visits allowed; you may call or write your lawyer. Send a kite (note) to the jail personnel requesting they contact your lawyer. Or, tell a family member to call your lawyer and let them know it is important you talk with them. Your lawyer can call the jail and schedule a telephone conference, or iWebVisit. Visits with your lawyer through iWebVisits are confidential, as will be noted across the screen, and allow you and your lawyer to eyeball each other. Various time slots are available.

28. Are any other calls other than ones to my lawyer confidential?

No. All other calls are recorded and tracked by law enforcement. There are numerous warnings given when you make a call. Do not discuss your case or anything that your lawyer said to you when you are talking on the jail telephones. These conversations will be used against you.

29. Are the letters that I write confidential?

Letters to your lawyer are confidential. Other correspondence is *not* confidential and will be copied and given to the prosecutor to use against you in court.

KEEPING UP TO DATE

Orders establishing and updating judicial operations will be issued periodically. You can find them on the Iowa Supreme Court website, <https://www.iowacourts.gov/>. Periodic supervisory orders issued by Chief Judge Huppert, Fifth Judicial District, may be helpful as well.

SUMMARY

We can't know with certainty when criminal courts will resume full operations or how Coronavirus will ultimately impact those operations. We do know our judicial system is resilient, and having survived the 1918 influenza, WWI, WWII, the Great Depression, 9/11, and the 2008 recession, it will emerge from this pandemic stronger and more futuristic. It is critical though that as we adapt to the demands of this pandemic, we remain vigilant in protecting the constitutional right of all Iowans to due process. Rights are sometimes lost in increments, and we cannot allow this pandemic to be the excuse for slippage, however small.

This pandemic has revealed many underlying societal inequities. It has hit minority and poor communities disproportionately. Certain sectors of our economy are facing devastating unemployment. Others are forced to remain at work in dangerous situations. Families are struggling to survive as tensions escalate. There is an opportunity in the midst of this turmoil for prosecutors, judges and other participants in our justice system to recognize the mounting difficulties defendants face, and to resolve to evaluate their cases through a new lens -- with an eye toward creative, less punitive and more reformatory resolutions to charges.

Whatever your story is – whatever brought you to read this pamphlet -- I wish you patience, courage, and good health in your journey forward. This too shall pass.

Alfredo Parrish
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