

IN THE IOWA DISTRICT COURT FOR MONTGOMERY COUNTY

STATE OF IOWA

Plaintiff

04691 FECR012514

VS

JOSEPH CHRISTOPHER NORRIS

ORDER

Defendant

The Court has reviewed Defendant's motion to dismiss, the state's resistance, and the Defendant's response to the state's resistance.

Iowa R. Crim. Pro. 2.11(4) states "**Any defense**, objection, or request that is capable of determination before trial may be raised prior to trial by motion." Emphasis added. Additionally, Iowa R. Crim. Pro. 2.11(6) states,

"Time of filing. Pretrial motions, except motions for bill of particulars and motions in limine, shall be filed when the grounds therefor reasonably appear but no later than 40 days after arraignment. Motions in limine shall be filed when grounds therefor reasonably appear but no later than 9 days before the trial date. On request of a party, the court may establish different deadlines for filing motions."

Reading the above rules together, the Court finds that the First Amendment defense or objection is not required to be filed before trial, but if it is filed as a pretrial motion, as is the case here, then it needed to be filed no later than 40 days after arraignment. The Defendant was capable of determining the First Amendment argument, defense, or objection well before trial, and well before the 40 days expired. The Court does not find that good cause exists in Defendant's delay of filing said motion.

Therefore, the motion to dismiss is DENIED.

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State of Iowa Courts

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OTHER ORDER

So Ordered

Donna K. Bothwell, District Judge
Fourth Judicial District of Iowa

Electronically signed on 2026-09-24 14:42:58