

IN THE COURT OF APPEALS OF IOWA

No. 3-059 / 12-0730
Filed March 13, 2013

STATE OF IOWA,
Plaintiff-Appellee,

vs.

TYLER C. HOBBS,
Defendant-Appellant.

Appeal from the Iowa District Court for Lee County (South), Mary Ann Brown, Judge.

Tyler Hobbs appeals his conviction for the crime of murder in the first degree. **AFFIRMED.**

Mark C. Smith, State Appellate Defender, and Robert P. Ranschau, Assistant Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Kevin Cmelik, Assistant Attorney General, Michael P. Short, County Attorney, and Bruce C. McDonald, Assistant County Attorney, for appellee.

Considered by Eisenhauer, C.J., and Danilson and Bower, JJ.

BOWER, J.

Tyler Hobbs appeals his conviction for the crime of murder in the first degree. In his appeal, Hobbs argues the district court erred in failing to grant his motion for new trial. Hobbs contends the testimony of a key witness, necessary for his conviction, should have been disregarded. Because we find no error, we affirm.

I. Background Facts and Proceedings

Tyler Hobbs was tried, convicted, and sentenced for the offense of murder in the first degree in violation of Iowa Code section 707.1 and 707.2(1) (2009), after a jury trial. Hobbs was sentenced to life in prison without the possibility of parole. He appeals from the district court's denial of his motion for new trial.

The facts of the case surround November 5 and 6, 2010. On the dates in question Hobbs attended the performance of a band at the Lucky Star Bar in St. Francisville, Missouri. The band's lead singer, Kimberly Jaeger, was Hobbs's girlfriend and would later provide key testimony against him. At the close of the band's performance, Hobbs approached the bar and spoke with Shawn Wright, the decedent in this case. Hobbs offered Wright a ride to Keokuk, which Wright accepted. Hobbs, Wright, and Jaeger rode in Hobbs's car from St. Francisville to Keokuk.

During their brief stay in Keokuk Wright purchased marijuana. The circumstances of that purchase are in dispute. However, what is not in dispute is that following the purchase Hobbs, Wright, and Jaeger set out on a return trip to St. Francisville. Jaeger testified that during that trip Wright became sexually and

physically aggressive, pushing drugs on her and repeatedly forcing her to kiss him. At some point, the three travelers decided to stop at an abandoned farmhouse located in Iowa; it is at this point that the testimony of Jaeger is disputed.

Jaeger testified that upon arriving at the farmhouse she exited the car to avoid the advances of Wright. Jaeger testified that, in an effort to free herself from Wright, she attempted to push him away and fell to the ground. Jaeger then testified that she observed Hobbs hit Wright in the head with a wooden mallet. Jaeger claims to have “crab walked” backwards to avoid Wright as he fell to the ground. Jaeger testified that she could see the fatal force of the impact in Wright’s eyes as he fell. After a period of stunned silence, Hobbs directed Jaeger to empty Wright’s pockets. Hobbs then struck Wright with the mallet several times to silence him.

Testifying in his own defense, Hobbs agreed that the parties stopped at the farmhouse. He stated, however, that he walked away from Wright and Jaeger to urinate. Hearing a shriek of some kind, Hobbs stated that he returned to find Jaeger standing over Wright with the mallet in her hand. He claims that Jaeger told him Wright had tried to rape her.

Jaeger and Hobbs generally agree on the course of events which followed. They returned to Hobbs’s trailer for a brief time. Hobbs then borrowed a truck and returned to the farmhouse. He wrapped Wright’s head in a plastic bag and secured the bag with speaker wire. Hobbs transported Wright’s body in the back of the truck to the riverfront location where Wright would later be found

dead. Hobbs then returned to the trailer and began cleaning the truck with bleach and water. Later, Hobbs and Jaeger returned to the farmhouse and recovered Wright's dentures and a drug pipe. Both items were eventually thrown from a bridge near St. Francisville.

Jaeger's initial statement to police and her testimony are in stark contrast. She contends that Hobbs instructed her to be quiet so as to protect herself from the consequences of the killing. This instruction was reflected in her initial, inconsistent statement to police. Hobbs testified that his actions following the killing were an effort to protect Jaeger.

Following his trial and conviction, Hobbs requested a new trial. He argued that Jaeger's testimony was inconsistent and unreliable. He further argued that the court should have ruled Jaeger was an accomplice, which would require corroborating evidence. The district court disagreed and denied the motion stating that the physical evidence presented at trial served as sufficient corroboration and that, even excluding Jaeger's testimony, the evidence was sufficient to justify conviction. Hobbs appeals from the district court's ruling on this issue.

II. Standard of Review

Our review of the district court's denial of the motion for new trial is for abuse of discretion. *State v. Ellis*, 578 N.W.2d 655, 659 (Iowa 1998). District courts are to use this discretion sparingly and in a manner that retains the jury as the principal trier of facts. *Id.* The question for the district court is whether the evidence is "contrary to the weight of the evidence." *State v. Reeves*, 670

N.W.2d 199, 201 (Iowa 2003). On appeal, however, we are limited to reviewing the district court's exercise of discretion and may not review "the underlying question of whether the verdict is against the weight of the evidence." *Id.* at 203.

III. Discussion

Hobbs argues that Jaeger's testimony lacks credibility, and without her testimony the evidence is insufficient to convict him. As a result, the district court abused its discretion in denying his motion for new trial.

A. Accomplice Corroboration

The district court ruled that the physical evidence connecting Hobbs to the crime scene is sufficient to corroborate the testimony of Jaeger. The Iowa Rules of Criminal Procedure require the testimony of an accomplice to be "corroborated by other evidence which shall tend to connect the defendant with the commission of the offense." Iowa R. Crim. P. 2.21(3).

The corroboration requirement only applies to accomplices. "An accomplice is a person who willfully unites in, or is in some way concerned in the commission of the crime." *State v. Jennings*, 195 N.W.2d 351, 356 (Iowa 1972). Mere presence at the crime scene is insufficient to consider an individual an accomplice. *Id.* at 357. "The general rule for determining whether a witness is an accomplice is if he could be charged with and convicted of the specific offense for which an accused is on trial." *Id.* at 356. In *State v. Johnson*, 318 N.W.2d 417, 440 (Iowa 1982), for example, a woman who was present in the home when a child was murdered and helped dispose of the body was not an accomplice because she did not participate in the crime itself.

“The question of who are accomplices is one of law for the court when the facts as to the witness’s culpability are neither disputed nor susceptible of different inferences; when these facts are disputed or susceptible of different inferences, the question is one of fact for the [fact finder].” *Johnson*, 318 N.W.2d at 440 (quoting *State v. Sallis*, 238 N.W.2d 799, 802 (Iowa 1976)).

In the ruling on the motion for new trial, the district court did not explicitly find that Jaeger was an accomplice.¹ The analysis presented, however, assumed her status as an accomplice and proceeded along those grounds.

To be used as the basis of a conviction, accomplice testimony must be corroborated. Corroboration need not be strong. *State v. Ware*, 338 N.W.2d 707, 710 (Iowa 1983). In *State v. Ramirez*, 616 N.W.2d 587, 593 (Iowa 2000 (overturned on other grounds by *Reeves*, 670 N.W.2d 199)), for example, the police’s discovery of a murder weapon in the vehicle of the defendant was sufficient to corroborate an accomplice’s testimony.

In the present matter the district court correctly noted that there was ample physical evidence sufficient to corroborate Jaeger’s testimony. Wright’s blood was found in Hobbs’s truck. The speaker wire used to secure a bag around Wright’s head matched wire also found in Hobbs’s truck. Clorox bleach was detected on Wright’s body. Police learned that Hobbs was the last person seen with Wright. Witnesses established Hobbs had previously threatened to injure and kill Wright if the opportunity arose. As a result, the district court did not

¹ Hobbs did not request a finding of fact on the issue of Jaeger’s status as an accomplice by the jury during deliberations. The issue of accomplice corroboration was first raised in his motion for new trial.

abuse its discretion in determining that this evidence was sufficient to corroborate Jaeger's testimony.

B. Credibility

Hobbs also argues on appeal that Jaeger's physical and mental condition rendered her an unreliable witness without whom the prosecution fails. Testimony during trial indicated Jaeger had consumed large quantities of alcohol, and possibly other substances, during the hours leading up to the killing of Wright. She admitted to drinking several alcoholic beverages and to smoking marijuana laced with methamphetamine. Jaeger described herself as panicking and being in a sensory bubble during certain portions of the night. Testimony further established a history of mental illness and prescription drug use and raised the question as to whether Jaeger was on certain prescription drugs during the night of the killing. Finally, Jaeger admitted that her initial statement to police differed from her in-court testimony.²

"Generally, there are no limitations on the rule that the credibility of a witness is to be determined by the jury." *State v. Frank*, 298 N.W.2d 324, 329 (Iowa 1980). There are a limited number of instances where the testimony of a witness may be so absurd, impossible, or self-contradictory that the court should consider it a nullity. See *Graham v. Chi. & Nw. Ry. Co.*, 119 N.W. 708, 711 (Iowa 1909). Application of this limitation on the power of the jury to determine credibility is exceedingly rare. Courts stop short of nullifying testimony when a

² Jaeger was given immunity from prosecution prior to her trial testimony.

change in testimony is explained or justified. See *State v. Mitchell*, 568 N.W.2d 493, 503 (Iowa 1997).

In the instant matter, we cannot say Jaeger's testimony is so absurd or contradictory that it must be declared a nullity. None of the details she provided about the events of the night stretch the bounds of believability to the limits of impossibility. Neither does her admitted intoxication require her testimony to be disregarded. Our courts have long held that intoxication, while certainly impairing credibility, falls short of destroying it. See *State v. Castello*, 17 N.W. 605, 606 (Iowa 1883). Jaeger's intoxication was well established for the jury, who was able to consider it when assigning weight to her testimony. Accordingly, we affirm.

AFFIRMED.