

**CHAPTER 157**  
**CERTAIN APPELLATE PROCEDURES**  
*H.F. 550*

**AN ACT** making appellate procedure in discretionary reviews, criminal appeals, postconviction relief appeals and civil appeals more uniform and consistent.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 631.16, subsections 4 and 5, Code 1985, are amended by striking the subsections.

Sec. 2. Section 631.16, subsections 6, 7, 8, and 9, Code 1985, are amended to read as follows:

6. The record and case shall be presented to the ~~supreme appellate~~ court as provided by the rules of appellate procedure; and the provisions of law in civil procedure relating to the filing of decisions and opinions of the ~~supreme appellate~~ court shall apply in such cases. ~~The case may be transferred to the court of appeals by the supreme court.~~

7. ~~An application shall not be dismissed for an informality or defect in taking it if corrected as directed by the appellate court. The appellate court, after an examination of the entire record, may dispose of the case by affirmation, reversal or modification of the lower court judgment, and may order a new trial. It also may dismiss the application if both of the following are true:~~

- a. ~~The court determines that there has been no substantial miscarriage of justice.~~
- b. ~~The arguments do not present definite grounds for a hearing.~~

8. ~~The decision of the appellate court with any opinion filed or judgment rendered must be recorded by the supreme court clerk. After the expiration of the period allowed for a rehearing, or as ordered by the court or provided by its rules, a certified copy of the decision and opinion shall be transmitted to the clerk of the trial court, and filed and entered of record in the district court. Procedendo shall be issued as provided in the rules of appellate procedure.~~

9. ~~The jurisdiction of the appellate court shall cease after the certified copy of the decision and opinion is transmitted to the clerk of the trial court when procedendo is issued. All proceedings for executing the judgment shall be had in the trial court or by its clerk.~~

Sec. 3. Section 663A.9, Code 1985, is amended to read as follows:

**663A.9 APPEAL.**

~~A An appeal from a final judgment entered under this chapter may be reviewed by the supreme court of this state on appeal, brought taken, perfected and prosecuted either by the applicant or by the state within sixty days from the entry of the judgment in the manner and within the time after judgment as provided in the rules of appellate procedure for appeals from final judgments in criminal cases.~~

Sec. 4. Section 814.15, Code 1985, is amended to read as follows:

**814.15 APPEALS AND APPLICATIONS — WHEN DOCKETED — WHEN DETERMINED.**

~~When a proper appeal is perfected in a criminal case and the clerk's transcript of the record as required by section 814.7 is filed in the appellate court, the cause shall be docketed.~~

Appeals and applications for discretionary review in criminal cases shall be docketed in the supreme court as provided in the rules of appellate procedure. Such causes shall take precedence over other business, and the appellate court shall hear consider and determine appeals and applications for discretionary review in criminal actions at the earliest time it may be done considering the rights of parties and proper administration of justice. A similar rule shall apply to applications for discretionary review.

Sec. 5. Section 814.20, Code 1985, is amended to read as follows:

**814.20 DECISIONS ON APPEALS OR APPLICATIONS BY DEFENDANT.**

An appeal or application taken by the defendant shall not be dismissed for an informality or defect in taking it if corrected as directed by the appellate court. The appellate court, after an examination of the entire record, may dispose of the case by affirmation, reversal or modification of the district court judgment. It may also dismiss the appeal or application if it determines that there has been no substantial miscarriage of justice, and no violation of the rights of the accused, and that the arguments do not present definite grounds for a hearing. The appellate court may also order a new trial, or reduce the punishment, but cannot shall not increase it.

Sec. 6. Section 814.21, Code 1985, is amended to read as follows:

**814.21 COSTS TO THE SUCCESSFUL DEFENDANT.**

If on appeal or application by the defendant, the judgment of the trial court is reversed or modified in the defendant's favor, the defendant shall recover the cost of printing abstract and briefs (to a maximum of one dollar per page) to be paid by the county wherein the trial occurred. Costs shall be taxed as provided by the rules of appellate procedure.

Sec. 7. Section 814.24, Code 1985, is amended to read as follows:

**814.24 DECISION RECORDED AND TRANSMITTED PROCEDENDO.**

The decision of the appellate court with any opinion filed or judgment rendered must be recorded by its clerk. After the expiration of the period allowed for a rehearing, or as ordered by the court or provided by its rules, a certified copy of the decision and opinion shall be transmitted to the clerk of the district court, filed and entered of record by the clerk. Procedendo shall be issued as provided in the rules of appellate procedure.

Sec. 8. Section 814.25, Code 1985, is amended to read as follows:

**814.25 CESSATION OF JURISDICTION OF APPELLATE COURT CEASES AFTER JUDGMENT.**

The jurisdiction of the appellate court shall cease after the certified copy of the decision and opinion is transmitted to the clerk of the district court when procedendo is issued. All proceedings for executing the judgment shall be had in the district court or by its clerk.

Sec. 9. Sections 814.4, 814.7, 814.16 and 814.18, Code 1985, are repealed.

Approved May 20, 1985