



State of Iowa v. Hope Jennifer Clark

2024 | Cited 0 times | Court of Appeals of Iowa | September 18, 2024

IN THE COURT OF APPEALS OF IOWA

No. 23-0964 Filed September 18, 2024

STATE OF IOWA, Plaintiff-Appellee,

vs.

HOPE JENNIFER CLARK, Defendant-Appellant.

Appeal from the Iowa District Court for Des Moines County, Emily Dean,
Judge.

A defendant appeals her conviction for operating while intoxicated.

AFFIRMED.

Kent A. Simmons, Bettendorf, for appellant.

Brenna Bird, Attorney General, and Joshua A. Duden, Assistant Attorney
General, for appellee.

Considered by Ahlers, P.J., and Chicchelly and Buller, JJ. AHLERS, Presiding Judge.

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1 As Clark did not challenge the jury instructions, they are the law of the case for purposes of reviewing the sufficiency of the evidence. See *White v. State*, 5 N.W.3d 315, 325 (Iowa 2024). 2 She later denied drinking when asked by the second officer. 3

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To the extent Clark challenges the field sobriety testing given any failure to accommodate her hearing deficit during testing, her criticisms go to the weight of the evidence rather than its admissibility. See *State v. Martin Sebastian*, No. 22-1080, 2024 WL 702226, at *3 (Iowa Ct. App. Feb. 21, 2024).⁴ Clark also claims that the motion to suppress should have been granted because motion to suppress only addressed the potential violation of Iowa Code section raised and decided by the district court before we [will]

State v. Bynum, 937 N.W.2d 319, 324 (Iowa 2020) (quoting *Lamasters v. State*, 821 N.W.2d 856, 862 (Iowa 2012)). Id. 5

⁵ See *Miranda v. Arizona*, 384 U.S. 436, 444 (1966) (requiring a defendant to be to the interrogation are admissible against the defendant).

