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Iowa Supreme Court to Review Davenport Speed Cameras Earlier Than Expected

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1/2/2007

ACLU of Iowa case already docketed by High Court

FOR IMMEDIATE RELEASE – January 3, 2006
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Conflicting rulings by Scott County judges over the legality of speed camera citations is likely to be resolved in the courts sooner rather than later. The ACLU of Iowa announced today that the Iowa Supreme Court recently accepted its case from last summer challenging the Davenport camera ordinance.

In an unusual move, the Iowa Supreme Court granted discretionary review to the ACLU-IA case, which involves Thomas Seymour of Davenport. After losing his trial on July 3, District Associate Judge Mary E. Howes had denied Seymour's appeal on October 3. The ACLU of Iowa then sought review by the Iowa Supreme Court. A different district court judge, Gary McKenrick, ruled yesterday in a separate case that the camera scheme violated Iowa law. The city has said it will appeal that case to the Iowa Supreme Court within 30 days. The arguments in both cases are virtually identical.

"The district court's ruling yesterday bolsters Mr. Seymour's appeal by demonstrating that an Iowa judge has agreed with our arguments that the Davenport ordinance violates Iowa law," said Ben Stone, executive director of the ACLU of Iowa.

ACLU-IA attorneys argue that the city of Davenport lacks authority to depart from state speeding laws where the identity of the driver must be shown and constitutional rights of the accused apply. Mr. Seymour also argues that the ordinance violates his rights to due process under the Iowa and Federal Constitutions.

In Iowa, the cities of Davenport and Council Bluffs have operated red light cameras for some time. Clive, a suburb of Des Moines, began using of them in July of last year. On December 28, 2006, the city council of Sioux City approved the installation of red light

cameras in that city. Davenport is the only city using cameras to penalize car owners for speeding -- beginning to do so about a year ago.

The ACLU of Iowa's case was docketed by the Iowa Supreme Court on December 27, 2006 as City of Davenport v. Seymour, No. 06-1753, District Court No. DACICR288673. Michael McCarthy of Davenport is the ACLU-IA's cooperating attorney on the case.