

IN THE IOWA DISTRICT COURT FOR WEBSTER COUNTY

STATE OF IOWA,

Plaintiff,

v.

JAMES MATTHEW BEMRICH,

Defendant.

OWCR370040

**ORDER DENYING MOTION TO
SEAL INADMISSIBLE EVIDENCE**

On October 21, 2025, the Defendant was charged by trial information with the offense of Operating While Intoxicated, a serious misdemeanor, in violation of Iowa Code section 321J.2. On October 23, 2025, he filed a motion to suppress arguing that the investigating officer lacked the justification to stop his vehicle on the night in question. On December 12, 2025, this Court granted that motion because it concluded that a reasonable person would not have believed the Defendant to be intoxicated based on the Defendant's driving depicted in the officer's dashboard camera video. On December 16, 2025, the State moved to dismiss the case and the Court dismissed the case the following day.

We return to the courtroom because the Defendant does not want the officer's dashboard camera video or his body-camera video to be released to the public. To that end, the Defendant filed a "Motion to Seal Inadmissible Evidence" asking that the Court prevent the dissemination of the video evidence obtained by the investigating officer which was a recorded after the traffic stop was initiated.

The Court denies the motion to seal on the procedural ground that the Defendant seeks to prevent the release of the video in the wrong courtroom with the incorrect type of pleading. In the Court's opinion, the Defendant's avenue for relief lies in the civil or administrative, not criminal realm.

Bemrich contends in his motion to seal that the “[p]ublic dissemination of video evidence obtained after the traffic stop would constitute an ongoing violation of the Defendant’s constitutional rights against unreasonable search and seizure.” He apparently argues that because his Fourth Amendment rights were violated his remedies should include both the exclusion of the evidence from the criminal proceedings and an injunction preventing the State from disclosing that evidence to the public. The Defendant already received the former remedy pursuant to the Exclusionary Rule when all evidence after the stop was suppressed and rendered inadmissible at trial. He has not provided any legal authority, however, to support the proposition that he is entitled to an order after the criminal case has been dismissed, barring the State from releasing the video evidence to the public. The Court also finds none.

The Court notes that none of the authorities cited by Bemrich in support of his motion to seal involved a criminal court sealing evidence from the public. He cited three advisory opinions from the Iowa Public Information Board, a state agency that is authorized to issue advisory opinions to the public and state agencies regarding the applicability of the Iowa Open Records Act. Those opinions are merely written answers from the Iowa Public Information Board to specific questions posed to it. See Iowa Code §23.6(3); IOWA ADMIN. CODE r. 497-1.2(23) & 497-1.3(23)(2025). They create no legal precedent in a criminal case. The Iowa Supreme Court decisions he cites are inapposite as well. Hawk Eye v. Jackson, 521 N.W.2d 750, 752 (Iowa 1994), was a case in which a newspaper sought the publication of a Department of Criminal Investigation report through an equitable mandamus action. Mitchell v. City of Cedar Rapids, 926 N.W.2d 222, 227 (Iowa 2019), involved a discovery dispute in a civil case. Klein v. Iowa Public Information Board, 968 N.W.2d 220, 226 (Iowa 2021) involved a judicial appeal of a final decision of the Iowa Public Information Board. None of these

authorities support the proposition that a criminal court can prevent the disclosure of evidence to the public after the case has been dismissed.

The resolution of the dispute regarding whether the police videos surrounding Bemrich's arrest should be released to the public may ultimately turn on the application of the Iowa Open Records Act, Chapter 22. The videos that the Defendant seeks to keep from the public are presumably in the possession of the Fort Dodge Police Department and the Webster County Attorney's Office. Given the publicity surrounding this case, the Court assumes that interested parties have requested the videos from those entities. If so, the Iowa Open Records Act, Chapter 22, would govern whether the videos should be released or not. See Iowa Code §22.2(1) (2025) ("Every person shall have the right to examine and copy a public record and to publish or otherwise disseminate a public record or the information contained in a public record") and Iowa Code §22.1(3)(a)(2025) ("Public records' includes all records, documents tape, or other information, stored or preserved in any medium, of or belonging to this state or any county, city....").

The Iowa Open Records Act, Chapter 22, and the Iowa Public Information Board Act, Chapter 23, provide numerous avenues for the Defendant and the curious public to litigate whether the police videos should be released. Those seeking the release of the video can attempt to enforce the Iowa Open Records Act through various means including civil actions for injunction and mandamus. See Iowa Code §22.5 (2025)(stating that the provision of the Act "may be enforced by mandamus or injunction, whether or not any other remedy is also available"); see also Iowa Code §22.10 (2025) (stating that "[a]ny aggrieved person, any taxpayer to or citizen of the state of Iowa...may seek judicial enforcement of the requirements of this chapter in an action brought against the lawful custodian and any other persons who would be appropriate defendants under the circumstances."). Section 22.8 of the Act appears to provide the Defendant with a procedural vehicle, in the form of a civil injunction, to seek to prevent the dissemination of information held by a public agency. Iowa

Code §22.8 (2025). The parties may also seek advisory opinions or declaratory orders from the Iowa Public Information Board or formally complain to that board if they believe the Act has been violated. Iowa Code §23.6 (2025).

In summary, the Court finds no authority to seal the police videos from public disclosure in the context of the criminal case. The issue of public release may be litigated in civil court or with the Iowa Public Information Board.

The Defendant's motion to seal is DENIED.

So ordered this 28th day of January, 2026.

Clerk to send copies to:
County Attorney, Defense Counsel



State of Iowa Courts

Case Number
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Case Title
STATE OF IOWA VS JAMES MATTHEW BEMRICH DC
OTHER ORDER

So Ordered

A handwritten signature in cursive script that reads "Joseph L. Tofilon".

Joseph L. Tofilon, District Associate Judge
Second Judicial District of Iowa

Electronically signed on 2026-01-28 11:46:55