

IN THE IOWA DISTRICT COURT FOR SCOTT COUNTY

STATE OF IOWA	CRIMINAL NO. SRCR402344 CRIMINAL NO. NTA0331070
PLAINTIFF	MOTION TO DISMISS
VS.	
BRIAN J. RASHID	
DEFENDANT	

COMES NOW, the undersigned Prosecuting Attorney and moves that the Court dismiss this cause for the following reasons:

1. On or about June 18, 2019, the defendant was pulled over by Officer Matt Broders of the Bettendorf Police Department for failing to display his license plate. When Officer Broders approached the vehicle, he was able to see that the defendant had taped his license plate to the inside of his rear window. When questioned about the license plate, the defendant claimed his car had been backed into in a parking lot, and his plate holder had been damaged to the point that it could no longer support the plate.
2. Officer Broders, at the time of the stop, asked for license, registration, and insurance. The defendant was able to produce the documents, including paperwork for his SR-22 reporting, and installation of his interlock device. A search of the defendant's driving record through NCIC showed the defendant to have been revoked under § 321J.2 of the Code of Iowa, effective May 21, 2019. He was subsequently arrested for Driving While License Revoked pursuant to Iowa Code § 321J.21.
3. The defendant went to the Iowa Department of Transportation (DOT) the next day and met with Angela Owen, Administrative Assistant for the Driver and Identification Services Records Unit. He indicated to her that insofar as he was aware, his Temporary

Restricted License (TRL) was valid, and he shouldn't have been revoked or suspended. Furthermore, he indicated to Ms. Owen that he had called the DOT customer service line on April 12, 2019, regarding the status of his TRL, and was told multiple times that his license status was valid, and that he could drive within the terms of his TRL. Ms. Owen investigated the defendant's claim and confirmed his account of events (see attached DOT letter).

4. The defendant had been pulled over on April 8, 2019, and cited with two tickets: one for Speeding, and one for Violation of Restricted License. The defendant paid those two tickets, resulting in him showing as having two moving violations within the same 12-month time period. Combined with his guilty plea and conviction for Operating While Under the Influence on March 27, 2019, this made for three violations, resulting in suspension as a Habitual Violator. The DOT confirmed, upon investigation, that because the defendant had already been revoked for an OWI test refusal arising from the same incident, he was improperly suspended as a Habitual Violator. This, coupled with the faulty information given the defendant by the DOT customer care representative regarding his TRL status, resulted in the defendant driving under the mistaken understanding that his license was valid.
5. The DOT immediately rescinded the defendant's Habitual Violator status and reinstated his license to a valid TRL, effective June 19, 2019. Both the DOT and the Bettendorf Police Department have been consulted in this matter, and both agencies support dismissal of this case.

WHEREFORE, the undersigned asks that this case be dismissed.

/s/

K. Wayne Kelley
Assistant County Attorney
400 West Fourth Street
Davenport, Iowa 52801
563-326-8600
Wayne.Kelley@scottcountyiowa.com



IOWA DOT

SMARTER | SIMPLER | CUSTOMER DRIVEN

www.iowadot.gov

Office of Driver Services

P.O. Box 9204 | Des Moines, IA 50306

Phone: 515-244-8725

Fax: 515-239-1837

June 21, 2019

Wayne Kelly
Scott County Attorney Office

Re: Brian John Rashid/Driving record

A review of a Brian Rashid's driving record on 6-18-19 did show his status as revoked for OWI test refusal and suspended for Habitual violator. He appeared at the Davenport driver license office on 6-19-19 stating that he was told by our staff in April that his work permit (TRL/restricted license) would remain valid and the pending suspension for habitual violator would have no effect on his driving status. Due to the incorrect information, I rescinded the suspension for habitual violator and reinstated the temporary restricted license he held prior to that suspension. I also spoke with his attorney and stated what had happened with his record and the incorrect information.

The telephone call Brian had made to our office was recorded. Our agency has listened to the call and did verify that Brian was told that his TRL would remain valid after the suspension for habitual violator started.

If you have questions or need additional information, please contact me directly at 563-219-4794.

Sincerely,

Angie Owen
Administrative Assistant II