

**IN THE COURT OF APPEALS OF IOWA**

No. 6-324 / 05-1453

Filed July 12, 2006

**IN RE THE DETENTION OF  
RONALD L. MILLER**

**RONALD L. MILLER,**  
Respondent-Appellant.

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Appeal from the Iowa District Court for Boone County, Michael J. Moon,  
Judge.

Ronald L. Miller appeals his civil commitment as a sexually violent  
predator. **AFFIRMED.**

Mark Smith, First Assistant Appellate Defender, and Steven Addington,  
Assistant Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Darrel Mullins, Assistant Attorney  
General, Andrew Prosser, Assistant Attorney General, and Jim P. Robbins,  
County Attorney, for appellee State.

Considered by Vogel, P.J., and Zimmer and Vaitheswaran, JJ.

**VAITHESWARAN, J.**

A jury determined that Ronald L. Miller was a sexually violent predator, subject to civil commitment under Iowa Code chapter 229A (2005). On appeal, Miller contends the record lacks substantial evidence to support this determination. Specifically, he argues the State “failed to prove beyond a reasonable doubt that [he] has a volitional impairment that causes him serious difficulty controlling his behavior.” See *In re Detention of Barnes*, 658 N.W.2d 98, 101 (Iowa 2003).

Our review of this issue is for errors of law, with fact findings binding us if supported by substantial evidence. *In re Detention of Swanson*, 668 N.W.2d 570, 574 (Iowa 2003).

Miller has a twenty-five year history of convictions for crimes involving sexual acts with adolescent boys. In 1975, he was charged with lascivious acts with persons under the age of sixteen. He pled guilty to contributing to the delinquency of a minor.

In 1979, Miller pled guilty to lascivious acts with a child. He testified that he knew his acts were illegal but he thought he might as well commit them because he had been accused of similar conduct in 1975. He also justified his behavior by noting that the boy with whom he engaged in the sex act was sexually active.

On Miller’s release from prison, he began a relationship with a sixteen-year-old boy. This relationship continued for several years.

In 2000, Miller engaged in oral sex with a fourteen-year-old boy. Miller was charged with three counts of sexual abuse in the third-degree, and was ultimately convicted of two counts of solicitation to commit sexual abuse in the

third-degree. Miller testified the boy was the aggressor but he knew he should have taken responsibility and ignored the boy's advances. The following exchange is instructive:

Q. You were obviously interested in sexual contact with him?

A. Yes.

Q. And but for whatever reason you couldn't or wouldn't stop yourself; is that accurate?

A. ***I couldn't stop myself.*** What I should have done was when he – when a pass was made I should have went and told.

(emphasis added). Miller twice re-offended with this boy even though he knew the acts were wrong. Miller testified that, just before he committed these offenses, he thought: "There goes my life."

The State's expert, Dr. Dennis Doren, diagnosed Miller with paraphilia (not otherwise specified), specifically hebephilia, which is defined as sexual attraction to adolescents. Dr. Doren testified that Miller's hebephilia caused him serious difficulty controlling his behavior. Dr. Doren elaborated:

In Mr. Miller's situation his sexual contact with adolescent boys reported by him is it regularly occurs when that boy approaches him for sexual contact and he essentially finds he can't say no. He doesn't stop the process. He makes it happen after, according to him, they, the boys, initiate the process of asking. That process when he knows that it can get him in trouble, which has already occurred, when he knows that it's wrong to use a word that he has used, but still doing it anyway suggests to me serious difficulty in controlling his behavior.

Dr. Doren acknowledged that nineteen years elapsed between Miller's second and third convictions, but noted that "in each of those occasions the boys approached him and he found he couldn't resist." Notably, Miller was having a relationship with an adolescent boy during a portion of this nineteen-year period.

Although the boy became an adult during the relationship, Dr. Doren testified that this fact did not preclude a diagnosis of hebephilia.

A reasonable juror could have found from this evidence that Miller was a sexually violent predator. *State v. Millsap*, 704 N.W.2d 426, 430 (Iowa 2005).

**AFFIRMED.**