

IN THE SUPREME COURT OF IOWA
Supreme Court No. 21-1813

STATE OF IOWA,
Plaintiff-Appellee,

vs.

MAURICE BOONE, JR.,
Defendant-Appellant.

APPEAL FROM THE IOWA DISTRICT COURT
FOR POLK COUNTY
THE HONORABLE SCOTT BEATTIE, JUDGE

APPELLEE'S BRIEF

THOMAS J. MILLER
Attorney General of Iowa

KYLE HANSON
Assistant Attorney General
Hoover State Office Building, 2nd Floor
Des Moines, Iowa 50319
(515) 281-5976
(515) 281-8894 (fax)
kyle.hanson@ag.iowa.gov

JOHN SARCONI
Polk County Attorney

JOSEPH CRISP
Assistant Polk County Attorney

ATTORNEYS FOR PLAINTIFF-APPELLEE

FINAL

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STATEMENT OF THE ISSUE PRESENTED FOR REVIEW

I. **Whether the District Court Properly Denied the Defendant's Motion to Dismiss When the Statute of Limitations Was Tolled.**

Authorities

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Commonwealth v. Geoghan, No. CRIM. A. 001-002,
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Wisc. Stat. Ann. § 939.74(3) (West 2022)

ROUTING STATEMENT

This case does not present an issue of first impression. The Court of Appeals has recently determined, “[b]ecause one must be ‘publicly resident’ in the state for the statute of limitations to run, we do not believe mere presence in the state is sufficient.” *Rhodes v. State*, No. 21-0229, 2022 WL 610447, at *3 (Iowa Ct. App. Mar. 2, 2022), *further review denied* (June 1, 2022). The defendant’s attempt to ignore this commonsense reading of the statute’s plain language does not constitute an issue of first impression.

This case can be decided based on existing legal principles. Transfer to the Court of Appeals would be appropriate. Iowa R. App. P. 6.1101(3).

STATEMENT OF THE CASE

Nature of the Case

Defendant Maurice Boone appeals his convictions for willful injury and intimidation with a dangerous weapon following the denial of his motion to dismiss.

Course of Proceedings

The State accepts the defendant’s statement of the course of proceedings as substantially correct.

Facts

Defendant Boone admitted he was present during a shooting on May 17, 2016, in Des Moines. Minutes at 8; Conf. App. 14. The shooting injured Kamaury Watson, who was hospitalized for a gunshot wound to his back. Minutes at 2; Conf. App. 8. At the scene, police found four shell casings, a bag of marijuana and packaging materials, and an iPhone. Minutes at 3; Conf. App. 9. Surveillance videos showed two men shooting handguns at the victim and then fleeing in Boone's car. Minutes at 5–6; Conf. App. 11–12. Police used the surveillance videos and photos on the iPhone to identify Boone and his brother, Brian, as suspects. Minutes at 6–7; App. 12–13. Boone's clothing matched one of the two shooters on the surveillance video, but Boone claimed the only shooter was an unidentified man who had ridden in his car. Minutes at 8; Conf. App. 14.

On May 24, Detective Brad Youngblut went to Boone's residence at 700 Walker Street, but his mother said he was no longer living there. MTD Tr. 11:17–12:18, Minutes at 7; Conf. App. 13. The detective provided contact information for Boone to call him. Tr. 12:3–6. Boone returned the message and briefly spoke with Detective

Youngblut, but Youngblut said he wanted to discuss the case further.

Tr. 11:1–9.

On May 25, Detective Youngblut connected with Boone over the phone again. Tr. 13:14–14:5. Boone claimed he was in Texas, which he verified by sending a photo of himself in front of a vehicle with a Texas license plate. Tr. 14:9–21. Boone said that he and his brother would return to Iowa on May 31 and that he would cooperate when he returned. Tr 14:22–15:3.

Boone did not appear on May 31 as promised. Tr. 15:4–6. Detective Youngblut also spoke with Boone’s attorney, who was unable to provide any information on Boone’s whereabouts. Tr. 15:7–21. On June 8, the detective applied for arrest warrants for Boone and his brother. Tr. 15:21–16:1.

Detective Youngblut continued looking for Boone throughout June. Tr. 16:12–14. In mid-June, he spoke with Boone’s brother Lamont, who did not know where Boone was. Tr. 16:15–17:7. He spoke with Lamont again later that month, but Lamont still had no information about Boone’s whereabouts. Tr. 17:8–16. In July, Boone’s brother and co-defendant Brian was arrested and ultimately pled

guilty. Tr. 17:17–25. Detective Youngblut continued searching for Boone during Brian’s prosecution. Tr. 18:1–7.

The search for Boone included checking records at Iowa Workforce Development, which would indicate if Boone used his Social Security number for employment, to pay taxes, or to apply for benefits such as food assistance. Tr. 18:8–19. But Boone did not receive a paycheck, sign a lease, or “anything along those lines” within the State of Iowa. Tr. 20:3–12. Likewise, Boone did not renew his driver’s license or transfer it to another state. Tr. 29:6–16. Detective Youngblut continued checking records several times over the years. Tr. 18:15–19. From May 2016 until his arrest in September 2020, there was no history of Boone working or living in the State of Iowa. Tr. 18:20–19:5.

Detective Youngblut posted a law enforcement intelligence bulletin with Boone’s arrest warrant in case other officers encountered him. Tr. 19:6–19. He checked with the U.S. Marshal’s office, which had no “hits” on Boone’s whereabouts. Tr. 27:5–13. He also continued speaking with Boone’s brothers, but they did not have any information about his location. Tr. 19:20–20:2.

In March 2020, Detective Youngblut received a tip that Boone was returning to Des Moines to sell marijuana with his brother. Tr. 23:20–24:3, 28:11–29:2. Detective Youngblut spent hours surveilling the house described in the tip, but he never saw any activity linked to Boone or his family. Tr. 24:8–20. He also alerted other officers about the tip so they could be “on the lookout” for Boone. Tr. 24:21–24. But police were still unable to locate him. Tr. 24:25–25:1.

Later in March 2020, the Nebraska State Patrol arrested Boone in Lincoln. Tr. 20:13–22. Detective Youngblut placed a detainer on him, and he was transferred to the custody of Des Moines police on September 21, 2020. Tr. 21:1–7.

At the April 2021 hearing, Boone said he resided at 700 Walker Street on the day of the shooting and that he still “legally” resided there after the shooting. Tr. 34:7–15. But later in the hearing, he said he resided at 3420 East 8th Street. Tr. 39:22–40:1. However, he did not list that address on his post-arrest booking papers because “[t]hey didn’t ask.” Tr. 40:2–12.

Boone claimed that between May 2016 and September 2020, he only left the State of Iowa a couple times for trips or vacations. Tr. 34:17–20. He said he spent three days in Texas, four days in

Colorado, and two days in Illinois. Tr. 34:21–35:19. Then in March 2020, he was in Nebraska for just hours before he was arrested. Tr. 35:20–36:4.

Boone testified that he last had a “traditional” job with a paycheck in “[l]ike 2016.” Tr. 40:13–17. Instead, he claimed he was employed “at least 11 times” by friends who paid in cash. Tr. 39:8–19. He explained he did not renew his driver’s license because he owed child support. Tr. 37:20–23. He did not pay taxes because “I never pay taxes.” Tr. 37:24–38:1. He thought he had food stamps through Workforce Development, but he was “cut off around when Donald Trump was elected” and he never renewed them “because I didn’t need it.” Tr. 38:2–16. He thought he had “Obamacare” in 2017, but he also said, “I never been in the hospital after that or needed it.” Tr. 38:17–39:3.

Boone claimed he did not know that he had an arrest warrant. Tr. 36:20–21. He said he knew the police wanted to talk to him, but he hired a lawyer and his lawyer never told him about the warrant. Tr. 36:22–37:7, 39:4–21. Boone said his family never told him that police were looking for him. Tr. 41:14–17. He also claimed he was not aware

of his brother’s arrest for the shooting because “I had my own life.”

Tr. 41:18–43:18.

ARGUMENT

I. **The District Court Properly Denied Boone’s Motion to Dismiss Because the Statute of Limitations Was Tolled.**

Preservation of Error

Boone preserved error by filing a motion to dismiss and receiving an adverse ruling in the district court. Order (5/14/2021); App. 15.

Standard of Review

“We review claims that a charge should be dismissed because it was barred by the statute of limitations for correction of errors at law.” *State v. Tipton*, 897 N.W.2d 653, 672 (Iowa 2017) (citations omitted). “Thus, we will affirm if the trial court’s findings of fact are supported by substantial evidence and the law was correctly applied.” *Nguyen v. State*, 829 N.W.2d 183, 186 (Iowa 2013).

“We review rulings on questions of statutory interpretation for correction of errors at law.” *State v. Childs*, 898 N.W.2d 177, 181 (Iowa 2017) (quotation omitted).

Discussion

Boone was not entitled to dismissal. The statute of limitations was tolled for any period when he was not “publicly resident” in Iowa. And Boone was not “publicly resident” during the nearly four years after the offense when he disappeared from public life. Accordingly, the district court properly denied his motion to dismiss.

A. The statute of limitations did not run unless Boone was “publicly resident” in the State of Iowa.

This case begins with a question of statutory interpretation. Generally, an indictment must be found within three years after commission of a felony or aggravated misdemeanor. Iowa Code § 802.3. But the legislature has adopted several extensions of the limitations period. *See generally id.* §§ 802.5, 802.6, 802.7. In this case, the relevant provision states:

When a person leaves the state, the indictment or information may be found within the period of limitation prescribed in this chapter after the person’s coming into the state, and no period during which the party charged was not publicly resident within the state is a part of the limitation.

Id. § 802.6(1). The timeliness of Boone’s charge turns on whether he was “publicly resident within the state” after he committed the offenses.

Section 802.6(1) contains two extensions separated by a comma and the word “and.” The first extension is triggered “[w]hen a person leaves the state,” and it restarts the limitations period “after the person’s coming into the state.” *Id.* The second extension is triggered when the person “was not publicly resident within the state,” and it instructs that no such period is “part of the limitation.” *Id.* Although the two exceptions might overlap in some cases, they are distinct provisions with different triggers and different periods of extension.

Historical perspective supports that section 802.6(1) states two separate extensions. The second line’s “publicly resident” tolling provision dates to 1851. Iowa Code § 2814 (1851). But the first line has undergone changes over time. Originally it delayed commencement of the limitations period “[i]f when the offense is committed the defendant is out of the state.” *Id.* The 1978 Criminal Code revision amended the first line’s out-of-state trigger to restart the limitations period “[w]hen a person leaves the state with the intention of avoiding prosecution.” 1976 Iowa Acts ch. 1245, § 206 (codified as Iowa Code § 802.6(1) (1979)). The first line was amended again in 2002 to eliminate the element of intent to avoid prosecution. 2002 Iowa Acts ch. 1116, § 1. But throughout these changes, the legislature

retained the second line’s “publicly resident” tolling provision, indicating it states a separate extension not limited by the varying evolutions of the first line.

Proper interpretation must give effect to the phrase “publicly resident.” Boone reads the two lines of section 802.6(1) as a single extension and argues tolling “applies only when the individual is outside the State of Iowa.” Def. Proof Br. at 15. If it were true that section 802.6(1) only operates when the person lives outside of Iowa, then the legislature would have said “not resident within the state” instead of “not *publicly* resident within the state.” Boone is wrong to interpret the statute in a manner that ignores the modifier “publicly.” *See TLC Home Health Care, L.L.C. v. Iowa Dep’t of Hum. Servs.*, 638 N.W.2d 708, 713 (Iowa 2002) (“It is a basic rule of statutory construction that we must ‘give effect, if possible, to every clause and word of a statute.’” (quoting *United States v. Menasche*, 348 U.S. 528, 538–39 (1955))).

The Court of Appeals has recently ruled on the meaning of “publicly resident.” In *Rhodes v. State*, No. 21-0229, 2022 WL 610447, at *3 (Iowa Ct. App. Mar. 2, 2022), the postconviction applicant urged that the statute of limitations runs whenever “a

person is living and present in Iowa.” The Court disagreed: “Because one must be ‘*publicly* resident’ in the state for the statute of limitations to run, we do not believe mere presence in the state is sufficient.” *Id.* Boone makes the same mistake as *Rhodes* by emphasizing his own testimony “that he was present within the State of Iowa nearly the entire relevant time period.” Def. Proof Br. at 17. It was not enough that he was residing in Iowa—*Rhodes* instructs that he had to be *publicly* residing in Iowa.

This Court should interpret “publicly resident” in the same manner as our sister states applying the same statutory language. Ten other states toll their statutes of limitations when the person is not “publicly resident.”¹ Those states with cases interpreting their

¹ Ga. Code Ann. § 17-3-2(1) (West 2022) (“not usually and publicly a resident within this state”); Ill. Comp. Stat. Ann. 5/3-7(a)(1) (West 2022) (“not usually and publicly resident within this State”); Ind. Code Ann. § 35-41-4-2(h)(1) (West 2022) (“not usually and publicly resident in Indiana”); Mass. Gen. Laws Ann. ch. 277, § 63 (West 2022) (“not usually and publicly a resident within the commonwealth”); Mich. Comp. Laws Ann. § 767.24(11) (West 2022) (“did not usually and publicly reside within this state”); Mont. Code Ann. § 45-1-206(1) (West 2022) (“not usually and publicly resident within this state”); N.M. Stat. Ann. § 30-1-9(A) (West 2022) (“not usually and publicly a resident within the state”); Tenn. Code Ann. § 40-2-103 (West 2022) (“not usually and publicly resident within the state”); Wash. Rev. Code Ann. § 9A.04.080(2) (West 2022) (“not usually and publicly resident within this state”); Wisc. Stat. Ann. § 939.74(3) (West 2022) (“not publicly a resident within this state”).

provisions agree “publicly resident” means more than mere presence in the state:

- **Georgia:** “In this state the statute of limitation is suspended during the time the offender conceals himself so that he cannot be arrested.” *Dennard v. State*, 267 S.E.2d 886, 887 (Ga. Ct. App. 1980).
- **Illinois:** “The statute says that it applies when the defendant is not ‘usually and publicly resident within this State.’ If it were to apply only when the defendant is ‘living out of state,’ there would be no purpose for the words ‘usually and publicly.’” *People v. Casas*, 103 N.E.3d 928, 932 (Ill. App. Ct. 2018). The Court concluded the statute “excludes time when the defendant is either ‘living out of state’ or living in this state just not ‘usually and publicly.’” *Id.*; see also *People v. Carman*, 52 N.E.2d 197, 199 (Ill. 1943) (“[T]he word ‘publicly’ . . . signifies something which is open to the knowledge or view of all; generally seen, known or heard; activities carried on before the public, or something which is done in an open and public manner; without concealment.”).
- **Indiana:** The “publicly resident” tolling provision applies “when a suspect is not amenable to process, whether he is in or out of

Indiana.” *Heitman v. State*, 627 N.E.2d 1307, 1310 (Ind. Ct. App. 1994).

- **Massachusetts:** “The legislature must have intended the modifier ‘usually and publicly’ as a term of limitation . . . and ‘publicly’ means ‘in a public manner; with exposure to popular view or notice; without concealment.’” *Commonwealth v. Geoghan*, No. CRIM. A. 001-002, 2002 WL 370291, at *7 (Mass. Super. Mar. 7, 2002).
- **Michigan:** “[T]he word ‘publicly’ means, in this context, ‘open to the view of all.’” *People v. Blackmer*, 870 N.W.2d 579, 581 (Mich. Ct. App. 2015). “In sum, the plain and unambiguous language of the nonresident tolling provision at issue provided that the limitations period was tolled for any period in which a defendant was not customarily and openly living in Michigan. Defendant’s subjective intent is irrelevant to this definition.” *Id.*
- **Montana:** “Absence from the accused’s usual abode coupled with attempts at concealment will toll the statute.” *State v. Stillings*, 778 P.2d 406, 409 (Mont. 1989).
- **Wisconsin:** “The public residents are the only group of persons for whom the statute of limitations does not toll.” *State v. Sher*,

149 Wis. 2d 1, 9, 437 N.W.2d 878, 881 (1989). The court approved a definition that “the time during which the actor was not publicly a resident within this state is subtracted (e.g., he may have resided elsewhere, or *in this state secretly and in concealment*).” *Id.* (emphasis added).

These judicial interpretations of “publicly resident” support the district court's statutory interpretation.

Giving effect to the “publicly resident” language advances a legitimate legislative purpose. The State has a strong public interest in investigating and prosecuting criminal offenses, but that interest is hampered when suspects leave the State. *See, e.g., Sher*, 437 N.W.2d at 882–83 (“Investigation of crimes is easier for law enforcement officials when people central to the incident, and who may have vital information, are located within the state. . . . Furthermore, if a suspect is charged, apprehension of them is easier if they are public residents than if they reside out of state.”); *Commonwealth v. George*, 717 N.E.2d 1285, 1290 (Mass. 1999) (recognizing “[t]he State’s interest in assuring that a criminal defendant is available locally in order to facilitate detection and prosecution of crime”). Suspects who conceal themselves within the State create similar

barriers to investigation and prosecution—they are not accessible for interviews, they may take vital evidence with them into hiding, and they are not available for a timely arrest. Therefore, the legislature rationally requires the person to be “publicly” resident for the statute of limitations to run.

Boone’s interpretation of “publicly resident” focuses on the wrong term. He cites cases from Illinois and Massachusetts suggesting the tolling provision “is based solely upon his absence from the State” or “during any period a person accused of a crime is absent from the Commonwealth.” Def. Proof Br. at 21–22 (quoting *Carman*, 52 N.E.2d at 199; *Couture v. Commonwealth*, 153 N.E.2d 625, 628 (Mass. 1958)). But *Carman* and *Couture* both involved defendants who were imprisoned in other states. *See Carman*, 52 N.E.2d at 198, 199 (finding defendant who was arrested while visiting Kentucky, extradited to Missouri, and imprisoned for several years “did not reside, or abide, within the State of Illinois”); *Couture*, 153 N.E.2d at 627 (tolling the statute of limitations for a defendant who was arrested, transported to Rhode Island, and imprisoned there, even though the defendant may still have considered Massachusetts his domicile). In other words, *Carman* and *Couture* focused on

whether a person could be a “resident” while living in a different state, not whether in-state residents were living “publicly.” In fact, Illinois has expressly rejected the reading Boone advances. *See Casas*, 103 N.E.3d at 933 (“[W]e note that the two cases defendant cites for the proposition that section 3–7(a) ‘has been interpreted to mean that the defendant was out of state’ do not in any way suggest that the statute applies *only* if the defendant was out of state.”).

Finally, Boone’s comparison to other states’ tolling provisions does not support his interpretation of “publicly resident.” He emphasizes that some states toll their statutes of limitations when the person “has no reasonably ascertainable place of abode or work within the state.” Def. Proof Br. at 22–23 (quoting statutes from Arizona, Arkansas, and Florida). True, some states have adopted that phrasing from the Model Penal Code.² Other states phrase their tolling provisions based on the person fleeing from justice or

² Model Penal Code § 1.06(6)(a); Alaska Stat. Ann. § 12.10.040(a) (West 2022); Ariz. Rev. Stat. Ann. § 13-107(D) (West 2022); Ark. Code Ann. § 5-1-109(g)(1)(A) (West 2022); Fla. Stat. Ann. § 775.15(5) (West 2022); Haw. Rev. Stat. Ann. § 701-108(5) (West 2022); La. Code Crim. Proc. Ann. art. 575(1) (West 2022); N.H. Rev. Stat. Ann. § 625:8(IV)(a) (West 2022); 42 Pa. Cons. Stat. Ann. § 5554(1) (West 2022).

concealing the person’s whereabouts.³ Even though these tolling provisions use different language, they recognize the same purpose of requiring the person to live publicly and openly for the statute of limitations to run. Accepting Boone’s argument to ignore “publicly” would judicially amend Iowa’s statute to align with states whose legislatures chose to limit tolling only to non-residents.⁴

³ Del. Code Ann. tit. 11, § 205(h)(1) (West 2022) (“when the accused is fleeing or hiding from justice so that the accused’s identity or whereabouts within or outside the State cannot be ascertained, despite a diligent search for the accused”); D.C. Code Ann. § 23-113(f) (West 2022) (“any person fleeing from justice”); Kan. Stat. Ann. § 21-5107(e)(2) (West 2022) (“the accused is concealed within the state so that process cannot be served upon the accused”); Miss. Code. Ann. § 99-1-5 (West 2022) (“any person who shall abscond or flee from justice . . . or so conduct himself that he cannot be found by the officers of the law, or that process cannot be served upon him”); Mo. Ann. Stat. § 556.036(6)(2) (West 2022) (“when the accused is concealing himself or herself from justice either within or without this state”); Neb. Rev. Stat. Ann. § 29-110(13) (West 2022) (“any person fleeing from justice”); N.J. Stat. Ann. § 2C:1-6(f) (West 2022) (“any person fleeing from justice”); N.Y. Crim. Proc. Law § 30.10(4)(a) (McKinney 2022) (“the whereabouts of the defendant were continuously unknown and continuously unascertainable by the exercise of reasonable diligence”); Ohio Rev. Code Ann. § 2901.13(H) (West 2022) (“when the accused purposely avoids prosecution”); Or. Rev. Stat. Ann. § 131.145(2)(b) (West 2022) (“when the accused hides within the state so as to prevent process being served upon the accused”); Va. Code Ann. § 19.2-8 (West 2022) (“any person fleeing from justice or concealing himself within or without the Commonwealth to avoid arrest”).

⁴ Colo. Rev. Stat. Ann. § 16-5-401(2) (West 2022) (“absent from the state of Colorado”); Idaho Code Ann. § 19-404 (West 2022) (“not an inhabitant of, or usually resident within, the state”); Me. Rev. Stat.

The Court should give full effect to section 802.6(1)'s use of “publicly resident.” As Boone admits, “publicly” means “in a manner observable by or in a place accessible to the public; openly.” Def. Proof Br. at 19. But one does not live openly or in an observable manner merely by being physically present within the State’s borders. Those who disconnect from public life or conceal their whereabouts after committing an offense thwart the public interest in investigating and prosecuting crime. The legislature determined such people do not deserve the refuge of the statute of limitations, so the district court properly examined whether Boone was “publicly resident” following the shooting.

B. Boone was not “publicly resident” when he disappeared after the shooting.

Detective Youngblut’s diligent search proved Boone was not “publicly resident within the state.” Boone left Iowa after the

Ann. tit. 17-A, § 8(3)(A) (West 2022) (“absent from the State”); Minn. Stat. Ann. § 628.26(k) (West 2022) (“not an inhabitant of or usually resident within this state”); N.D. Cent. Code Ann. § 29-04-04 (West 2022) (“not an inhabitant of, or usually resident within, this state”); Okla. Stat. Ann. tit. 22, § 153 (West 2022) (“not an inhabitant of or usually resident within the state”); S.D. Codified Laws § 23A-42-5 (2022) (“not an inhabitant within the state”); Tex. Code Crim. Proc. Ann. art. 12.05 (West 2022) (“absent from the state”); Utah Code Ann. § 76-1-304(1) (West 2022) (“out of the state following the commission of an offense”).

shooting, never returned to his residence, withdrew from public view, and was finally arrested outside the State. Because Boone did not live openly and publicly in Iowa between the May 2016 shooting and the September 2020 trial information, the district court correctly concluded the statute of limitations had not expired.

Boone left the State soon after he became a suspect. By May 24, 2016, Detective Youngblut started seeking Boone for questioning and briefly spoke with him over the phone. Tr. 11:1–9. The next day, Boone was in Texas, which he confirmed by sending a photo of a Texas license plate. Tr. 13:14–14:21. Boone said he would return to Iowa in a few days and would cooperate, but he never showed up. Tr. 14:22–15:6. And then Boone was not seen again until he was arrested in Lincoln, Nebraska, in March 2020. Tr. 20:13–22.

Boone disappeared from his place of residence. On May 24, 2016, Detective Youngblut went to Boone’s residence at 700 Walker Street, but the woman who answered said Boone no longer lived there. Tr. 11:17–12:18. Boone later claimed he “still was legally at 700 Walker Street” after the shooting (Tr. 34:7–15), but the “legally” qualifier suggested he did not actually live there. Despite Detective Youngblut’s continued efforts, he found no clues about Boone’s

residence until the March 2020 tip that Boone was returning to sell marijuana at a house in Des Moines. Tr. 23:20–24:3. The detective surveilled that house, but he never observed any sign of Boone. Tr. 24:8–20.

When Boone left his residence, he did not make his whereabouts known to his family or his attorney. Detective Youngblut spoke with Boone’s brother Lamont twice in June 2016, but Lamont was unable to provide any information about Boone’s location. Tr. 16:15–17:16. Detective Youngblut continued speaking with Boone’s brothers, but they never had information on where to find him. Tr. 19:20–20:2. Equally, Boone later claimed unawareness that his brother Brian had been arrested, charged, and convicted for his role in the same shooting. Tr. 41:18–43:18. But all along, Boone knew the police wanted to talk to him. Tr. 39:4–9. And although Boone had hired a lawyer, his lawyer did not know where he was. Tr. 15:7–21.

In addition to cutting ties with his family, Boone disconnected from society. Records from Iowa Workforce Development showed he did not use his social security number for employment, to pay taxes, or to apply for public benefits like food stamps. Tr. 18:8–19. He did not receive a paycheck, sign a lease, or “anything along those lines.”

Tr. 20:3–12. He did not renew his driver’s license in Iowa or transfer it to another State. Tr. 29:6–16. Detective Youngblut created a police intelligence bulletin with Boone’s arrest warrant in case any other officers encountered him. Tr. 19:6–19. Similarly, the U.S. Marshal had no “hits” on Boone’s whereabouts. Tr. 27:5–13. Between May 2016 and September 2020, there was no history of Boone living or working in Iowa. Tr. 18:20–19:5.

Boone’s attempts to explain his disappearance lacked credibility. At the motion hearing he testified that he lived at 3420 East 8th Street, but he had not listed that address on his booking papers⁵, claiming “they didn’t ask.” Tr. 39:22–40:12. Boone said he was in Texas for just a few days and in Nebraska for just hours before his arrest. Tr. 34:17–36:4. However, it seems more than coincidental that he left the State the day after Detective Youngblut’s first contact and that he did not reappear until nearly four years later, in another state. And Boone had dubious explanations for his lack of public connections. He stopped working “traditional” paycheck jobs in 2016, and then he only worked for cash from friends. Tr. 39:8–19, 40:13–

⁵ For example, the no-contact order issued at initial appearance lists Boone’s address as “unknown.” Protection Order (9/22/2020); Conf. App. 4.

17. He did not renew his driver’s license because he owed child support. Tr. 37:20–23. Yet despite his sporadic employment and child support arrearage, he did not renew his food stamps “because I didn’t need it.” Tr. 38:2–16.

The district court concluded Boone “was not publicly a resident of the State of Iowa for purposes of Iowa Code § 802.6(1) from May 25, 2016, until his apprehension in Nebraska on March 13, 2020.” Order (5/14/2021) at 4; App. 18.

Defendant was either out of state or hid his residence in Iowa from the public. Specifically, he did not renew his driver’s license, did not pay child support, did not pay or file taxes, did not work in any official capacity, and did not take advantage of any public benefits.

Id. This ruling matches *People v. Allen*, 481 N.W.2d 800, 802–03, 806 (Mich. Ct. App. 1992), which found “defendant was not usually and publicly resident in the state” when he worked jobs for “cash under the table,” did not pay state or federal income taxes, did not apply for a Michigan driver’s license, did not apply for public assistance, and “did not ‘do anything to let people know where they could get a hold of [him].’”

The district court’s decision was reasonable and supported by substantial evidence. Boone showed no signs of public residence in

Iowa—he left the State and his residence, his family and lawyer did not know where to find him, and he did not work, pay taxes, access public benefits, or renew his driver’s license. These steps hindered Detective Youngblut’s efforts to investigate the crime and make a timely arrest. Because Boone was not “publicly resident,” the district court properly tolled the statute of limitations and denied his motion to dismiss.

CONCLUSION

The Court should affirm Maurice Boone’s convictions and sentences.

REQUEST FOR NONORAL SUBMISSION

This case presents a clear question of statutory interpretation, so oral argument is not necessary to assist the Court.

Respectfully submitted,

THOMAS J. MILLER
Attorney General of Iowa



KYLE HANSON
Assistant Attorney General
Hoover State Office Bldg., 2nd Fl.
Des Moines, Iowa 50319
(515) 281-5976
kyle.hanson@ag.iowa.gov

CERTIFICATE OF COMPLIANCE

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KYLE HANSON

Assistant Attorney General
Hoover State Office Bldg., 2nd Fl.
Des Moines, Iowa 50319
(515) 281-5976
kyle.hanson@ag.iowa.gov