

SUPREME COURT OF IOWA

State of Iowa v. Arif Hajtic

Hajtic · No. No. 32 / 03-1481 · Decided December 1, 2006

SUMMARY

The Iowa Supreme Court affirmed Arif Hajtic’s convictions for three counts of third-degree burglary and one count of first-degree robbery. The court held that the police made the good-faith effort required by Iowa Code section 232.11(2) to notify Hajtic’s mother, and that Hajtic knowingly, intelligently, and voluntarily waived his Miranda rights. The court also upheld consolidation of the charges and found sufficient evidence to support the convictions, while preserving Hajtic’s ineffective-assistance-of-counsel claims for possible postconviction proceedings.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Larson, Justice; All justices concurring except Hecht, J.
JURISDICTION	Iowa
DECIDED	December 1, 2006
DOCKET	No. 32 / 03-1481
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed his judgment and sentence for three counts of third-degree burglary and one count of first-degree robbery, challenging admission of his police statements, consolidation of the robbery and burglary trials, and the sufficiency of the evidence.
STANDARD OF REVIEW	The voluntariness and validity of the Miranda waiver and confession were reviewed de novo. The consolidation order was reviewed for abuse of discretion. The sufficiency-of-the-evidence challenge was assessed under the corroboration requirement for accomplice testimony.
PRECEDENTIAL VALUE	Published Iowa Supreme Court opinion; precedential.
PARTIES	Arif Hajtic v. State of Iowa

TOPICS

- miranda rights
- right to counsel
- criminal procedure
- evidence
- appellate procedure

PRACTICE AREAS

criminal procedure

constitutional criminal procedure

juvenile justice

criminal evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether the police made the good-faith effort required by Iowa Code section 232.11(2) to inform Hajtic's mother of his custody, the alleged acts, his location, and her right to confer with him.
2. Whether Hajtic knowingly, intelligently, and voluntarily waived his Miranda rights and whether his confession was admissible.
3. Whether the evidence was sufficient to support the convictions when considered with the accomplice testimony and Hajtic's confession.
4. Whether the district court abused its discretion by consolidating the burglary and robbery trials under Iowa Rule of Criminal Procedure 2.6(1).
5. Whether the record was sufficient on direct appeal to decide Hajtic's ineffective-assistance claims.

HOLDINGS

1. For a juvenile at least sixteen years old charged with offenses within Iowa Code section 232.11(1)(a), section 232.11(2) does not require parental consent to a Miranda waiver; it requires only a good-faith effort to notify the parent of the child's custody, the alleged delinquent act, the child's location, and the parent's right to visit and confer.
2. Hajtic's Miranda waiver was valid because it was made knowingly, intelligently, and voluntarily, and his confession was properly admitted.
3. The convictions were supported by sufficient evidence because Eric Miller's accomplice testimony was corroborated by Hajtic's admissible confession, which tended to connect Hajtic with the offenses.
4. The district court did not abuse its discretion by consolidating the burglary and robbery trials because the offenses arose from a common scheme or plan and Hajtic's interest in severance did not outweigh the State's interest in judicial economy.

KEY QUOTATIONS

“In summary, even if Hajtic is correct that his sister did not accurately translate the contents of the Miranda warning to his mother, this was not fatal to the State’s use of his confession because his mother was given all the information required by Iowa Code section 232.11(2).” (p. 5)

“Only if the “totality of the circumstances surrounding the interrogation” reveal both an uncoerced choice and the requisite level of comprehension may a court properly conclude that the Miranda rights have been waived.” (p. 6)

“On our de novo review of the record, we conclude that Hajtic’s waiver of his Miranda rights was valid, and his confession was voluntarily, knowingly, and intelligently made.” (p. 11)

FACTUAL BACKGROUND

Seventeen-year-old Arif Hajtic was arrested in the early morning hours of December 19, 2002, in connection with several burglaries and a robbery. Police notified his mother, who spoke little English, using Hajtic's fourteen-year-old sister to translate; his mother was given the information required by Iowa Code section 232.11(2), and Hajtic signed a Miranda waiver after the warnings were read and explained. The interrogation and waiver proceedings were recorded, and Hajtic confessed to participating in the offenses with Eric Miller. The charged crimes occurred within a twenty-four-hour period, involved similar objectives and transportation, and took place in the same general area.

PROCEDURAL HISTORY

Hajtic was arrested and questioned regarding a series of burglaries and a robbery. The Iowa District Court for Black Hawk County admitted his statements, consolidated the burglary and robbery trials, denied his motion for judgment of acquittal, and entered judgment and sentence after conviction. The Supreme Court of Iowa affirmed, while preserving his ineffective-assistance claim for possible postconviction proceedings.

DISPOSITION

affirmed

CASES CITED

- *Miranda v. Arizona*, 384 U.S. 436 (1966)
- *State v. Harris*, 589 N.W.2d 239, 244 (Iowa 1999)
- *State v. Nelson*, 435 N.W.2d 344, 348 (Iowa 1989)
- *State v. Means*, 547 N.W.2d 615, 620-21 (Iowa Ct. App. 1996)
- *Moran v. Burbine*, 475 U.S. 412, 421 (1986)
- *State v. Countryman*, 572 N.W.2d 553, 559 (Iowa 1997)
- *State v. Morgan*, 559 N.W.2d 603, 606 (Iowa 1997)
- *State v. Vincik*, 398 N.W.2d 788, 789 (Iowa 1987)
- *Fryer v. State*, 325 N.W.2d 400, 409 (Iowa 1982)
- *Pettyjohn v. United States*, 419 F.2d 651, 654-55 (D.C. Cir. 1969)
- *State v. Hodges*, 326 N.W.2d 345, 348 (Iowa 1982)
- *Fare v. Michael C.*, 442 U.S. 707, 725 (1979)
- *Stephan v. State*, 711 P.2d 1156, 1159-61 (Alaska 1985)
- *State v. Scales*, 518 N.W.2d 587, 592 (Minn. 1994)
- *Hendricks v. Swenson*, 456 F.2d 503, 505-07 (8th Cir. 1972)
- *Harris v. State*, 678 P.2d 397, 414 (Alaska Ct. App. 1984)
- *State v. Thornton*, 506 N.W.2d 777, 779 (Iowa 1993)
- *State v. Lam*, 391 N.W.2d 245, 250-51 (Iowa 1986)
- *State v. Oetken*, 613 N.W.2d 679, 688 (Iowa 2000)

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