



Iowa

Post-Conviction Case Activity & Victims' Rights

Post-Sentencing Review

After an individual has been convicted and sentenced, they may file motions in the trial court to challenge their conviction or sentence. For example, they may file:

- A motion for a new trial based on jury misconduct, new evidence, legal errors at trial, or other problems with the proceedings
- A motion to arrest the judgment
- A motion to modify the sentence

Victims' Rights

Victims have the right to be treated with fairness, respect, and dignity. This right extends throughout all stages of the post-conviction process.

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Direct Appeal

After the court decides on any post-trial motions (or if no post-trial motions are filed), the individual convicted of a crime may ask a higher court to review the trial court's or jury's decisions. This is called a "direct appeal." On appeal, the court does not admit new evidence or call witnesses. Instead, it reviews what happened at trial (called the trial record) and written briefs filed by both sides describing their positions.

If an individual convicted of a crime requests an appeal, they may ask the court to release them while the appeal is ongoing. The convicted individual is more likely to be released in misdemeanor cases than in felony cases.

The convicted individual generally has 30 days of sentencing to decide whether to appeal. If the convicted person appeals, the state [Attorney General's Office](#) assigns a lawyer to oppose the appeal. The prosecutor and the convicted person's lawyer then prepare written briefs for the judges, which generally takes several months. In some cases, the lawyers from both sides present oral arguments to the judges. Then, the judges prepare a written decision in the case. The appeal process takes roughly a year or more.

Victims' Rights

Victims have a right to notice of the filing of an appeal.

Victims have the right to notification of the expected date of decision on the appeal, dispositional orders in the appeal, and the outcome of the appeal.

State Post-Conviction Proceedings

Post-conviction motions are requests to have the conviction or sentence reviewed that are filed after the direct appeal process has ended. These motions can seek many outcomes, but the main requests and outcomes in Iowa are the following:

- Uniform Post-Conviction Procedure Act: A person convicted of a crime may file a petition under this Act to seek to invalidate their conviction or sentence based on new evidence, legal errors in the proceedings, or other claims.
- State habeas corpus: A convicted person may seek relief through a process called "habeas corpus." In Iowa, state habeas corpus relief is available only when relief is not available under the Act.

DNA Testing

A convicted person may file a motion seeking DNA testing of physical evidence.

The court will not automatically grant the requested testing. Instead, the court will allow testing only if it finds that there is a reasonable probability the person would not have been convicted had the testing been done earlier.

If the court grants testing and the evidence supports the convicted person's claim, that person must file a petition for relief based under the Uniform Post-Conviction Procedures Act. In the petition, the person may seek to vacate their conviction, obtain a new trial, or other relief. If the court grants a motion for a new trial, the case starts over.

Victims' Rights

Victims have a right to notice of the filing of a post-conviction motion.

Victims have the right to notification of the expected date of decision on the motion, dispositional orders in the motion, and the outcome of the motion.

Victims are entitled to employment protection if the victim must serve as a witness in a criminal proceeding.

Victims' Rights

Victims of sexual assault have the right to notification if there is a DNA match.

Federal Habeas Corpus

After seeking post-conviction relief in state court, a person convicted under Iowa law may seek habeas corpus relief in federal court. Relief is available only in specific and rare circumstances. Issues often raised in federal habeas cases include claims that the convicted person had an inept attorney, claims that police or prosecutors violated their rights, hid evidence, or committed other misconduct.

In general, a person can file only one request for relief in federal habeas proceedings, though there are some exceptions to this rule.

Early Release Programs

If someone is sentenced to a term of imprisonment, they may be released from prison earlier than expected through: parole or earning reductions to their sentences for good behavior or completion of rehabilitative, educational, or vocational programs (usually called "earned-time credits").

Victims' Rights

Except for narrow exceptions when victims are testifying, victims have the right to attend federal habeas hearings, arguments, and proceedings.

Victims have the right to be heard at any federal district court proceeding involving the release, sentencing, or parole of the individual convicted of a crime.

Victims have the right to proceedings free from unreasonable delay.

Victims' Rights

Victims have the right to notification of the convicted person's escape from custody and transfer to other facilities.

Victims have a right to notification before the convicted person's release on work release, furlough, parole consideration, and release pending appeal.

Victims have the right to be heard in writing or in person before the Iowa Board of Parole.

Registered victims with protective orders have the right to notification of expiration of the protective order.

Wrongful Conviction Review

People who have been convicted of offenses in Iowa and who have claims of actual innocence may ask for their case to be reviewed by the state's [Wrongful Conviction Unit](#). This unit is part of the state public defender's office.

Clemency

The governor can grant clemency to people convicted under Iowa law. The [Board of Parole](#) helps the governor in this process. In Iowa, clemency typically takes one of two forms:

1. Commutation: the reduction of a sentence to a less severe punishment
2. Pardon: an official act of forgiveness that frees a convicted person from punishment that erases the legal consequences of the crime

A person may also seek the restoration of their citizenship rights (i.e., the right to vote and hold office) or their firearm rights through the clemency process.

Victims' Rights

Registered victims have a right to notification of any plea agreement.

Victims of sexual assault have the right to notification when there is a DNA match.

Victims of sexual assault have a right to notification before the destruction of DNA evidence.

Victims' Rights

Victims have the right to notification the convicted individual has applied for a reprieve, pardon, or commutation.

Victims have the right to submit a written opinion about the clemency application.

Victims have the right to notification when the Board of Parole makes a clemency recommendation to the government.

Compensation

Restitution is a court-ordered payment from the convicted person to the victim to account for the victim's loss or injury.

Crime victims' compensation helps with financial losses that directly result from violent crime. These losses include loss of wages, medical expenses, mental health counseling, as well as funeral and burial costs.

Victims' Rights

Victims have a right to court-ordered restitution.

Victims may apply for the [Crime Victim Compensation Program](#).

The information provided in this resource is not intended as legal advice and is current as of July 2024. States regularly change how they handle criminal proceedings and victims' rights during those proceedings. Confirm with the state agencies provided in this resource for more up-to-date information. Different stages and victims' rights may apply to certain types of cases and certain types of victims, such as cases involving accused individuals who are minors and cases involving sexual offenses, domestic violence, and child victims.