

IN THE COURT OF APPEALS OF IOWA

No. 20-0156
Filed August 4, 2021

STATE OF IOWA,
Plaintiff-Appellee,

vs.

SHANE MICHAEL DAVIS,
Defendant-Appellant.

Appeal from the Iowa District Court for Floyd County, DeDra Schroeder,
Judge.

Shane Davis appeals following a guilty plea. **APPEAL DISMISSED.**

Thomas M. McIntee, Waterloo, for appellant.

Thomas J. Miller, Attorney General, and Israel Kodiaga, Assistant Attorney
General, for appellee.

Considered by Doyle, P.J., and Mullins and May, JJ.

MAY, Judge.

Shane Davis appeals after pleading guilty to lascivious acts with a child and indecent contact with a child.

We begin by considering whether we have authority to hear Davis’s appeal. Under Iowa Code section 814.6(1)(a)(3) (2020), there is no right of appeal “from . . . [a] conviction where the defendant has pled guilty.” This does not apply, however, “to a guilty plea for a class ‘A’ felony or in a case where the *defendant establishes* good cause.” Iowa Code § 814.6(1)(a)(3) (emphasis added). But there is no class “A” felony at issue here. And Davis has not addressed good cause, although it is his burden to establish it. *See id.*; *State v. Damme*, 944 N.W.2d 98, 104 (Iowa 2020) (“Damme bears the burden of establishing good cause to pursue an appeal of her conviction based on a guilty plea.”).¹

Because Davis has not “establishe[d] good cause,” he has no right of appeal. Iowa Code § 814.6(1)(a)(3). We must dismiss.

APPEAL DISMISSED.

¹ We note Davis had notice of the good-cause requirement—both through enactment of section 814.6(1)(a)(3) and the many judicial opinions interpreting it—as well as an opportunity to be heard through his appellate brief. Section 814.6(1)(a)(3) has been effective since July 1, 2019. *Damme*, 944 N.W.2d at 103 (discussing 2019 Iowa Acts ch. 140, § 28 (codified at Iowa Code § 814.6(1)(a) (2020))). Davis did not file his brief until December 2, 2020. By then, our appellate courts had issued several opinions interpreting section 814.6(1)(a)(3). *See, e.g.*, *State v. Thompson*, 951 N.W.2d 1, 2 (Iowa 2020); *Damme*, 944 N.W.2d at 103–05; *State v. Draine*, 936 N.W.2d 205, 206 (Iowa 2019); *State v. Castorena*, No. 19-1652, 2020 WL 6157797, at *1 n.1 (Iowa Ct. App. Oct. 21, 2020); *State v. Nunez Cabara*, No. 19-2058, 2020 WL 5650606, at *1 (Iowa Ct. App. Sept. 23, 2020); *State v. Harden*, No. 19-0442, 2020 WL 4814085, at *1 n.2 (Iowa Ct. App. Aug. 19, 2020).