IN THE COURT OF APPEALS OF IOWA

No. 1-513 / 00-0326
Filed September 12, 2001

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CLERK SUPREME COURT

CHRISTOPHER SPATGEN,
Applicant-Appellant,

vs.

STATE OF IOWA,
Respondent-Appellee.

Appeal from the Iowa District Court for Polk County, Robert D. Wilson, Judge.

Applicant Christopher Spatgen appeals from the denial of his postconviction relief application. **AFFIRMED.**

Christopher Spatgen, Anamosa, pro se, and Catherine K. Levine, Des Moines, for appellant.

Thomas J. Miller, Attorney General, Sharon K. Hall, Assistant Attorney General, John P. Sarcone, County Attorney, and George Karnas, Assistant County Attorney, for appellee.

Considered by Huitink, P.J., and Mahan and Zimmer, JJ.

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MAHAN, J.

Christopher Spatgen appeals from the denial of his postconviction relief application. We affirm on appeal by memorandum opinion pursuant to Iowa Supreme Court Rule 9.

Background Facts and Proceedings. On November 9, 1996, Spatgen was arrested on a charge of conspiracy to manufacture and/or manufacturing of methamphetamine over five grams. On December 23, 1996, while appearing for a probation revocation hearing, the State presented Spatgen with a plea offer in which it agreed to reduce the charges from a class "B" felony to a class "C" felony in exchange for his plea of guilty. The State told Spatgen he had to accept the offer that day, and provided his counsel with various police reports. Spatgen accepted the deal later that day and entered a plea of guilty to the reduced charge of conspiracy to manufacture methamphetamine, a class "C" felony. The court sentenced him to a term not to exceed ten years, and fined him $1000. On December 26, the State then filed the trial information. Spatgen did not directly appeal this conviction or sentence.

Spatgen filed a pro se application for postconviction relief in March of 1998. Spatgen argued (1) the district court lacked jurisdiction to take his guilty plea because the trial information was not filed with the clerk of court prior to the entry of the guilty plea; and (2) his trial counsel was ineffective. The court denied the postconviction relief application. The court concluded Spatgen waived any lack of jurisdiction by not filing a motion in arrest of judgment, the plea was

entered into voluntarily and intelligently, there was no forty-five-day speedy indictment violation, and counsel was not ineffective. Spatgen appeals.

Subject Matter Jurisdiction. The critical issue on this appeal is whether the district court had subject matter jurisdiction to impose judgment and sentence upon Spatgen's guilty plea. The State concedes, and we agree, challenges to the subject matter jurisdiction of the district court can be raised at any time. *State v. Oetken*, 613 N.W.2d 679, 686 (Iowa 2000). However, we conclude the district court did have subject matter jurisdiction in this case.

The flaw in Spatgen's position is in confusing subject matter jurisdiction with authority to hear a case. The district court had subject matter jurisdiction to hear this criminal case. *See* Iowa Const. art. V, § 6 ("The district court shall . . . have jurisdiction in civil and criminal matters . . . in such manner as shall be prescribed by law."); Iowa Code § 602.6101 (1997) (the district court has jurisdiction of criminal actions and proceedings). Spatgen's challenge, therefore, "is to the court's authority to hear his case, an impediment that may be obviated by waiver, consent, or estoppel." *State v. Davis*, 581 N.W.2d 614, 616 (Iowa 1998).

A defendant waives error to the lack of a formal charge by pleading guilty to the uncharged offense so long as the requirements of Iowa Rule of Criminal Procedure 8(2)(b) are met. *State v. Hochmuth*, 585 N.W.2d 234, 236 (Iowa 1998). "Upon our review of the guilty plea proceedings, we find the requirements of rule 8(2)(b) were met in this case." *Id.* Because Spatgen's guilty plea was voluntarily, knowingly, and intelligently made with full appreciation of the

consequences, he waived his objection that there was no formal trial information on file at time of his plea. *See id.* We therefore affirm the district court on this issue.

Remaining Issues. We have carefully reviewed the other issues raised by Spatgen and find them to be without merit. We affirm the district court on these issues.

AFFIRMED.