

IN THE SUPREME COURT OF IOWA

No. 08-0845

Filed April 30, 2010

STATE OF IOWA,

Appellee,

vs.

NATHAN JEFFREY VERHEUL,

Appellant.

Appeal from the Iowa District Court for Polk County, James D. Birkenholz, Judge.

Defendant appeals from the State's voluntary dismissal of operating-while-intoxicated complaint. **REVERSED AND REMANDED.**

R. A. Bartolomei of Bartolomei & Lange, PLC, Des Moines, for appellant.

Thomas J. Miller, Attorney General, Sharon K. Hall, Assistant Attorney General, John Sarcone, County Attorney, and Matthew H. McKinney, Assistant County Attorney, for appellee.

PER CURIAM.

Verhuel challenges the State's voluntary dismissal of criminal operating-a-motor-vehicle-while-intoxicated charges. The defendant asserts that the dismissal was not "in the furtherance of justice" under Iowa Rule of Criminal Procedure 2.33(1) because the prosecution offered no reason for the dismissal unrelated to the merits of his pending motion to suppress. If Verheul prevailed on the pending suppression motion, Iowa Code section 321J.13(6) would require the exclusion of the suppressed evidence in a civil proceeding to suspend or revoke his driving privileges.

The issue of the interplay of rule 2.33(1) and section 321J.13(6) was addressed in a companion case decided today, *State v. Taeger*, ___ N.W.2d ___ (Iowa 2010). Based on the reasoning contained in *Taeger*, the order of the district court dismissing this case is reversed and the matter is remanded to the district court for an adjudication on the motion to suppress.

REVERSED AND REMANDED.

This opinion shall not be published.