

SUPREME COURT OF IOWA

State of Iowa v. John David Green

State v. Green · No. 15-0871 · Decided June 9, 2017

SUMMARY

The Iowa Supreme Court affirmed John David Green’s second-degree murder conviction. The court held that Green had no right to counsel under article I, section 10 of the Iowa Constitution during a voluntary, noncustodial police interview conducted before charges were filed, despite the prosecuting attorney’s involvement. The court also upheld a jury instruction permitting an inference of malice aforethought from the intentional use of a dangerous weapon.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Cady, Chief Justice; Wiggins, Justice; Hecht, Justice; Mansfield, Justice; Zager, Justice; Appel, Justice; Waterman, Justice
JURISDICTION	Iowa
DECIDED	June 9, 2017
DOCKET	15-0871
DISPOSITION	affirmed
PROCEDURAL POSTURE	Further review of a Iowa Court of Appeals decision affirming Green's second-degree murder conviction and sentence after the Iowa District Court for Sac County denied suppression of his police interview and overruled his objections to jury instructions.
STANDARD OF REVIEW	Constitutional challenges to the denial of a motion to suppress are reviewed de novo, with independent evaluation of the totality of the circumstances and deference to factual findings. Constitutional challenges to jury instructions are reviewed de novo; otherwise, jury-instruction challenges are reviewed for correction of errors at law to determine whether the instruction accurately states the law and is supported by substantial evidence.
PRECEDENTIAL VALUE	published
PARTIES	John David Green v. State of Iowa

TOPICS

right to counsel

jury instructions

criminal procedure

self defense

due process

PRACTICE AREAS

criminal procedure

constitutional law

jury instructions

homicide

QUESTIONS PRESENTED

1. Whether article I, section 10 of the Iowa Constitution afforded Green a right to counsel during his voluntary, noncustodial, prearrest police interview because the county attorney actively supervised the interview.
2. Whether the district court properly instructed the jury that it could infer malice aforethought from Green's intentional use of a dangerous weapon, even though Green did not bring the baseball bat to the encounter and claimed self-defense.

HOLDINGS

1. The Iowa Constitution did not provide Green a right to counsel during his voluntary, noncustodial, prearrest interview. The presence and assistance of a prosecuting attorney during an investigatory police interview, standing alone, does not transform the investigation into a criminal prosecution or trigger the right to counsel under article I, section 10.
2. The district court properly instructed the jury that it could, but was not required to, infer malice aforethought from Green's use of a dangerous weapon. The instruction accurately stated Iowa law and was supported by substantial evidence because Green intentionally held a baseball bat against Koster's throat for up to two minutes, making death a foreseeable consequence.

KEY QUOTATIONS

“We hold there is no right to counsel based solely on the presence and the assistance of a prosecuting attorney during an investigatory police interview.” (14)

“We hold the court properly instructed the jury that it could infer Green acted with malice aforethought from his use of a dangerous weapon.” (18)

FACTUAL BACKGROUND

Mark Koster disappeared from Sac City in 2009, and his body was discovered two years later buried under debris in the basement of his home. Investigators located John David Green, who had stayed with Koster, in Florida. Green voluntarily accompanied Iowa law enforcement to a police station, was told he was not under arrest and was free to leave, and participated in an unlocked-room interview without Miranda warnings; the Sac County Attorney monitored the interview from another room and advised officers about questions. Green confessed that he had pressed a baseball bat against Koster's throat until Koster died, although he claimed at trial that he acted in self-defense.

PROCEDURAL HISTORY

Green was charged with first-degree murder after confessing during a voluntary, noncustodial interview in Florida conducted by law enforcement with guidance from the Sac County Attorney. The district court denied his motion to suppress the interview, admitted the confession, and instructed the jury that it could infer malice aforethought from use of a dangerous weapon. The jury convicted him of second-degree murder, and the district court imposed a fifty-year indeterminate sentence with a thirty-five-year mandatory minimum. The Iowa Court of Appeals affirmed, and the Supreme Court of Iowa granted further review and affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Brown, 890 N.W.2d 315, 321 (Iowa 2017)
- In re Property Seized from Pardee, 872 N.W.2d 384, 390 (Iowa 2015)
- State v. Becker, 818 N.W.2d 135, 140-41 (Iowa 2012)
- Alcala v. Marriott International, Inc., 880 N.W.2d 699, 707-08 & n.3 (Iowa 2016)
- State v. Gaskins, 866 N.W.2d 1, 6 (Iowa 2015)
- State v. Ambrose, 861 N.W.2d 550, 555, 560-61 (Iowa 2015)
- State v. Overmann, 220 N.W.2d 914, 918 (Iowa 1974)
- State v. Senn, 882 N.W.2d 1, 12-16 (Iowa 2016)
- State v. Young, 863 N.W.2d 249, 271, 279, 281 (Iowa 2015)
- Powell v. Alabama, 287 U.S. 45, 58, 70, 53 S. Ct. 55, 59-60, 64 (1932)
- Moran v. Burbine, 475 U.S. 412, 468, 106 S. Ct. 1135, 1166 (1986)
- Brewer v. Williams, 430 U.S. 387, 398, 97 S. Ct. 1232, 1239 (1977)
- Rothgery v. Gillespie County, 554 U.S. 191, 198, 212, 128 S. Ct. 2578, 2583, 2591 (2008)
- United States v. Gouveia, 467 U.S. 180, 188, 104 S. Ct. 2292, 2297 (1984)
- State v. Newsom, 414 N.W.2d 354, 359 (Iowa 1987)
- Griffin v. Pate, 884 N.W.2d 182, 202 (Iowa 2016)
- Varnum v. Brien, 763 N.W.2d 862, 876 (Iowa 2009)
- State v. Briggs, 666 N.W.2d 573, 578 (Iowa 2003)
- Howard v. Schildberg Construction Co., 528 N.W.2d 550, 553 (Iowa 1995)
- State v. McIver, 858 N.W.2d 699, 702 (Iowa 2015)
- State v. Schlitter, 881 N.W.2d 380, 395 (Iowa 2016)
- State v. Bentley, 757 N.W.2d 257, 265 (Iowa 2008)
- State v. Myers, 653 N.W.2d 574, 579 (Iowa 2002)
- State v. Ceretti, 871 N.W.2d 88, 93-94 & n.4 (Iowa 2015)
- State v. Reeves, 670 N.W.2d 199, 207 (Iowa 2003)
- State v. Serrato, 787 N.W.2d 462, 469 (Iowa 2010)

- Sandstrom v. Montana, 442 U.S. 510, 524, 99 S. Ct. 2450, 2459 (1979)
- State v. Rinehart, 283 N.W.2d 319, 323 (Iowa 1979)
- State v. Berlovich, 220 Iowa 1288, 1294, 263 N.W. 853, 856 (1935)
- State v. Ochoa, 244 N.W.2d 773, 777 (Iowa 1976)
- State v. Lass, 228 N.W.2d 758, 761-62, 766 (Iowa 1975)
- State v. Roan, 122 Iowa 136, 139, 97 N.W. 997, 998 (1904)
- State v. Frazer, 267 N.W.2d 34, 39 (Iowa 1978)
- State v. Emery, 236 Iowa 60, 65, 17 N.W.2d 854, 856-57 (1945)
- State v. Heinz, 223 Iowa 1241, 1259, 275 N.W. 10, 21 (1937)
- State v. Brown, 67 Iowa 289, 291, 25 N.W. 248, 249 (1885)
- State v. Greene, 709 N.W.2d 535, 537-38 (Iowa 2006)
- State v. Pepples, 250 N.W.2d 390, 392, 395 (Iowa 1977)
- State v. Smith, 242 N.W.2d 320, 325-26 (Iowa 1976)
- State v. McNamara, 252 Iowa 19, 25-26, 104 N.W.2d 568, 572 (1960)
- State v. Borwick, 193 Iowa 639, 643, 187 N.W. 460, 462 (1922)