

IN THE IOWA DISTRICT COURT IN AND FOR JEFFERSON COUNTY

STATE OF IOWA**Plaintiff,****v.****WILLARD NOBLE CHAIDEN MILLER,****Defendant.**

CASE NO. FECR005143**RULING ON DEFENDANT'S
MOTION FOR REVERSE WAIVER**

This matter came before the Court on May 6, 2022, regarding Defendant's Motion for Reverse Waiver filed December 7, 2021. The State filed a resistance on December 8, 2021. At hearing, the State appeared by Jefferson County Attorney Chauncey Moulding and Assistant Jefferson County Attorney Patrick McAvan. The Defendant appeared personally with attorneys Christine Branstad and Nathan Olson.

FINDINGS OF FACT

On November 3, 2021, Fairfield High School Spanish teacher, Nohema Graber, was reported missing. Her body was located in Fairfield's Chautauqua Park, partially hidden with significant blunt force trauma to the head. Law enforcement investigated Graber's death and eventually charged Willard Noble Chaiden Miller and his classmate Jeremy Goodale with Murder in the First Degree and Conspiracy to Commit a Forcible Felony by Planning or Commission. On December 17, 2021, the Court ordered the juvenile court prepare and file a Waver Report, which Juvenile Court Officer (JCO) Karen Dennler did on February 4, 2022.

At the time of his arrest, Miller was 16 years old. Defendant's birthday is August 9, 2005. Miller was enrolled at Fairfield High School, where he was earning average grades.

Miller had one disciplinary incident reported concerning the use of a cell phone in class and refusal to turn the phone over to the teacher. The teacher was Nohema Graber. A conference was held in response to the incident.

CONCLUSIONS OF LAW

Pursuant to Iowa Code section 232.8(1)(c), the district court has jurisdiction over a child, aged sixteen or older, who commits a forcible felony. The district court may transfer jurisdiction to the juvenile court for good cause under Iowa Code section 803.6 and upon a finding that juvenile court jurisdiction “would be inappropriate under the criteria set forth in section 232.45, subsection 6, paragraph “c”, and section 232.45, subsection 8.” Section 232.45(6)(c) requires the court to determine when there are reasonable prospects for rehabilitating the child in juvenile court and whether waiver of the court’s jurisdiction over the child would be in the best interests of the child and the community. Specific factors the court must consider include:

- a. The nature of the alleged delinquent act and the circumstances under which it was committed.
- b. The nature and extent of the child’s prior contacts with juvenile authorities, including past efforts of such authorities to treat and rehabilitate the child and the response to such efforts.
- c. The programs, facilities, and personnel available to the juvenile court for rehabilitation and treatment of the child, and the programs, facilities, and personnel which would be available to the court that would have jurisdiction in the event the juvenile court waives its jurisdiction so that the child can be prosecuted as an adult.

Iowa Code section 232.45(8). It is the burden of the juvenile defendant to show good cause for transfer. *State v. Terry*, 569 N.W.2d 364 (Iowa 1997).

ANALYSIS and RULING

The Defendant was charged at age 16 with the murder of Nohema Graber. Murder is a forcible felony under Iowa Code section 702.11. Having reviewed the file, the Court finds there is probable cause that Defendant committed the alleged offense. As such, jurisdiction over these proceedings is properly vested in the district court. The Defendant now seeks to transfer jurisdiction to the juvenile court. Probable cause is a much lower standard than proof beyond a reasonable doubt. The district court already concluded probable cause exists by approving the Trial Information and Minutes of Testimony on November 12, 2021.

At hearing, Dr. Craig B. Rypma testified for the defense. Dr. Rypma is an experienced clinical and forensic psychologist who evaluated the Defendant. As part of the evaluation, Dr. Rypma reviewed the relevant records, including the criminal complaint, personal statements, the Waiver Report, school records, and the minutes of testimony. Dr. Rypma did not perform any intelligence or cognitive testing as he, in his profession experience, saw little value in such testing when conducting reverse waiver evaluations. Dr. Rypma testified that the Defendant was kind, compassionate, and conscientious with others. He also testified that the Defendant was quite impressionable and was likely easily persuaded by peers. In Dr. Rypma's words, the Defendant was more of a follower than a leader.

Ultimately, Dr. Rypma declared it would be in the Defendant's best interests and the community for the Court to transfer jurisdiction to the juvenile court. As the basis for this opinion, Dr. Rypma noted the Defendant's lack of juvenile court involvement and absence of antisocial behavior. Dr. Rypma also emphasized the role of brain development, opining that the greatest potential for rehabilitation is now at the Defendant's current age rather than later in life. Dr. Rypma

testified that the juvenile court, with its specialized services more in line with the Defendant's characteristics, would have the best chance at successfully rehabilitating the Defendant. Further, Dr. Rypma warned that prison would likely have a negative impact upon the Defendant and his rehabilitation due to his developing brain and by his intrinsic suggestibility.

JCO Karen Dennler testified for the State of Iowa. Ms. Dennler explained the procedure and available resources the juvenile court has. JCO Dennler's testimony emphasized the limited amount of time the juvenile court would have to rehabilitate Mr. Miller. There would be minimal time to supervise the Defendant if jurisdiction was transferred. Dennler stated the process of a juvenile court disposition and placement into one of the state's facilities may take several months. Dennler stated all facilities, apart from the Iowa State Training School for Boys, would only be able to hold the Defendant until his 18th birthday, regardless of his treatment status.

If the Defendant went to the State Training School, he could reside there up to 18 months after the disposition if the Defendant had turned 17 years, or until the Defendant received his high school diploma or equivalency. In contrast, in the adult system, the Parole Board would evaluate the Defendant before release.

JCO Dennler testified that she would not recommend a transfer of jurisdiction for any juvenile accused of murder given the severity of the offense and limited opportunity for rehabilitation. Dennler opined such a task could be beyond the juvenile court's ability with the limited time allotted. Dennler also expressed concern that the Defendant could "run out the clock" on his detention in a juvenile facility without being rehabilitated. Consequently, JCO Dennler recommended the Court not transfer jurisdiction.

The Court begins its analysis by looking to the nature and circumstances of the act. According to the criminal complaint and minutes of testimony, the State alleges the Defendant took affirmative steps to plan Graber's murder by observing her and gathering the necessary supplies. Dennler described the act as "brutal" and by Dr. Rypma as "shocking." The State further alleges the Defendant took steps to conceal the crime and Graber's body.

The second factor is the Defendant's prior involvement with juvenile authorities and response to past rehabilitation efforts. There have been no prior involvements, thus no reliable information on future juvenile supervision success or failure.

The final factor is availability of programs, facilities, and personnel for rehabilitation in the adult and juvenile courts. Juvenile court resources are limited, particularly in light of the Defendant's age. The parties dispute the Defendant's motivation to participate and complete rehabilitation. If transferred to juvenile court, the Defendant would likely have approximately a year of formal supervision. That is the reality before the Court.

The Court notes the many letters in support filed by the Defendant speak highly of the Defendant's character, particularly as a caring and empathetic person. Such statements support a conclusion that Defendant has the potential for rehabilitation. However, the juvenile court simply has too little time to rehabilitate the Defendant for a crime of such magnitude and of the nature described in the minutes of testimony.

It would not be in the Defendant's or the community's best interest to transfer jurisdiction to the juvenile court. In the final analysis, there is not enough time for rehabilitation, and probable cause exists to charge the Defendant with premeditated murder.

Therefore, the Court finds there are no reasonable prospects for rehabilitating the Defendant in juvenile court and the Defendant has not carried his burden to show there is good cause to transfer jurisdiction to the juvenile court.

ORDERS

1. **IT IS THEREFORE ORDERED** that Defendant's Motion for Reverse Waiver is **DENIED**.
2. Counsel for the State and Defense shall contact Court Administration at 641-684-6502 ext. 617 to schedule a hearing on Defendant's Motion to Suppress. Counsel for the State shall submit a proposed order setting hearing on or before May 25, 2022, at 12:00 p.m. Counsel shall email the Court when the proposed order is filed.
3. Pretrial conference remains set for October 3, 2022, at 1:15 p.m. at the Jefferson County Courthouse, Fairfield, Iowa.
4. Jury Trial remains set for November 1, 2022, at 9:00 a.m. at a venue to be determined.

SO ORDERED



State of Iowa Courts

Case Number
FECR005143
Type:

Case Title
STATE VS MILLER, WILLARD NOBLE CHAIDEN
OTHER ORDER

So Ordered

A handwritten signature in blue ink, appearing to read 'Shawn Showers'.

Shawn Showers
Judge

Electronically signed on 2022-05-12 08:18:48