

IN THE IOWA DISTRICT COURT FOR CERRO GORDO COUNTY

STATE OF IOWA,
PLAINTIFF

GPS DATA FROM 1999 HONDA
CIVIC & 2013 GMC 1500,
DEFENDANT

No. SWSW002810

ORDER

FILED

MAR 27 2025

CLERK OF DISTRICT COURT
CERRO GORDO COUNTY, IOWA

On the 3rd day of March 2025, the above captioned matter came before the court for hearing on a Motion to Unseal Search Warrant. The Applicants are attorneys Nellie O'Mara and Jesse Marzen. The State was represented by Cerro Gordo County Attorney Carlyle Dalen. The court has considered the testimony of witness Steve Ridge, the comments of counsel, and the contents of the sealed filed.

The Applicants have filed a Motion to Reopen the Record. The issues raised in the motion are immaterial to the court's decision. Therefore, the motion will be denied.

In June of 1995, well-known local television reporter Jodi Huisentruit did not arrive for work as scheduled. She has not been seen or heard from since. John Vansice became a "person of interest" in the investigation. Sometime prior to February 14, 2017, Vansice moved to Arizona. Around that time, law enforcement officers became aware that Vansice would be driving from Arizona to Iowa later that month.

On February 28, 2017, Mason City Police Investigator Terrance Prohaska applied for a search warrant authorizing law enforcement to surreptitiously place GPS tracking devices on two vehicles registered to the Vansice address. The application was supported by an affidavit signed by Prohaska. The requested warrant was granted. A Return to Search Warrant was filed on March 20, 2017. The file was ordered sealed at the State's request and has remained sealed since that time.

Iowa's statutory law related to search warrants is set forth in Iowa Code Chapter 808. A search warrant may be issued for "...property relevant and material as evidence in a criminal prosecution." *Iowa Code 808.2(4)*. Search warrants for Global Positioning Devices are authorized by *Iowa Code 808.4A*. The person requesting the warrant must, by oath or affirmation, submit facts, information, and circumstances establishing probable cause to believe that grounds exist for issuing the warrant. *Iowa Code 808.4A(1)*. Upon a finding of probable cause, the magistrate is required to issue the warrant. *Iowa Code 808.4A(3)*.

After the warrant is executed, the officer is required to file a return with the Clerk of Court, including a complete inventory of the property (information) obtained. *Iowa Code 808.8(2)*. Until such time as the officer has filed the return, the information related

to the issuance of all search warrants remains confidential. *Iowa Code 808.13*. Although not expressly stated, barring further action by the court, thereafter the documents are unsealed. No Iowa statutory or case law that directly addresses the court's authority to seal search warrants has been identified. However, the practice is not uncommon and multiple Federal and State courts have recognized the court's inherent authority to do so. e.g. *Nixon v. Warner Comms., Inc.*, 435 U.S. 589, 98 S.Ct. 1306, 55 L.Ed.2d 570 (1978); *Time Mirror Co. v. U.S.*, 873 F.2d. 1210 (9th Cir. 1989); *In Re Gunn*, 855 F2d. 569 (8th Cir. 1988); *In re M.B.* 819 A.2d. 59 (PA 2003).

Although not directly on point, but analogous, the Iowa Legislature has provided protection for law enforcement investigative reports in certain circumstances. *Iowa Code 22.7(5)*. The controlling precedent for disputes over access to police investigative reports is *Hawk Eye v. Jackson*, 521 NW 2nd 750 (Iowa 1994). *Mitchell v. City of Cedar Rapids*, 926 NW 2nd 222, 234 (Iowa 2019). An official claiming the privilege must satisfy a three-part test: (1) a public officer is being examined, (2) the communication was made in official confidence, and (3) the public interest would suffer by disclosure. *Hawk Eye* at 753. Determining where the line falls between public harm and public good requires weighing the relative merits of the interests at stake. *Id.*

The Prohaska affidavit is not an "investigative report" as that would be a separate document maintained by the MCPD. However, the policy reasons behind protecting investigative reports in certain circumstances are equally applicable in this situation. The Prohaska affidavit contains the same type of information commonly found in peace officers' reports. If every affidavit in search warrant files were open to public inspection, simply because the affidavit is a different document, it would lead to an absurd result. The protection afforded investigative reports would be severely undermined, and in some cases negated. At a minimum, there must be certain occasions in which search warrant affidavits can remain confidential. Applying the Hawk Eye balancing test is the appropriate approach for the court to take.

The State's argument against disclosure is that the investigation is ongoing and the Prohaska affidavit contains information not known to the public. The concern is that potential suspects would "*know what information to hide and what information not to hide.*" Additionally, the State argues that, if released, the information would "*lose it's corroborative value*" if a confession is obtained.

As in Hawk Eye, only the third prong is relevant to this case. The fact that the investigation into this crime is ongoing weighs against disclosure, notwithstanding the passage of time. The file reflects that Vansice was considered a "person of interest" rather than a suspect. The court has no reason to believe the State is refusing to close the investigation for any reason other than the crime is considered unsolved. There is no statute of limitation for murder. Despite the death of Vansice it appears at least possible that an arrest could be made at some point, even if those odds are fading.

The Applicants argue that the public interest in disclosure, specifically the Vansice family's need for closure, outweighs the State's concerns. Portions of the

Prohaska affidavits contain information regarding times, items found at the scene, the specific location of those items and other observations of the scene made by officers. Those details would be known only to the perpetrator and law enforcement. Nothing in the affidavit raises any ongoing concerns related to public safety. Thus, the need for public disclosure is, at most, minimal.


The court recognizes this is an extremely high-profile case. The high level of public curiosity is understandable. However, what the public would *like* to know is often very different from what the public *needs* to know or *should* know. Mere curiosity is never a sufficient reason for potentially interfering in an ongoing criminal investigation, especially of a major crime. The State has a legitimate interest in protecting certain information that would only be known to the perpetrator and law enforcement. There is no significant reason the public needs to know the details contained in the Prohaska affidavit. It is the court's opinion that the State's interest in protecting that information outweighs the public's interest in disclosure.

As noted above, some Federal and State courts have specifically recognized the court's authority to seal. However, in those cases only the affidavits were sealed, not the entire file. That is the appropriate result here as well. Respecting the plain language of Iowa Code 808.13 requires the court to seal only that which is necessary to seal. The Application, Endorsement, Search Warrant, and the Return do not contain information that would compromise the investigation if made public. Therefore, they will be unsealed.

IT IS THEREFORE ORDERED that the Motion to Reopen the Record is denied.

IT IS FURTHER ORDERED that the affidavit filed in support of the Application for Search Warrant shall remain sealed as previously ordered. The other documents in the file shall be unsealed.

IT IS FURTHER ORDERED that this order shall take effect thirty one days after it is filed, unless a timely Notice of Appeal is filed in which case this order shall be stayed pending further court order.



JAMES M. DREW
Senior Judge, Second Judicial District of Iowa

Clerk to provide copies to:
Counsel
Media Coordinator