

IN THE IOWA DISTRICT COURT IN AND FOR MADISON COUNTY

STATE OF IOWA

Plaintiff,

Vs.

CASE NO. [REDACTED]

ORDER FOLLOWING DEFENDANT'S
MOTION TO DISMISS

Defendant.

The Defendant filed a motion to dismiss in this matter. The Court held a hearing on January 9, 2026. The State appeared by Assistant County Attorney Kevin Resietter. The Defendant appeared personally with his attorney, Lucas Taylor.

The Defendant is charged by Trial Information with Child Endangerment, in violation of Iowa Code Sections 726.6(1)(a), 726.6(4), and 726.6(8), an aggravated misdemeanor. A finding of guilt would necessitate proof beyond a reasonable doubt of the following elements:

1. On or about the 8th day of February, 2025, the defendant was the parent of The son.
2. The son was under the age of fourteen years or a minor under the age of eighteen with a mental or physical disability.
3. The defendant acted with knowledge that he was creating a substantial risk to son's physical, mental, or emotional health or safety.

See Model Jury Instruction 2610.1. The defendant primarily challenges the second element in his motion to dismiss.

First, at this point in time the Court must view all evidence in the light most favorable to the State (or rather, the Court must view the allegations contained in the Minutes of Testimony, including any incorporated attachments thereto, as if the witnesses would testify in conformity with the Minutes

of Testimony). Second, the Court cannot consider any evidence the State referenced in the hearing on the motion to dismiss, if that evidence is not also contained in the Minutes of Testimony.

The Minutes of Testimony list four witnesses: two Winterset police officers, Marcus Speakman and Logan Camp; The mom, an the son. and In the attachment, The son is listed as “15 years old.” Thus, he does not qualify as a child under the age of fourteen years old. The State must prove the second alternative in order for the defendant to be found guilty, specifically that son was “mentally or physically handicapped minor under the age of eighteen.” As the Minutes of Testimony stand, there are no references to any physical disability of the son. The County Attorney did not make any assertions that would lead the Court to believe that there is additional missing evidence that the son suffered from a physical disability.

At the hearing on the motion, the County Attorney stated that there were other witnesses that would testify to the child’s suicidal comments, that these comments were non-isolated, and that the parents knowingly had not taken action on the child’s suicidal ideation. Therefore, the State believed that the minor meets the “mental disability” minor alternative. The Court allowed the State an opportunity to amend the Minutes of Testimony to add these witnesses and set a deadline of a week after the hearing. The defendant was then allowed a week for responsive briefing, based on any additional Minutes. More than two weeks have passed since the deadline and the State has not filed an amendment. The Court must, therefore, make the decision as to whether there is adequate evidence based on the Minutes of Testimony as they currently exist.

The Minutes of Testimony reference an argument, during which son “made suicidal statements” and the defendant told the son to leave the residence. The mom told the officer the son was not taking prescription medications and “had not threatened [sic] to harm himself in the past.”

Chapter 726 does not contain a definition of “mental disability.” Neither does Chapter 702, which defines many terms used frequently in the criminal code. Black’s Law Dictionary does not have a

definition of “mental disability.” However, it defines “mental defect” as “the term that is used to describe a cerebral deficiency or an inadequacy of thought processes”; it also defines a “total disability” as a “mental or physical impairment preventing a person from normal function.” Essentially, the term means some kind of mental impairment preventing a minor from processing information in an appropriate way. This must be above and beyond the natural irrationality and impulsiveness that we typically think of as characterizing youths, otherwise all minors would be included in the term.

The Minutes of Testimony do not specify that the son had any psychiatric or psychological diagnoses prior to this incident, and his mother stated he was not on any psychiatric medications. While suicidal statements may be a symptom of a larger mental health issue, without a formal diagnosis (such as depression), the Court cannot conclude that they are a “mental disability” in and of themselves. That is, suicidal statements may be *evidence* of a mental disability but are not themselves a mental disability. For example, if the State could present proof of a preexisting diagnosis of depression, with evidence of recent suicidal statements, the Court could conclude that there was sufficient evidence of a mental disability. As it stands, however, there is insufficient evidence in the Minutes of Testimony that the minor suffers from a mental disability. The Court indicated at the hearing on the motion that the Court was inclined to agree with the defendant’s argument, yet the Court further indicated that the new testimony was likely to cure the identified deficiency. The defendant is entitled to know of the evidence against him so he can prepare a defense. The Court finds that the State has been given an adequate opportunity to correct the alleged deficiency and it has failed to do so. Therefore, based on the current Minutes of Testimony, the Court concludes that the Motion to Dismiss should be granted.

This matter is dismissed with costs assessed to the State. Any bonds previously posted are hereby exonerated.



State of Iowa Courts

Case Number

Case Title

Type:

STATE OF IOWA VS
DISMISSED PER COURT

So Ordered

A handwritten signature in cursive script that reads "Erica Crisp".

Erica Crisp, District Associate Judge
Fifth Judicial District of Iowa

Electronically signed on 2026-02-04 13:50:16