

IN THE IOWA DISTRICT COURT FOR MUSCATINE COUNTY

STATE OF IOWA,)	
)	
Plaintiff,)	FECR066486
)	
v.)	FINDINGS OF FACT, CONCLUSIONS
)	OF LAW AND VERDICT
JOSHUA SCOTT PETERS,)	
)	
Defendant)	

No one could have predicted that a Thursday night camping trip would result in a death. Somehow, in a bizarre twist of events, William “Bill” Talbot ended up dead at the bottom of the Mississippi River in the new car he and his wife had purchased that day. He was literally driven there by Joshua Scott Peters, the defendant in this case. Having waived his right to a jury trial, the Court must determine the defendant’s guilt beyond a reasonable doubt for Count 1, Homicide by Vehicle; Count 2, Theft in the First Degree; Count 3, Leaving the Scene of an Accident Resulting in Death; and Count 4, Driving While Barred.

FINDINGS OF FACT

The Court considered all of the evidence and after consideration of credibility, the Court finds the following facts credible.

On April 21, 2022, William Talbot and his wife, Ona, drove their daughter, Lindsey Frey, and the defendant to the Fairport Recreation Area. It is a campground alongside the Mississippi River in Muscatine County, Iowa. Lindsey and the defendant wanted to go tent camping there, so William and Ona drove them to the campground in their new Chevy Equinox they had bought earlier that day. Ona testified that the Equinox was purchased used, with a purchase price of around \$20,000.

When they arrived at the campground, there was a light rain. At first, William and Ona stayed in the Equinox while their daughter tried to put up the tent by herself. They used their headlights to light the area, but Lindsey was still struggling with getting the tent erected. Ona, who had been in the driver's seat, stepped out to assist her daughter, and William stepped out to watch the tent be built but later returned to the passenger seat of the car, where he waited for his wife and daughter to get the tent set up so he and Ona could leave.

William is disabled and used a walker or cane to get around. That day he had his walker with him. Because of his disability, he was not able to physically help Lindsey and Ona put up the tent, so he returned to the passenger seat of the vehicle. Inside the car, Ona had left her key fob and her phone. The Equinox has a push start button, so the key fob just needs to be in the vehicle in order for it to start.

The defendant snorted meth either in the backseat of the car or while at the campground. He also admitted to officers, later, that he had used meth leading up to April 21, 2022. His admission to use that day at the campground is consistent with law enforcement's observations, impairment testing, and the toxicology results by the DCI Lab. His toxicology report showed the defendant had amphetamines and marijuana metabolites in his system on the day in question. The marijuana metabolites (THC) were low enough that they could be from drug use a few days prior, but the amphetamines showed a high concentration of methamphetamine, which was 718 ng/mL. This concentration of meth in the defendant's blood suggests that he was under the influence of meth and that he had an "abuse level" of use. Methamphetamine and amphetamine are both psychoactive in the brain. They cause neurons to fire at a rate

that's much higher than normal, it impacts motor skills, thought processes, and judgment practice.

After the defendant snorted meth, he began showing signs of extreme paranoia. According to the defendant, he believed there was a group of Mexicans at the campground who were after him. This was not corroborated by any of the sober eyewitnesses.

Likely, as the result of this paranoia, he unexpectedly jumped into the driver's side of the Equinox and backed out of the campsite at a high rate of speed and in an erratic way. Ona could hear her husband say, "Get the fuck out of my car, you stupid son-of-a-bitch." It appeared as if William was struggling with the defendant. She called to William to "Get him," but William replied that he couldn't. It was clear that William did not want the Defendant operating the vehicle. Another camper heard all of the commotion. He heard people yelling in a car and the engine revving around the campground, and he saw the vehicle go west on Highway 22 and then do a U-turn and go east. He heard a female yell "Stop. Stop. Josh, you are going to kill him. Stop." He called 911.

Deputy Walker of the Muscatine County Sheriff's Office responded to the campsite. When Deputy Walker made contact with Ona and Lindsey, they were not forthcoming about the defendant being involved. Still, the officer believed a person by the name of "Josh" might be involved based on statements that were reported by the other camper. The deputy left and began to drive on Highway 22 to try to sort things out.

Around midnight, Ona and her daughter called 911 to report that the Defendant had taken the Equinox and that her husband, William, was inside the vehicle. Again, Deputy Walker responded to the campsite, but he got called away during the investigation on another 911 call regarding the defendant.

From the time the defendant took the Equinox, with William inside, until the time Deputy Walker was called away from the second investigation, there were no eyewitnesses. The only exception was Katrina Farless, who awoke to a loud crash and saw lights short out down by the river. Otherwise, the events during this time can only be ascertained by physical evidence, a security camera recording, and the defendant's statements to the police in a later interview. The evidence shows that the defendant drove with William in the car east for approximately 6.7 miles on Highway 22. The highway parallels the Mississippi River. Right before the Clark's Ferry turn, the Equinox left the roadway and drove in the ditch for 260 feet, with the driver's side tires striking a road sign. The vehicle then returned to the roadway as it crossed Tombstone Trail. When the Defendant reached Tombstone Trail, he turned right 90 degrees onto that road, he shortly left the roadway of Tombstone Trail, accelerated the vehicle to 50 miles per hour, crossed a set of railroad tracks, and then launched into the Mississippi River at a boat ramp.

Iowa State Trooper Michael Messerich is a sergeant out of District 15 and has been doing accident reconstruction for fourteen years. The Court found his testimony very credible based on his training, experience, and detailed observations which supported his findings. He was able to piece together the path of the vehicle by looking at the raw scene evidence, such as tire marks and tire ruts, in addition to reviewing the

airbag control module data (ACM). Later, he surveyed the damage under the vehicle and reviewed the security video capturing the vehicle entering the water. Once the vehicle turned down Tombstone Trail, the vehicle traveled at 50 miles per hour at 5 seconds before the airbag was deployed. The vehicle's speed was reduced to 33 miles per hour at the moment the airbag was deployed. This reduction in speed could have been because of striking a rock or the water. The data from the ACM showed that 90 percent acceleration was applied and that the brake and the gas were being pushed at the same time in the last 3 seconds of data. The rapid acceleration toward the water can also be heard in the video.

The vehicle eventually came to a rest in the river about 100 feet out from the shoreline and was not visible from the shore. During this time two things occurred. First, we know that the defendant exited the vehicle through his door and swam to shore. Second, we know the car sank for about 10 minutes, trapping Bill in the vehicle, which led to his drowning. He was alive when he was submerged in the water. Dr. Stephanie Stauffer, a forensic pathologist and medical examiner, determined, within a reasonable degree of medical certainty, that William died from drowning. She based her opinion on the autopsy she performed.

What happened for the next hour is unknown. There is no evidence that shows what the defendant did after reaching shore, and he has no recollection of this time period. Just before midnight, the defendant was found banging on the truck windows of Lyle and Daniel Sindt. The Sindt brothers live on Tombstone Trail in Montpelier. Tombstone Trail is a straight path that leads from the boat ramp to their home across Highway 22. Lyle confronted the defendant and asked what he was doing. He said he

needed a ride. He then walked across the street, toward a motorhome, and then came back. Again he said he needed a ride. He was all wet and shivering. The Sindt brothers allowed him into their home so he could warm up. One brother called 911 and the other held him at gunpoint with a shotgun until the police could get there. Daniel told him that he would blow his arm off if he tried anything, as the Sindt brothers' suspicions were rising. The defendant denied needing medical attention and said he did not know what he was doing out there. When the Sindt brothers were on the phone with 911, the defendant gave his name and said that he was in an accident, in response to the dispatcher's questions.

After law enforcement arrived, they took the defendant back to the Muscatine County Sheriff's Office. Because the defendant was soaking wet, deputies provided him with dry clothing. Between 2:36 a.m. and 5:39 a.m. the defendant was questioned in a series of three interviews, with breaks and field sobriety testing during that time. The defendant's statements in each of these three interview clips were bizarre and illogical at best. At first, he did not know where Mr. Talbot or the Chevy Equinox were but thought he got into a wreck and thinks he hit water. He remembered going camping but "woke up" when he was pounding on the truck window at the Sindt brothers' home. He admitted to taking the Talbot vehicle without permission because he needed to get away from some dangerous "Mexican dudes." None of the sober eyewitnesses saw or reported any "Mexican dudes," so it's clear that either the defendant made this story up or he was hallucinating. He admitted to getting into a wreck and believing he was possibly underwater, as he had to swim out of the water and the current kept pushing him back in.

In the second interview, he admitted he had no permission to drive the Talbot vehicle. He then claimed he did not know William was in the vehicle when it went into the water, but he was just trying to save himself.

In this third interview, he admitted that William asked him "What are you doing?" He admitted to missing a turn and hitting the water. He believed he was going 50 miles per hour when he hit the water. He admitted William was with him and that he never let William out of the vehicle. After exiting the water, the defendant walked to a house, which was the Sindt house. He admitted to being "fucked up" on drugs for a few days and had used meth in the back of the Talbot vehicle.

His field sobriety testing was performed on camera by Deputy Frommelt. Based on the deputy's training and experience, he believed the defendant was under the influence of drugs, which was supported by the defendant's admission of using methamphetamine. Deputy Frommelt was credible as he was able to articulate and explain how his observations led to his believing the Defendant was impaired. His observations were also consistent with the video of the testing which was submitted as evidence. A warrant for the defendant's blood was obtained, and the blood sample was later sent to the Crime Lab in Ankeny, which tested positive for amphetamines, methamphetamine, and marijuana metabolites.

CONCLUSIONS OF LAW

The burden is on the State of Iowa to prove all charges beyond a reasonable doubt. There are no affirmative defenses in this case that have been argued.

COUNT 1: HOMICIDE BY VEHICLE

The State must prove (1) on or about April 21, 2022, in Muscatine County, Iowa, the defendant operated a motor vehicle while any amount of a controlled substance was present, as measured in the defendant's blood or urine; and, (2) the defendant's act or acts set out in Element 1 unintentionally caused the death of William Talbot. Iowa Code §707.6A(1) and 321J.2(1)(a) or (c).

As to Element 1, the defendant admitted to being in Muscatine County, Iowa, on April 21, 2022, by admitting that he drove the Talbot vehicle away from the campground and eventually into the Mississippi River. He admitted that William was in the car when he took the car and that he was driving after having used methamphetamine in the backseat of the car that evening. The defendant's operation of the motor vehicle was corroborated by Ona Talbot, who was an eyewitness of the defendant stealing her vehicle with her husband inside, and by Mr. McFall, who was an eyewitness who saw the vehicle tear out of the campsite where the defendant had been. The path of his operation of the motor vehicle was traced to the path of the vehicle in the river by crime scene analysis. Although you cannot see the defendant in the security video footage of Exhibit 4, the operation of that motor vehicle was consistent with the defendant's statements that he was driving at about 50 miles per hour when he hit the water of the Mississippi River around 11:02 p.m.

The defendant operated the motor vehicle with controlled substances present in his blood or urine. Not only did the defendant admit to using methamphetamine before driving the motor vehicle, but the scientific testing showed that the defendant's blood sample had an abnormally high amount of methamphetamine and amphetamine

metabolite, both of which impair the ability to drive. Element 1 was proven beyond a reasonable doubt by the State of Iowa.

As to Element 2, the defendant drove the motor vehicle with William inside into the Mississippi River because he was under the influence of drugs while driving the motor vehicle. William was a passenger of the vehicle and could not escape the vehicle when the vehicle drove into the Mississippi River at about 50 miles per hour. The Defendant opened his door and escaped, but William was not able to escape the car or the river. The autopsy confirmed that William died of drowning. He inhaled water into his lungs as shown by his lungs, having filled with dirty water and plant material. Drowning was his cause of death and there was no superseding cause of death. Although there is no evidence that the Defendant intended to kill Mr. Talbot, Mr. Talbot died at the bottom of the Mississippi River by drowning because of the defendant's choices to drive under the influence of methamphetamine and amphetamines. He was so impaired that he mistook the Mississippi River as roadway and drove right in. Element 2 is proven beyond a reasonable doubt by the State of Iowa.

COUNT 2: THEFT IN THE FIRST DEGREE

The State must prove (1) that on or about April 21, 2022, in Muscatine County, Iowa, the defendant knowingly took possession or control of a motor vehicle; (2) the Defendant did so with the specific intent to permanently deprive Ona and William Talbot of the automobile; (3) at the time of the taking, the automobile belonged to William and Ona Talbot; and, (4) the vehicle had a value exceeding \$10,000. Iowa Code §714.1(1) and 714.2(1).

As to Element 1, the defendant admitted he took possession and control of the Talbot vehicle. This was corroborated by an eye-witness and owner of the motor vehicle Ona Talbot. The Defendant was seen in the driver's seat of the vehicle, driving away from the campground site. Element 1 has been proven beyond a reasonable doubt by the State of Iowa.

As to Element 2, the State must prove that the defendant specifically intended to permanently deprive the owners of the automobile. Specific intent is rarely capable of direct proof. Specific intent is generally proved by circumstantial evidence for this type of case. Taking a vehicle without the consent of the owner, standing alone, does not give rise to an inference that the defendant permanently intended to deprive the owner of the vehicle. *State v. Schminkey*, 597 N.W.2d 785, 791 (Iowa 1999). The intent to permanently deprive element of this offense has no bright-line rule based on time driven, distance driven, circumstances of a chase, or how a vehicle was disposed. Instead, the Court is left to weigh the circumstantial evidence of this case against the circumstances in our case law.

In *Morris*, the circumstantial evidence of the defendant driving 5 to 6 miles, not leaving the city where the vehicle was taken, and being stopped by the police within half an hour did not amount to intent to permanently deprive the owner of a vehicle. *State v. Morris*, 677 N.W.2d 787 (Iowa 2004).

In *Schminkey*, circumstantial evidence did not prove intent to permanently deprive the owner when the defendant drove 7 to 8 miles and was in an accident. *Schminkey* at 791.

In *McCarty*, the circumstantial evidence of taking the vehicle to a town two hours away, being parked in the town square, and possessing the property for several days was enough to prove intent to permanently deprive the owner. *State v. McCarty*, 683 N.W.2d 127 (Iowa Ct. App. 2004).

In *Martin*, the circumstantial evidence included the defendant holding the owner at gunpoint, being in a high-speed chase with police, crashing the vehicle, and running from the scene. This circumstantial evidence was enough to prove intent to permanently deprive the owner. *State v. Martin*, 778 N.W.2d 201 (Iowa Ct. App. 2009).

The evidence that most strongly points to the intent element in this case is that the Defendant took the vehicle with the intent to get out of the area. Unlike the cited cases, however, the owner of the vehicle was in the vehicle with the Defendant when he took the vehicle. This factor alone is a major obstacle in finding intent to permanently deprive the owner. By all accounts, the defendant was trying to head back to Davenport, the area where Talbots resided. Although this vehicle was far from a “joy ride,” the legislature has found it fit to limit theft to crimes where there is an intent to permanently deprive the owner. The Court cannot find the State has proved this element beyond a reasonable doubt.

Since Element 2 was not met, the Court must then consider the charge of Operating a Vehicle Without the Owner’s Consent in violation of Iowa Code §714.7 as a lesser-included offense. This lesser-included offense requires the Court to make findings on Elements 1 and 3 as set forth for Theft above.

As to Element 3, Ona Talbot testified that the Chevy Equinox belonged to her and her husband; they had purchased the vehicle that day for around \$20,000. The

Defendant admitted in his interview that the vehicle was owned by the Talbots. The Court finds the State proved Element 3 beyond a reasonable doubt.

COUNT 3: LEAVING THE SCENE OF AN ACCIDENT RESULTING IN DEATH

The State must prove the following elements: (1) on or about April 21, 2022, the defendant was in Muscatine County and was the driver of a vehicle involved in an accident resulting in the death of William Talbot; (2) at the time of the accident the defendant had knowledge of the accident; (3) at the time of the accident the defendant (a) knew the accident resulted in injury or death to another person or (b) knew the accident was such a nature that a reasonable person would anticipate that injury or death had occurred to another person; (4) the defendant failed to (a) immediately stop the vehicle at the scene of the accident or as close as possible to the scene of the accident or (b) failed to return to and remain at the scene of the accident even though he was able to do so; (5) after the accident the defendant failed to comply with one or more of the following requirements, (a) the defendant failed to remain at the scene of the accident except to seek necessary aid or to report the accident to law enforcement authorities, (b) the defendant failed to leave the defendant's license, automobile registration receipt or other identification data at the scene of the accident, before leaving the scene of the accident, (c) the defendant failed to promptly report the accident to law enforcement authorities after leaving the scene of the accident, (d) after leaving the scene of the accident and reporting the accident to law enforcement authorities, the defendant failed to (1) immediately return to the scene of the accident or (2) inform law enforcement authorities where the Defendant could be located.

Element 1 is set forth for the same reasons as stated in Count 1. The Court adopts the same conclusions for this element under this charge. The State has proven this element beyond a reasonable doubt.

As to Element 2, at the time of the accident, the defendant had knowledge of the accident. This is not a situation where he may have driven a vehicle and was unsure if he sideswiped something. This was an accident where a motor vehicle launched off a boat ramp into the Mississippi River. The defendant had to swim out of the vehicle to get to shore, away from the vehicle. He was aware of the accident when it occurred.

As for Element 3, at the time of the accident the defendant knew William Talbot died. In the 10-minute security video of the vehicle hitting the water and slowly becoming submerged, you can hear the defendant yelling "William" over and over again. You can hear him yell "William, get out of the vehicle." He then yells "He is gonna die," and at one point he commands William to "hold on." The defendant was the only person at the scene, and the yelling was consistent with someone who had been submerged in the Mississippi River, as the voice was gasping for breath. For these reasons, the Court believes it was the defendant's voice that can be heard in the video. The defendant knew Mr. Talbot was in the water and not physically able to get out of the vehicle due to his disability. He knew the vehicle hit the water at a high rate of speed where airbags were deployed. William never came out of the river. The Defendant knew that William died or knew the accident was of such a nature that a reasonable person would anticipate death from such an accident. The State has proved Element 3 beyond a reasonable doubt.

As to Element 4, the Court must determine if the defendant failed to either stop immediately at the scene of the accident, or as close as possible to the scene of the accident, or failed to return to and remain at the scene of the accident even though he was able to do so. The evidence does not support either of these contentions. The defendant certainly could not stay at the scene of the accident or close to the accident. The vehicle was in the Mississippi River, underwater, 100 feet from shore. The defendant could not be expected to remain there. Once he arrived at the shoreline, it was cold, rainy, and dark. Although there was some delay, eventually the defendant made it to the Sindt vehicle and home. He was pounding hard on the truck window when the Sindt brothers found him. The Court cannot say if the defendant was trying to break the window to steal the truck or if the defendant was trying to get somewhere warm and out of the elements. Regardless, what actually happened was that the Sindt brothers held the defendant at gunpoint while they waited for the police to get there. He was not able to return to the scene of the accident while being held at gunpoint. If he tried anything, he was told he would get his arm blown off. The reality is that he found his way to the nearest visible house, directly up the road from the boat ramp where the vehicle had gone into the river, and he stayed there while they called 911. He had no phone, so staying at the riverbank was of no help.

The Court cannot find the defendant failed to stop and stay at the vehicle in these circumstances. He was unable to do so given the location of the accident. And, when he did arrive somewhere for help, he was held at gunpoint until police arrived. The Court finds the State did not prove Element 4 beyond a reasonable doubt.

The Court need not consider Element 5 as the State failed to prove Element 4.

COUNT 4: DRIVING WHILE BARRED

The State must prove (1) on or about April 21, 2022, in Muscatine County, Iowa, the defendant did operate a motor vehicle; and, (2) on the aforementioned date the defendant's license or privilege to drive was barred. Iowa Code §321.560 and 321.561.

As to Element 1, the State has proven beyond a reasonable doubt that the defendant drove a motor vehicle on April 21, 2022, in Muscatine County, Iowa. These findings are set forth in Count 1, Element 1, and are adopted here.

As to Element 2, the State submitted Exhibit 33, which was the defendant's certified driving record. That record shows the defendant's driving status was barred on April 21, 2022, in the state of Iowa. The Court finds the State proved this element beyond a reasonable doubt.

VERDICT

As to Count 1, the Court finds the Defendant, Joshua Scott Peters, guilty of Homicide by Vehicle, in violation of Iowa Code §707.6A(1) and 321J.2(1)(a) and (c).

As to Count 2, the Court finds the Defendant, Joshua Scott Peters, guilty of the lesser-included offense of Operating a Vehicle Without the Owner's Consent in violation of Iowa Code §714.7.

As to Count 3, the Court finds the defendant, Joshua Scott Peters, not guilty of Leaving the Scene of an Accident Resulting in Death, in violation of Iowa Code §321.261(1) and (4).

As to Count 4, the Court finds the Defendant, Joshua Scott Peters, guilty of Driving While Barred, in violation of Iowa Code §321.560 and 321.561.

IT IS HEREBY ORDERED that a presentence investigation be conducted by the Seventh Judicial District Department of Correctional Services and that sentencing be set by separate order.



State of Iowa Courts

Case Number
FECR066486
Type:

Case Title
STATE OF IOWA VS PETERS, JOSHUA SCOTT
CRIMINAL VERDICT

So Ordered

Tamra Roberts, District Court Judge,
Seventh Judicial District of Iowa

Electronically signed on 2023-10-24 14:32:47