IN THE IOWA DISTRICT COURT IN AND FOR JEFFERSON COUNTY

STATE OF IOWA, Plaintiff, vs. WILLARD NOBLE CHAIDEN MILLER, Defendant.	CASE NO. FECR005143 **RULING ON DEFENDANT'S MOTION TO SUPPRESS AND MOTION FOR *FRANKS* HEARING**

This case came before the Court for hearing on November 2, 2022, on Defendant's Motion to Suppress originally filed March 1, 2022, and amended and supplemented on March 15, 2022, and Motion for *Franks* Hearing filed March 15, 2022, and supplemented November 14, 2022. The State filed a resistance to the Motion for *Franks* Hearing on October 31, 2022, and a resistance to the Motion to Suppress on November 1, 2022. At hearing, the State appeared by Jefferson County Attorney Chauncey Moulding and Assistant Attorney General Scott Brown. The Defendant appeared personally with attorney Nathan Olson.

FINDINGS OF FACT

Nohema Graber was last seen on Tuesday, November 2, 2021, leaving the Fairfield High School where she taught Spanish. Graber was reported missing the morning of November 3, 2021. Her body was later found in Chautauqua Park in Fairfield partially hidden. Also on November 3, 2021, law enforcement was contacted by two juveniles who reported having information concerning Graber. The juveniles were interviewed by law enforcement. The juveniles revealed they received Snapchat messages from Jeremy Goodale implicating himself and Willard Noble Chaiden Miller in the death of Graber.

In the early morning of November 4, 2021, law enforcement applied for a search warrant of Miller's residence and for certain items therein. The warrant was issued and executed. While at the residence, law enforcement informed Miller that he would be required to go to the Jefferson County Law Center for questioning. Law enforcement also told Miller's mother, Annalisa Clifford Gold, that she could ride with them or drive separately. She chose the latter. Prior to questioning Miller, law enforcement had Clifford Gold sign a waiver form allowing Miller to be questioned. At hearing, Clifford Gold testified that she was unaware of what she was signing and was told that multiple students were being interviewed.

In the interview room, Miller was read his *Miranda* rights and asked to sign a waiver form acknowledging his rights and his desire to speak with law enforcement. Miller was questioned by Division of Criminal Investigation (DCI) Special Agents Richard Vale and Ryan Kedley. During questioning, Miller made certain incriminating statements. As a result, the State filed criminal complaints accusing Miller of Murder in the First Degree and Conspiracy to Commit a Forcible Felony by Planning or Commission. The State formally charged Miller with the same offenses by Trial Information on November 12, 2021.

CONCLUSIONS OF LAW

A defendant may attack a search warrant by making a "substantial preliminary showing that a false statement knowingly and intentionally, or with reckless disregard for the truth" was included in the warrant affidavit and that the "allegedly false statement was necessary to the finding of probable cause." *Franks v. Delaware*, 438 N.W.2d 154, 155 (1978).

If the Defendant clears this initial hurdle, then an evidentiary hearing must be held and the Defendant has the burden to establish that the statement was untrue by a preponderance of the

evidence, and that the warrant affidavit, with the false statement excised, was insufficient to establish probable cause. *Id*. If the Defendant successfully carries this burden, then the search warrant is voided and any fruits of the search are excluded. *Id*. While the preliminary stage does not require a defendant to prove falsity outright, their allegations must be accompanied by an offer of proof. *Id*. at 171.

The Fourth Amendment to the United States Constitution guarantees the right that individuals be free from "unreasonable searches and seizures" which has been made applicable to the states through the Fourteenth Amendment. U.S. Const. amend. IV; *Mapp v. Ohio*, 367 U.S. 643, 655 (1961). A search or seizure must generally be conducted pursuant to a warrant to be reasonable. *State v. Kreps*, 650 N.W.2d 636 (Iowa 2002). For a warrant to be issued, there must be finding of probable cause. U.S. Const. amend. IV; Iowa Const. Art. 1, § 8; Iowa Code § 808.3.

"Probable cause exits when the facts and circumstances presented to the judicial officer are sufficient to justify the belief of a person of reasonable caution that an offense has been committed or is being committed." *State v. Wright*, 244 N.W.2d 319, 320 (Iowa 1976). The judicial officer may not "rely on mere conclusions to determine that probable cause exists." *State v. McManus*, 243 N.W.2d 575, 578 (Iowa 1976). A finding of probable cause requires "a nexus between criminal activity, the things to be seized and the place to be searched." *State v. Green*, 540 N.W.2d 649, 655 (Iowa 1995) (quoting *State v. Weir*, 414 N.W.2d 327, 330 (Iowa 1987)). A court reviewing a finding of probable cause is to give great deference to finding of the magistrate and determine whether the issuing magistrate had a substantial basis for concluding the probable cause existed. *Id*.

To be constitutionally valid, a warrant must also particularly describe the place to be searched and the persons or things to be seized to "assure[s] the individual whose property is searched or seized of the lawful authority of the executing officer, his need to search, and the limits of his power to search." *Groh v. Ramirez*, 540 U.S. 551, 562 (2004). The particularity requirement is "practical, not abstract, and elaborate specificity is not required." *State v. Frescoln*, 911 N.W.2d 450, 455 (Iowa Ct. App. 2017).

Under *Miranda v. Arizona*, law enforcement is required to advise criminal suspects of their rights under the Fifth and Fourteenth Amendments before beginning a custodial interrogation. 384 U.S. 436 (1966); *State v. Ortiz*, 766 N.W.2d 244 (Iowa 2009). These rights may be waived by the suspect if done so knowingly, intelligently, and voluntarily. *Ortiz*, 766 N.W.2d at 251. "For a waiver to be made knowingly and intelligently, the waiver must have been made with a full awareness of both the nature of the right being abandoned and the consequences of the decision to abandon it." *Id*. (quoting *Moran v. Burbine*, 475 U.S. 412, 421 (1986) (internal quotations omitted)). A waiver is voluntary if "it was the product of the suspect's free and deliberate choice rather than intimidation, coercion, or deception." *Id*. The question of whether there has been a proper waiver is determined by "inquiring into the totality of the circumstances surrounding the interrogation." *Id*.

Under Iowa law, children have the right to counsel in certain juvenile court proceedings specified at Iowa Code section 232.11. Additionally, the right to counsel for a child under the age of 16 for delinquent acts that would be recognized as felonies, aggravated misdemeanors, and serious misdemeanors may only be waived with parent, guardian, or custodian consent.

For a child 16 or older, waiver is only valid if there has been a good faith effort to notify the child's parent, guardian, or custodian that the child has been taken into custody, the child's location, the delinquent act is alleged to have occurred, and the right of the parent, guardian, or custodian to visit and confer with the child.

ANALYSIS

Two motions are at issue for the Court's consideration. While there is significant overlap in the relevant facts of the motions, the legal standards to be applied are distinct so the Court addresses them individually.

I. Motion for *Franks* Hearing

In order to be entitled to a *Franks* hearing, the Defendant must show that law enforcement included a false statement knowingly and intentionally, or with reckless disregard for the truth, in the search warrant affidavit. This preliminary showing must be substantial to require a hearing.

In the search warrant application affidavits, the law enforcement affiant stated that Snapchat messages stated Goodale and the Defendant, who were identified as friends, were involved in the planning, execution, and disposal of evidence related to Graber's death. The affiant further states that the messages disclosed the methods of surveillance, manner of killing, location of Graber's body, location of Graber's vehicle, and how evidence was concealed. The Snapchat conversation was between Jeremy Goodale and another juvenile.

Together, the two juveniles engaged in the conversation and took photographs of the messages using a second phone so as to not reveal their actions to Goodale as Snapchat notifies the parties when a screenshot has been taken. Following the conversation with Goodale, the

juvenile contacted law enforcement and agreed to be interviewed and share the photographs. During the interview, the juveniles informed law enforcement that they were unable to photograph every message sent by Goodale.

As a threshold matter, the Defendant characterizes the two juveniles as confidential informants to which the State disagrees. As the law regarding confidential informants and search warrants is unique, the Court addresses this issue. The difference between a confidential informant and a citizen informant is not a statutorily defined line. It is one based upon the nature of the informant's relationship to law enforcement and to the crime.

Typically, a confidential informant has made some sort of deal with law enforcement previously in which they pass along information about criminal conduct in exchange for anonymity and may even participate in criminal behavior under the direction of law enforcement. *See State v. Randle*, 555 N.W.2d 666 (Iowa 1996). In contrast, a citizen informant "is ordinarily defined as a person who is a witness to or a victim of a crime." *State v. Niehaus*, 452 N.W.2d 184, 189 (Iowa 1990). Here, the two juveniles are properly characterized as citizen informants. They received information they believe relevant to an ongoing investigation and reported the information to law enforcement. Therefore, the Court will not apply the requirements specific to confidential informants to the juveniles.

The Defendant separates his arguments into two categories. The first is the collection of statements of what law enforcement told the magistrate they saw in the Snapchat messages that the Defendant asserts are false. The Defendant is correct that the photographed messages do not show many of the issues he identifies in his motion, including a direct identification by Goodale regarding the Defendant's participation, discussion of the relationship between the Defendant and

Goodale, the location of Graber's vehicle, or that evidence of a crime were taken to Defendant's residence. However, these facts are part of the interview conducted by law enforcement of the juveniles. During the interview, the juveniles informed law enforcement that one message not photographed was an exchange in which Goodale stated that the Defendant was involved and participated in murder, including the surveillance, clean up, and the actual attack.

The next photographed message shows Goodale stating that he did not want to reveal the other person who participated, but Goodale does not use the Defendant's name. The juvenile also told law enforcement that they believed the Defendant was involved based upon seeing the Defendant and Goodale located together on the Snapchat map feature on Monday, November 1, 2021, at the Fairfield High School despite there being no school that day. It was also implied, based upon sharing time together, that the Defendant and Goodale were friends, or at least, acquaintances. Regarding the vehicle's location, one photographed message indicates that Goodale and whomever else participated drove Graber's vehicle "into some woods." The juveniles informed law enforcement the area they understood Goodale to be referencing, which was where Graber's vehicle was actually found.

The affidavit submitted to the magistrate is technically incorrect as it identifies information that came from the interview of the juveniles as stemming from the photographs of the Snapchat messages. However, the Court does not think this inaccuracy rises to the level of a deliberate falsehood or reckless disregard for the truth. It's readily apparent that law enforcement was using the information gained through the Snapchat messages, including both the photographs of the messages as well as the report of the juveniles, and the juveniles' interpretation of the messages as the basis for their search warrant application. The misattribution of the information to the

photographs rather than to the juveniles is more akin to an innocent mistake rather than an intentional and knowing falsity or disregard of the truth.

The Defendant further argues that material omissions in the affidavits entitle him to a *Franks* hearing. For an omission of fact to give rise to a *Franks* violation, the Defendant must show that the omission was done with the intent to make, or in reckless disregard of whether they made, the affidavit misleading. *United States v. Jacobs*, 986 F.2d 1231 (8th Cir. 1993). "Recklessness may be inferred from the fact of omission of information from an affidavit … when the material omitted would have been 'clearly critical' to the finding of probable cause and existing precedents in fact generally have relied also on additional circumstances in support of their findings of recklessness." *United States v. Reivich*, 793 F.2d 957, 961 (8th Cir. 1986).

The mere fact that information was not included is insufficient as courts have routinely recognized that law enforcement "is not required to present all inculpatory and exculpatory evidence to the magistrate, only that evidence which would support a finding of probable cause." *State v. Green*, 540 N.W.2d 649, 657 (Iowa 1995) (quoting *State v. Johnson*, 312 N.W.2d 144, 146 (Iowa Ct. App. 1981) (internal quotations omitted)). Courts also recognize that search warrant applications "are normally drafted by nonlawyers in the midst and haste of a criminal investigation." *United States v. Ventresca*, 380 U.S. 102 (1965). As a result, "an affiant cannot be expected to include in an affidavit every piece of information gathered in the course of an investigation." *Conkley*, 899 F.2d 297, 300 (4th Cir. 1990).

The Defendant has alleged multiple omissions in the affidavit submitted to the reviewing magistrate. The first claim is that law enforcement misled the magistrate by failing to include information that Goodale did not indicate that anyone else had participated in Graber's death in

his first Snapchat messages. The Court fails to see how the fact that Goodale started the conversation keeping the details of involvement by anyone else secret before alleging divulging the Defendant's participation evidences some intent to mislead or reckless disregard of misleading the magistrate. Goodale's initial choice to not speak about the Defendant's alleged involvement from the start does not change the fact that he did allegedly identify the Defendant, which is what the affiant indicated to the magistrate.

Defendant's second claim is that the affiant did not inform the magistrate that there were actually two juveniles involved in the Snapchat messages and subsequent law enforcement interview. Again, the Court fails to see how this omission bears on the finding of probable cause. Law enforcement is not required to list every person they have spoken with in regards to an investigation. The juvenile that was the actual recipient of the messages was referenced in the affidavit. The inclusion of information regarding the second juvenile would have little to no conceivable effect upon the finding of probable cause, and its omission does not show an intent to mislead.

Relatedly, the third claim of the Defendant is that the magistrate was never informed that the juveniles were interviewed together and allowed to collaborate on answering questions. This information may be relevant to law enforcement when conducting an investigation or to a jury when weighing evidence, but it bears little on whether there is probable cause. There is no evidence this omission was done with the intent to mislead the magistrate, nor is there any evidence that law enforcement omitted the second juvenile's presence in a reckless disregard.

The fourth claim is that the juvenile who received the messages initially told law enforcement that they had not been near the park, but later stated they had entered the park parking

lot the previous night. This fact may be relevant to the juvenile's credibility should they be a trial witness, it alone does not imply an intent by law enforcement to mislead the magistrate. Nor does it change the information provided to the magistrate that the juvenile had received messages from Goodale implicating himself and the Defendant in Graber's death, which is what is required as evidence necessary to support a finding of probable cause.

The fifth claim is that law enforcement failed to clarify that the photographs of the Snapchat messages were taken at a time and place different than that of the interview of the juveniles, and that there was no discussion of who took the photographs and how law enforcement obtained them. In seeking a search warrant, there is no requirement for law enforcement to explain evidence in full context in order for the affiant to rely upon it. Additionally, the Defendant makes no argument how not including this information is evidence of an intent to mislead or a reckless disregard of misleading the magistrate.

The Defendant's sixth claim concerns law enforcement's omission of any facts that established that the Snapchat account from which the messages were sent actually belonged to Goodale. While the Defendant argues that law enforcement failed to conduct investigation regarding the ownership of the account, that is a question of fact not at issue and not relevant to this motion. The relevant issue is that the affidavit did not include any information that would establish possession of that account.

The language of the affidavit states the account belonged to Jeremy Goodale without uncertainty, allowing the inference that the messages came from Goodale. However, there is no evidence that fact was confirmed by law enforcement. The only source of knowledge that connects the messages to Goodale is the two juveniles. The Court does think it significant that the affidavit

implied a certainty to the magistrate that was not backed up by investigation. However, for a *Franks* motion, the intent or reckless of law enforcement is a subjective analysis. *United States v. Colkley*, 899 F.2d 297 (4th Cir. 1990).

There is no evidence here that law enforcement intentionally omitted the fact that account ownership had not been confirmed in order to mislead the magistrate. Nor is there evidence that law enforcement was aware that the omission would create a risk of misleading the magistrate necessary to show a reckless disregard. *United States v. Pulley*, 987 F.3d 370 (4th Cir. 2021).

The seventh claim is that law enforcement failed to inform the magistrate how the messages were received, their veracity, and whether the messages shared contained the full conversation. As mentioned above, an affiant is not required to provide the full context for evidence obtained by law enforcement that aids in forming their basis for request of a search warrant. The Court sees no intent to mislead or reckless disregard of the risk of misleading the magistrate.

The Defendant's eighth claim is that law enforcement failed to tell the magistrate that the juvenile's identification of where Graber's vehicle was located did not come from the Snapchat messages. This argument is akin to the arguments addressed above. The Court sees no evidence that law enforcement's failure to properly identify where the vehicle information came from was an intentional or reckless omission, but rather the product of misattribution.

The Defendant's ninth claim is that law enforcement omitted the fact that the juveniles suspected that another person could have been involved in Graber's death. A probable cause analysis for a search warrant, of course, does not require that all other possible suspects be ruled out. It is unclear how the suspicions of the juveniles regarding another person impacted the determination of whether the information received regarding the Defendant's alleged involvement

constituted probable cause. The Court finds no evidence of intent to mislead or a reckless disregard of the risk of misleading the magistrate.

The final claim is that law enforcement failed to inform the magistrate that it never witnessed any Snapchat message directly implicating the Defendant. As with the claim regarding Graber's vehicle and arguments above, the Court sees no evidence that law enforcement intended to mislead or recklessly disregarded the risk of misleading the magistrate with the incorrect assertion that the messages that were seen by law enforcement implicated the Defendant when it was allegedly messages that only the juveniles had seen.

Having considered all the Defendant's arguments regarding both affirmative statements and statements omitted, the Court finds that he has failed to make the substantial preliminary showing of falsity. As such, the Defendant is not entitled to an evidentiary hearing on the matter, and the Motion for *Franks* Hearing is denied.

II. Motion to Suppress

The Defendant's first suppression argument is that the search warrants issued in this case were legally invalid. The Defendant claims the search warrants were based upon conclusory statements and the warrant applications did not provide the magistrate with the necessary facts to determine probable cause. The Court disagrees.

The warrant affidavit informed the magistrate that two key pieces of information received from the juveniles, the location of Graber's body and the location of her vehicle, had been corroborated by law enforcement. This information allowed the magistrate to evaluate the juvenile

witnesses' reports and determine whether they were credible rather than just relying upon law enforcement's conclusion that the information was good and should be trusted.

The Defendant is correct the search warrant applications did not provide the specific messages to the magistrate for review. The issuance of a search warrant does not require a prima facie showing of criminal activity, only the probability. *State v. Jensen*, 189 N.W.2d 919 (Iowa 1971) (citing *Spineli v. United States*, 393 U.S. 410 (1969)). There is a substantial basis for the magistrate to find probable cause based upon the summary of information received from the juveniles, and the important aspects of the investigation of Graber's disappearance present at that time.

Defendant's next two arguments challenging the sufficiency of the warrants based upon the juveniles' status as informants. Defendant claims the warrant application and endorsements fail to provide information sufficient to determine the juveniles' credibility and each warrant fails to include a written decision by the magistrate concerning credibility.

Iowa Code section 808.3 states that when a warrant is issued based upon information received by an informant, the magistrate shall only identify the peace officer to whom the information is given, and that the application or sworn testimony must establish the credibility of the informant or the credibility of the information given. Here, by informing the magistrate that two aspects of the juveniles' information had been corroborated by law enforcement, the application did provide information to establish the credibility of the juveniles' report. The requirement for the magistrate is make a written decision regarding credibility is a provision of an earlier version of Iowa Code § 808.3 that is no longer in legal force today so no decision was necessary here.

Therefore, the Court finds that the magistrate has a substantial basis for concluding that probable cause did exist.

The next issue the Defendant argues is that the seizure of his cell phone and computer on November 4, 2021, was illegal. Specifically, Defendant argues the warrant failed to establish a sufficient nexus and failed to provide specific facts necessary to establish probable cause that evidence of the alleged crimes would be in either piece of property. The search warrant for the Defendant's residence authorized law enforcement to search for and seize any electronic devices that could be used to store or transmit digital communications. While the search warrant application did not specifically mention the Defendant's electronics, it did discuss the role of Snapchat and cell phones in law enforcement's belief that the Defendant was implicated in the Graber's death.

The Court also notes that a magistrate must "make a practical, common-sense decision" and may "rely on reasonable common-sense inferences from the information presented." *State v. Poulin*, 620 N.W.2d 287, 290 (Iowa 2000) (quoting *State v. Gogg*, 561 N.W.2d 360, 363 (Iowa 1997; *State v. Green*, 540 N.W.2d 649, 655 (Iowa 1995) (internal quotations omitted)). It is reasonable to infer that given the fact that evidence of a crime had already been shared on social media from one person implicated in the alleged crime, that the other implicated party's electronic devices may also contain incriminating evidence. Therefore, the Court determines that there was a sufficient nexus and a substantial basis for the magistrate to conclude that probable cause existed to seize the Defendant's cell phone and computer.

Following the seizure of the Defendant's cell phone, law enforcement obtained search warrants for his Snapchat account and the US Cellular account as well as the phone itself. The

Defendant asserts these warrants were overly broad, did not have a sufficient nexus, and lacked probable cause. As discussed immediately above, there is a substantial basis for the magistrate to conclude that probable cause existed the Defendant's electronics were involved in the commission of a crime, contain evidence of a crime, or were used in the concealment of a crime. It naturally follows, particularly given the prominent role of Snapchat in this case's evolution, that the records connected to the Defendant's Snapchat account and his cell phone service provider would also contain relevant information connected to the alleged crimes. Therefore, the Court finds the magistrate did have a substantial basis to conclude probable cause existed.

A warrant is overbroad when it fails to state, with particularity, the specific items to be searched. The Defendant asserts that applications, programs, and compartments in a phone are distinct and a warrant would be necessary for each one individually. The Court is unaware of any controlling law that states this principle and the cases cited by Defendant merely stand for the proposition that a warrant is generally required in order to search a phone's contents.

Therefore, the Court finds no reason that a single warrant could not authorize the search of the entirety of the Defendant's phone. As already discussed, there is a substantial basis for the magistrate to conclude probable cause existed based upon the role social media and electronic devices play in our day-to-day lives and specifically to the investigation of Graber's death.

The Defendant next argues that the warrants issued for Snapchat and US Cellular were without authority as both companies are headquartered outside of Iowa. The Defendant assumes law enforcement relied upon 18 U.S.C. § 2703, which requires a provider of electronic communication service to disclose a wire or electronic communication that is in electronic storage to a requesting governmental entity if a warrant is obtained. In the situation of a state governmental

entity, the section states that the warrant must be issued "using the State warrant procedures." Defendant makes the argument that this statute does not affect the limitation that Iowa warrants can only authorize searches and seizures of persons, places, or things that are located in the state.

The Court agrees with the Defendant that 18 U.S.C. § 2703 does not extended the jurisdiction or authority of Iowa court to entities outside our borders, nor does it attempt to do so. The statute places an obligation on electronic communication services providers to disclose records when a state has complied with their warrant procedures. In other words, the federal government has used its authority to compel these specific providers to comply with state requests regardless of where the provider is headquartered so long as the state has followed its own legal process. Once the warrants for Snapchat and US Cellular were authorized and the request was made to those companies, § 2703 became effective and those companies were required to comply with the warrants because of the federal law. Therefore, the Court finds no violation based upon Snapchat and US Cellular being headquartered outside the jurisdiction of Iowa.

Defendant's final argument concerns the statements he made to law enforcement while being questioned at the Jefferson County Law Enforcement Center. Defendant argues that the juvenile protections of Iowa Code section 232.11 apply and that law enforcements failure to properly notify his parents renders the interrogation unconstitutional requiring suppression. The State argues that because the Defendant was being held on suspicion of and was charged with murder, that removed him from the jurisdiction of the juvenile court and its protections.

Section 232.11 begins with the statement that "a child shall have right to be represented by counsel at the following stages of the proceedings within the jurisdiction of the juvenile court under subchapter II or subchapter VIII" before listing the specific circumstances the right attaches.

It is clear from this provision alone that the right to counsel for juveniles is limited to subchapter II juvenile delinquency proceedings and subchapter VIII, which concern juvenile records. A juvenile who is 16 years or older who is alleged to have committed a forcible felony is excluded from the jurisdiction of the juvenile court for delinquency proceedings. Iowa Code § 328.8(1)(c).

As determined in the prior proceedings on the Defendant's Motion for Reverse Waiver, this section applies to the Defendant. There is little case law on this particular issue. The most on-point appears to be *State v. Hajtic*, where the Supreme Court held that the 17-year-old juvenile's charge of first-degree robbery was a forcible felony and therefore outside the jurisdiction of the juvenile court. 724 N.W.2d 449 (Iowa 2006).

At hearing, DCI Special Agent Kedley stated that it was clear from the information obtained by law enforcement that Graber's death was a homicide and they believed the Defendant had participated. As such, the Court finds that the Defendant was excluded from the jurisdiction of the juvenile court and section 232.11 did not apply. Consequently, the issues as to whether parental notification was properly effected are immaterial.

The Defendant appears to tacitly acknowledge the state of the law as he urges the Court to construe section 232.8 and 232.11 as applying only once the juvenile has been formally charged so as to avoid law enforcement from skirting juvenile protections by falsely claiming a desire to charge the juvenile with a forcible felony.

The language of the statute does not infer this requirement. No higher court has engaged in such a construction. Arguments regarding the merits of affording additional protections to juveniles are best suited for the Legislature, not this Court.

The sole remaining issue is whether the Defendant knowingly, intelligently, and voluntarily waived his *Miranda* rights. The Defendant was placed into an interview room estimated by Agent Kedley to be about 8 feet by 10 feet. The Defendant initially took the chair nearest the door but moved to a chair further away as he waited for law enforcement to enter the room. Prior to questioning the Defendant, law enforcement read the *Miranda* rights to the Defendant with significant explanation of each right. After, the Defendant was presented with a waiver form that repeated the rights. Law enforcement asked the Defendant to read the rights and place his initials next to each one indicating that he understood them. The waiver form also had two check boxes to designate that the Defendant understood each right and that he wished to speak with law enforcement.

The Court finds, by a totality of the circumstances, that the Defendant waived his *Miranda* rights knowingly, intelligently, and voluntarily. The rights were read to him and on paper for him to read, and law enforcement engaged in explanation of the rights far greater than what the typical suspect receives. These actions fully apprised the Defendant of his rights and informed him of the possible consequences to the waiver. There was also no attempt to coerce or intimidate the Defendant to suggest the waiver was done by any other means than his deliberate choice. Nor did the Defendant appear uncomfortable or under pressure when he signed the waiver. The Defendant's demeanor was casual, he was provided with ample donuts and water, and he seemed more concerned with a lack of deodorant available to him than the interview subject matter.

CONCLUSION and RULING

The Court finds that the Defendant has not carried his burden to make a substantial preliminary showing that false statements were included in the search warrant affidavit or that

information was intentionally or recklessly omitted in order to mislead the magistrate. The Court further finds that the magistrate has a substantial basis to conclude that probable cause existed justifying the issuances of the search warrants in this case, and that the warrants were not overbroad, lacking a nexus, or otherwise without authority.

The Court additionally finds that as the Defendant was being held on suspicion of participation in a homicide, the juvenile protections regarding parental notification do not apply, and that the Defendant knowingly, intelligently, and voluntarily waived his *Miranda* rights.

IT IS THEREFORE ORDERED that Defendant's Motion for *Franks* Hearing and Motion to Suppress are both overruled and denied.

SO ORDERED.

Clerk to Notify parties via Electronic Filing.

State of Iowa Courts

Case Number	**Case Title**
FECR005143	STATE VS MILLER, WILLARD NOBLE CHAIDEN
Type:	OTHER ORDER

So Ordered

Shawn Showers
Judge

Electronically signed on 2023-01-23 13:05:54