



# Pen City Current

Friday, Sept. 13, 2019 | 8 pages | Volume 3 • Issue 194

## Attorney says agent tricked McCain into making statements

*Judge to make ruling in Thursday morning suppression hearing*

BY CHUCK VANDENBERG  
PCC EDITOR



BRADEN

KEOKUK – A Fort Madison man being held in connection with a February 2019 homicide in Keokuk said he was tricked by law enforcement officers into making incriminating statements after his arrest.

Adam Golden McCain, 25, of Fort Madison is charged in the Feb. 5 stabbing of CaLove Sackman of Keokuk, in the River City Mall parking lot. Sackman was 27 at the time. McCain was taken into custody that night by a Lee County Sheriff's deputy who stopped after discover-

ing McCain with his disabled vehicle on a county highway.

At a hearing Thursday at the South Lee County Courthouse in front of District 8B Chief Judge Mary

Ann Brown, McCain's attorney, James Beres out of the Burlington Public Defenders' office, told Brown that Special Agent Joseph Lestina with the Iowa Department of Criminal Investigation, used "trickery" to get McCain to make incriminating remarks.

The hearing was on McCain's motion to have all statements on the night of his arrest suppressed at his trial set for Oct. 15 in Keokuk. McCain was cuffed to body chains throughout the hearing.

"At the outset I would submit he

was set up by the special agent," Beres said during his summation.

"The special agent gives him the cellphone, suggests he make a phone call, places it on hands-free and then sits there and listens to it. He was set up. The special agent was using trickery to get additional statements from Mr. McCain is a reasonable way to look at those stats."

Lestina testified that he offered McCain an opportunity to take the phone off hands-free and hold the phone to his ear, to which he said McCain declined.

On June 17, Beres filed a motion to suppress all the evidence from the night and early morning following McCain's arrest. On Thursday an amended motion to suppress was filed to include statements made

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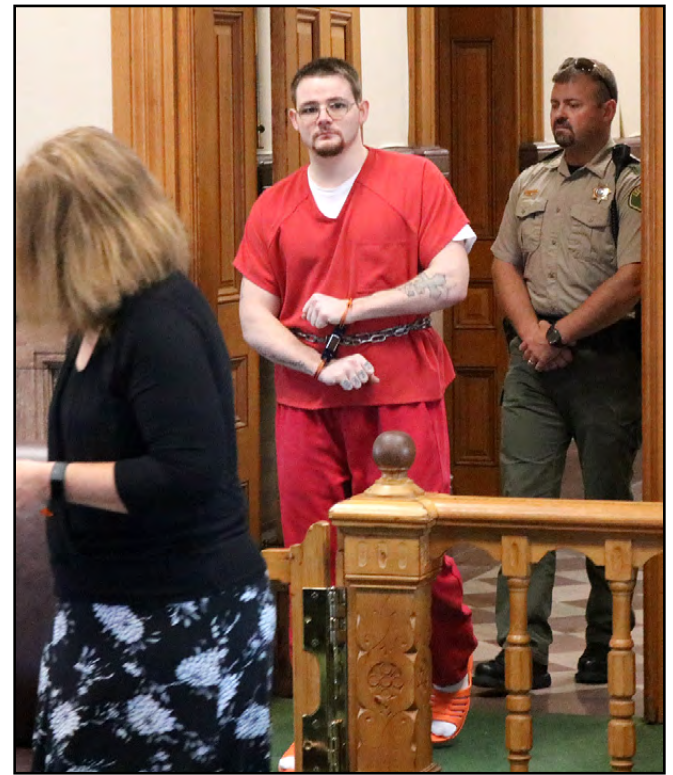


Photo by Chuck Vandenberg/PCC

First-degree murder suspect, Adam McCain, of Fort Madison, is escorted into the South Lee County 2nd floor courtroom Thursday morning for a hearing in front of District 8B Chief Judge Mary Ann Brown.

### IT'S FOOTBALL FRIDAY

## Clear Creek-Amana brings big test for 2-0 Bloodhounds

BY CHUCK VANDENBERG  
PCC EDITOR



FORT MADISON – Fort Madison has been here before.

For the last two years, the Hounds have come out of the gate 2-0 with hopes of finding a winning formula against some of the heavier hitters in the district in the middle of the season.

One of the pretty big hitters, Clear Creek-Amana (1-1), comes to town on Friday. Their loss came on opening night at home to Mt. Pleasant 42-20. They rebounded in week 2 with a 33-7 win over Fairfield on the road.

The Rockets have two twin engines in juniors Alex Figueroa and T.J. Bollers. Bollers is a 6'3" receiver who creates

special problems in endzones and in the secondary. He's averaging 31.1 yards per catch.

Fort Madison has capitalized on six turnovers through two games enroute to a 2-0 start on the year. Clear Creek-Amana comes to town Friday having committed just one turnover this season.

Figueroa is the slasher back that's sneaky good through the gaps and has

See HOUNDS, page 3

## Central Lee's path no easier with Panthers coming to town

BY CHUCK VANDENBERG  
PCC EDITOR



DONNELSON – The road doesn't get much easier for Central Lee this week after starting the season 0-2.

The Hawks are coming off an 82-14 pounding at the hands of Mediapolis on Friday night, a game where Head Coach Nick Ehret said, "everything that could have gone wrong... did."

Mt. Pleasant comes to town with a 1-1 record, but their loss came at the hands of Class 3A's 6th ranked Pella, 55-20. The Panthers got a week 1 win over Clear Creek-Amana on the road 42-20.

The Panthers' senior signal caller Brody Bender has thrown for 351 yards in two games and four touchdowns against

one pick. Senior Logan Bass is right at 100 yards per outing on the ground with a couple of scores. Mt. Pleasant also utilizes junior Jack Johnson out of the backfield. He has 97 yards and three scores.

Senior wideout Rylan Seberg has close to 200 receiving yards and a touchdown, but averages almost 22 yards a grab.

Central Lee on the other hand has

See HAWKS, page 4

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# Obituaries

## OBITUARIES

### CAROL K. PACKARD

Carol K. Packard, 95, of Fort Madison, IA, passed away at 12:09 a.m. on Thursday, September 12, 2019 at The Madison. She was born on July 11, 1924 in Britt, IA to Holver & Ruby Mau Holverson. On June 20, 1943, Carol married her high school sweetheart, Calvin E. Packard in Little Rock, AR. He preceded her in death on August 14, 2004.

Carol graduated from Britt High School in 1942 and started working as a bookkeeper. Later she owned and operated the A & W Restaurant in Fort Madison for 10 years with her late husband. She was a member of the First United Methodist Church and for several years taught Sunday school, bible school & younger children's scripture. After retiring, Cal & Carol enjoyed traveling in their motorhome and their time visiting family & friends in Arizona and California.



PACKARD Carol is survived by: 1-son: Brent (Cathy) Packard of Wever, IA; 1-daughter in law: Toni Packard of Burlington, IA; 8-grandchildren; 17-great grandchildren; 1-brother: Denny (Cam) Holverson of Cedar Rapids, IA & several nieces & nephews. She was preceded in death by: her parents, husband, 1-son: Paul Packard, 1-daughter: Faith Smith & 1-great grandson.

Friends may call after 2:00 p.m. on Monday, September 16, 2019 with the family to receive friends from 4:00 to 6:00 p.m. at King-Lynk Funeral Home & Crematory. The funeral service will be held at 10:00 a.m. on Tuesday, September 17, 2019 at King-Lynk Funeral Home & Crematory with Rev. Nancy Love officiating. Burial will be held at Soldiers' Circle in Oakland Cemetery. A memorial has been established in Carol's memory. Online condolences & a video tribute of Carol's life may be viewed at the King-Lynk Funeral Home & Crematory website: [www.kinglynk.com](http://www.kinglynk.com).

### ANNA L. MOLINA

Anna L. Molina, 70, of Fort Madison, IA, passed away at 2:13 p.m. on Tuesday, September 10, 2019 at the Montrose Health Center. She was born on March 31, 1949 in Fort Madison, IA. She was a hairdresser for many years and enjoyed painting, drawing, reading, sewing, knitting, crocheting, music and the arts in general.

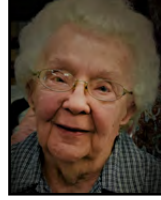
Anna is survived by: 1-son: Dustin Krueger of Fort Madison, IA; 5-grandchildren; 1-great grandson; 1-brother & 3-sisters. She was preceded in death by her parents & 2-sons. Cremation has been entrusted to the care of King-Lynk Funeral Home & Crematory and no services are planned.

## OBITUARIES

### MARY A. NEUWEG

Mary A. Neuweg, 89, of Ft. Madison went home to her heavenly Father on Wednesday, September 11, 2019 at 7:55 AM at the Ft. Madison Community Hospital.

She was born on January 16, 1930 in St. Paul, IA to Frank and Adelaide Witting Steffensmeier. On June 11, 1955 she married Marvin H. "Bud" Neuweg in St. Paul. He passed away on February 23, 1966. In her early years she worked at Sheaffer Pen Co., then was a cook for Ft. Madison Community School District and then worked for Dodd Printing & Stationary for several years. Mary was a member of Holy Family Parish and the Altar & Rosary Society.



NEUWEG She volunteered countless hours at McAleer Hall, the Tri State Rodeo and Holy Trinity Catholic Schools. Mary was also a member of the West Point American Legion, Holtz-Greers Post 668 where she served as President of the Auxiliary. She was also a member of the Ft. Madison American Legion and served as President of the Auxiliary as well. She also volunteered for the Salvation Army for nineteen years and received the Helen Manka Helping Hands Award for volunteering fourteen thousand hours. She enjoyed cooking, sewing, quilting, gardening, playing cards and bingo. Mary was an amazing seamstress and will always be remembered for her delicious cinnamon rolls. Mary was an avid Chicago Cubs fan.

Survivors include one daughter, Cathy (Richard) Beelman of St. Joseph, MO; two sons, Joe (Marian) Neuweg of West Point and Tom (Jean) Neuweg of Ft. Madison; five grandchildren, Maury (Anne) Beelman, Rebecca (Steven) Felix, Jessica (Camden) Taylor, Heather (Jon Linnenbrink) Neuweg and Hannah (Clint Lingenfelter) Neuweg; seven great grandchildren, August Felix, Lillie Felix, Emma Linnenbrink, Audrey Felix, Evelyn Taylor, Maren Beelman, Conner Lingenfelter; two sisters, Raylee Greenig of Kansas City, Mo and Sister Agnesetta Steffensmeier OSF of Milwaukee, WI; two brothers in law, Dennis Neuweg of Cedar Rapids and Gail Parks of Loveland Park, CO; several nieces and nephews.

She was preceded in death by her parents; husband; one sister, Lillian Menke; two sisters in law, Lucy Parks and Doris Garrels.

The family will meet with friends from 2-4 PM on Sunday, September 15, 2019 at King-Lynk Funeral Home & Crematory. A rosary will be recited 4 PM. The funeral mass will be at 10 AM on Monday, September 16, 2019 at Ss. Mary & Joseph Church with Rev. Dennis Hoffman officiating. Burial will follow in Gethsemane Cemetery.

A memorial has been established for American Legion Holtz-Greers Post 668 or Gethsemane Cemetery and online condolences may be left at [www.kinglynk.com](http://www.kinglynk.com).

#### Pen City Current obituary policy

The Current runs obituaries one time at no charge to funeral homes and they run the day they are submitted in most cases. They are also run as submitted by the funeral homes.

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**Pen City Current**

Founded in 2016



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## From the Front/For the Record

### For the Record

#### Fort Madison Police Report

09/10/19 – 9:44 p.m. – Fort Madison Police cited Jade Leightann Morris, 32, of Fort Madison at the intersection of 35th Street and Avenue N on a charge of driving while barred-habitual offender. She was released upon citation.  
 09/11/19 – 1:51 p.m. – Fort Madison Police responded to a report of a hit-and-run in the 2000 block of Avenue F.  
 09/11/19 – 4:26 p.m. – Fort Madison Police responded to a report of a hit and run in the 400 block of Avenue H.  
 09/11/19 – 5:46 p.m. – Fort Madison Police responded to a property damage accident in the 2500 block of Hwy. 61.  
 09/11/19 – 6 p.m. – Fort Madison Police responded to a report of a property damage accident in the 800 block of Avenue E.  
 09/11/19 – 10:32 p.m. – Fort Madison Police responded to a report of a hit and run in the 2600 block of Avenue L.

#### Lee County Sheriff's Report

09/11/19 – 11:11 a.m. – Lee County Sheriff's deputies arrested Kelly Rae Miller, 40, at the sheriff's office on warrants for 1st-degree theft, 5th-degree theft and violation of probation. She was taken to the Lee County Jail and held.  
 09/11/19 – 2:32 p.m. – Lee County Sheriff's deputies arrested Brian Wayne Rash, 36, of Keokuk at the sheriff's office on warrants for sex offender verification violation and sex offender registration violation. He was taken to the Lee County Jail held.  
*Those listed above are presumed innocent until proven guilty in a court of law.*

#### Fort Madison Fire & Rescue Report.

09/11/19 – Fort Madison Firefighters responded to five medical calls, one assist for a vehicle, one gas odor investigation, and one smoke detector alarm.

## Rockets' Boller averaging 31.1 yards per catch

### HOUNDS - Continued from Page 1

some speed. Despite his 128 yards on 27 carries, the junior has yet to score this year. A sophomore, Gage Freeman, has two touchdowns on the ground with just 11 carries and 34 yards.

Through the air, CC-A leans on a platoon at quarterback with junior Ryan Navara and sophomore Ben Swails. They've almost evenly split throws at 27, and 25 respectively, but Navara has three touchdown tosses to three different receivers.

"They've got fantastic athletes. And their quarterback does a good job of moving the ball around," Doherty said. "Definitely got a dude he can throw to a lot, but he's choosing wisely and making good reads."

All in, CC-A has five receiving touchdowns, all to different receivers and three touchdowns on the ground. Doherty says

it will take a pretty clean defensive game to keep the Rockets in check.

"It's the same thing we go into every game with. Attitude and effort. We don't talk wins or losses, but we do talk about bringing it every play and competing, and whatever happens, if we can do those things, we'll be ok."

Defensively, CC-A has had 23 players register either an assist or tackle on the year, with Bollers leading the way with 8.5 including a sack.

The Hounds offensively have been relying on junior Will Larson under center and a platoon of running backs, led by senior Diego Lozano. Lozano has racked up 250 yards rushing on 32 carries for just over seven yards per attempt. Larson, Kali Maestro and Calem Maclearn all have carries for the Bloodhounds. Larson has thrown for 138

yards, a touchdown and a pick on the year through week 2.

Doherty said there's a bit of a different culture with this year's team and the buy in seems to be there.

"I'm not sure it's more or just different. One of the benefits I have is that I think they know I'm here as long as Fort Madison will have me," he said. "I'm not looking for another job, so maybe that produces more of a buy in."

The outside rushers in seniors Quentin Schneider and Romeo Maestro surely seem to have bought in. Maestro went bird hunting again this year and bagged 13.5 Falcons including five for losses and a solo sack that resulted in a Fort Madison fumble recovery for a touchdown.

Schneider leads the team with 15 tackles, two for losses and a sack. Senior Jayden Fedler has 10.5 sacks on the year. The Hounds are also playing opportunistic football

stripping three balls from the Falcons in week 2, while picking off three passes in a 17-0 week 1 win over Central Lee.

But the Hounds got called for a slough of penalties in week 2 including about three defensive offside flags.

"My view hasn't changed on that. It's a double-edged sword. I'm glad our kids are aggressive and looking to get after somebody and make a play, but we can't lose our discipline or aggressiveness and be committing penalties."

He said West Burlington did well getting the Hounds to jump, but he said that's something that Clear Creek will do as well, so that was part of the drills this week.

"It's frustrating to be honest with you. We're so close to doing some really great things with the offense," he said.

Tip off is 7 p.m. at Richmond Stadium/ Jim Youel Field.

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# POINTS BET

## [ SPORTSBOOK ]

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# IOWA VS IOWA STATE

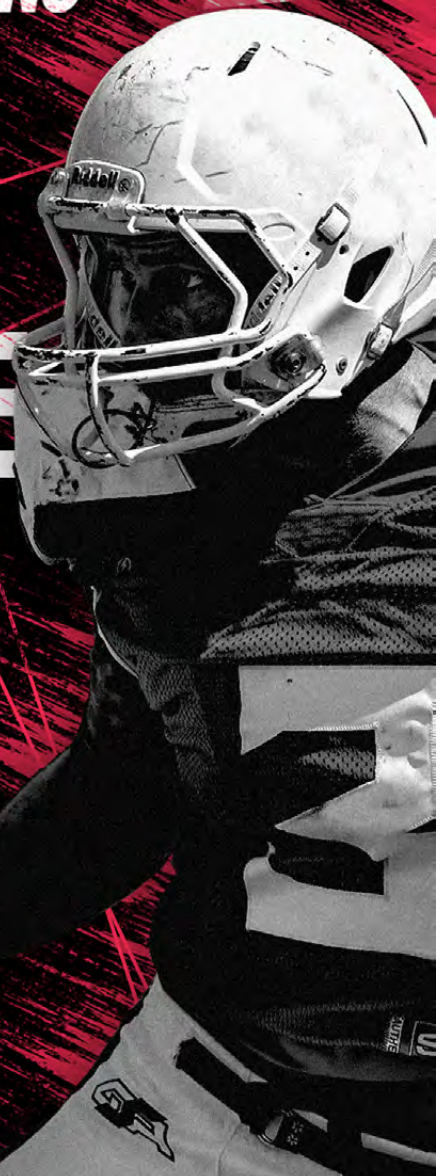
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**From the Front/Lottery Numbers**

# No Plastic Bags in the recycling bins

When recycling, be it at one of our convenient drop off sites, or putting out your residential recycling bin for the pickup, please **DO NOT** put items in plastic bags. They are not recyclable at Great River Regional Waste Authority.

For a complete listing of what we do recycle, contact your local City Hall, or one of our facilities for a service guide. Check with your local retail stores such as Hy-Vee or Walmart for their recycling capabilities. Thank you for your understanding and cooperation concerning this issue!!



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# Ehret may go back to run to control the clock

**HAWKS** - Continued from Page 1

struggled offensively. Ehret, in his third year, said the Hawks started the season well against Fort Madison.

"We came out and played hard against Fort Madison and then at Mepo - everything that could have went wrong - went wrong," Ehret said. "We couldn't get out of it. They're frustrated and our message is just go compete, play our best, and hopefully we can find some success."

Ehret said Mt. Pleasant is a solid team with a huge offensive and defensive line.

"They're a very good team and beat a good Clear Creek team week 1," Ehret said. "Pella is one of the premier programs at any level and they competed and moved the ball. They're balanced, huge up front, and they are an all-around a good team."

He said the Hawks need to read and stop the Panthers' run first and foremost by keeping linebackers free, but said his secondary will be tested in a tough matchup.

Ehret said his philosophy is run first and control the clock.

"I've kind of been a run-first guy. That's what I grew up on and played in and we'll get back to that a bit. We need to get back to a more traditional game to control the clock and find success that way."

He said senior running back Dalton Westercamp has been running hard and Adam Boeck has been able to slip away for some big gains in the first two weeks.

Westercamp has 93 yards on 35 attempts and a 2.7 average, while Boeck has 67 yards on just five carries and the Hawks' only two scores. Defensively, David Vance leads the team with 13 stops, one for a loss.

"Defensively, we played very well against Fort Madison and Mepo runs that spinner back and has some good athletes so that was tough going," Ehret said.

"Westercamp's running really hard. He had a good game even against Mepo and that good defense. A lot of times he's making those runs out of nothing"

Ehret said another bright spot has been the kicking game. He said several times the kicking teams have gotten the team out of offensive jams.

"We just can't have a good game and then a bad game and have that consistency for 48 minutes. We can't turn one mistake into many," he said.

Kick off is set for 7 p.m. at Central Lee.

“

*I've kind of been a run-first guy. That's what I grew up on and played in, and we'll get back to that a bit."*

-Nick Ehret, Central Lee, head football coach



## IOWA LOTTERY WINNING NUMBERS

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Game	Draw Days	Sales Cutoff Time	Approx. Drawing Time
Lucky for Life®	Mon & Thu	8:30 pm	9:38 pm
Mega Millions®	Tues & Fri	8:59 pm	10:00 pm
Powerball®	Wed & Sat	8:59 pm	9:59 pm
Lotto America™	Wed & Sat	8:59 pm	10:00 pm
Pick 3 - Midday	Daily	Noon	12:20 pm
Pick 3 - Evening	Daily	9:40 pm	10:00 pm
Pick 4 - Midday	Daily	Noon	12:20 pm
Pick 4 - Evening	Daily	9:40 pm	10:00 pm



9/11  
6 17 24 53 57  
Powerball: 3  
Power Play: 3



9/11  
12 29 30 34 36  
Star Ball: 10  
All Star Bonus: 2



9/11 MID-DAY  
2 3 4  
9/11 EVENING  
9 8 6



9/11 MID-DAY  
6 2 5 7  
9/11 EVENING  
3 4 4 1

**Pen City Current encourages you to play responsibly.**



## Sports/Classifieds

# Tigers send No. 5 HTC home in four sets

BY JOHN BOHNENKAMP  
PCC SPORTS

NEW LONDON — Hit after hit was sailing out of bounds, and Holy Trinity volleyball coach Melissa Freesmeier felt helpless.

The Crusaders' four-game loss to New London on Thursday night was built in an erratic first set, one that gave the Tigers control.

Holy Trinity, which moved up one spot in the IGH-SAU Class 1A rankings to No. 5 earlier in the day, fell behind early in the 25-18, 25-20, 17-25, 25-22 loss to the Tigers.

"We made a lot of errors," Freesmeier said. "A lot of hitting errors, a lot of service errors. And you can't have that. You come into this gym, you've got to be on your game."

New London (9-2) won its fifth consecutive match.

"I think we were able to ... I don't know if I dare say the word ... but maybe frazzle them a little bit," New London coach Maureen Heath said. "I don't even know whether to say that, because they don't get frazzled often."

Holy Trinity (5-3) had a 5-3 lead in the first game, then New London scored 12 of the next 16 points to gain command. Alexa Wenger had two kills in that run, but seven of the points came on the Crusaders' errors.

"That's tough," Freesmeier said. "You can't do anything about it. You're there on the bench and you're like, 'OK, tone it down.'"

Holy Trinity got to within 19-16, but a 5-0 run from the Tigers, led by three kills from Addie Pry, helped finish the game.

New London led most of Game 2, and when a kill attempt by Holy Trinity's Claire Pothitakis went out of bounds, the Tigers seemed poised for a sweep.

"You've got to win that first game, it's so tough to come back if you don't," Heath said. "That did set the tone and did give us confidence. And then to win Game 2, oh my gosh."

“We made a lot of errors. A lot of hitting errors, a lot of service errors. And you can't have that. You come into this gym, you've got to be on your game.”

-Melissa Freesmeier,  
HTC Head Volleyball coach

"We dug ourselves a hole early," Freesmeier said. "We had our opportunities in Game 2, and never capitalized. I don't think we ever really got going."

Holy Trinity freshman Brooke Mueller helped seal the win in the third game, with four kills after New London got to within 16-12.

"Game 3, we came in, settled in," Freesmeier said. "Our defense did some great things keeping the ball alive, things like that."

Holy Trinity built an 11-8 lead in the fourth game, then the Tigers began controlling the net. Freshman Keaura Williams had three kills after the Crusaders got to within 16-15, and her last kill of the night gave New London a 22-20 edge.

Pry's kill on match point set off the Tigers' celebration. "To win that tight fourth game ... I think we played hard enough to win tonight," Heath said.

"It seemed like they had a response for what we did," Freesmeier said.

Kassi Randolph led Holy Trinity with 17 kills and 25 assists. Pothitakis had 14 kills and Mueller had 11. Maria Rauenbuehler had 25 digs, while Mollie Sheerin had 19. Ali Robu had five blocks, while Katie Denning had four.

"We're young," Freesmeier said. "We go back to the gym tomorrow, and see what we learn from it."

# Lee County Conservation to chase butterflies and paddle on the river

MONTROSE — Lee County Conservation has two exciting free programs set for Saturday, September 21st.

The first, a paddle on the Mississippi, starts from Ortho Access Boat Ramp and will end at Heron Bend, where the Lee County Conservation Center is located. Individuals who own a kayak or canoe are encouraged to bring their own boat. LCCB has a

limited number of kayaks and canoes available for the event. To reserve a boat, participants should call the conservation office as soon as possible.

The paddle officially will begin at 9:00 a.m. with sign-ins taking place from 8:00-8:45 a.m. Lee County Conservation will provide transport to the launch site.

Participants should pre-register for the event

by Thursday, September 20th.

Also that morning at the Lee County Conservation Center, LCCB will be hosting a Monarch Migration Celebration. The program will celebrate the Monarch Butterflies' annual migration south to the mountain forests of Mexico!

During the event, participants can learn more about these winged jewels, and enjoy some

fun activities as LCCB celebrates with an annual symbolic migration. The monarch program will run from 10:30-11:30 a.m. No pre-registration is required for this program.

For more information on these family-friendly events, please call the Lee County Conservation Office at (319) 463-7673 or by visiting the Lee County Conservation Board's Facebook page.

# the classifieds

## HELP WANTED

### BARTENDER & WAITRESS NEEDED

Columbus Club in Fort Madison is looking for a part-time bartender who is available to work primarily evening hours a few nights a week. We are also in search of a waitress who is available from 4:30 to 8:30 Friday evenings. Contact Mandy at 319-470-2762 for details.

### PART-TIME ASSISTANT COOK

Holy Trinity Jr./Sr. High School is seeking a part-time assistant cook. The position is for 4-5 hours on days that lunch is served. For more information, please contact Paula at 319-837-6131 or [paula.bales@holyltrinity-schools.org](mailto:paula.bales@holyltrinity-schools.org).

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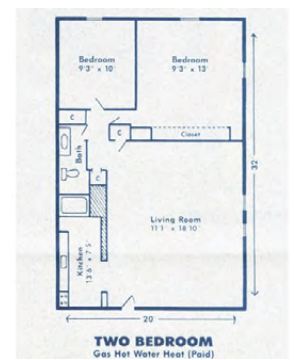
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**From the Front/Weather**

# Jury trial set in McCain murder case for Oct. 15

**HEARING** - Continued from Page 1

during the phone call.

Lestina testified that McCain attempted to reach his uncle, then his grandmother with no success, in the early morning hours of Feb. 6. However, McCain did end up getting a hold of his uncle on a second try.

Beres said allowing the call violated McCain's rights under Iowa Code 804.2 which governs communications of those detained or arrested. The code says individuals have a right to make a reasonable amount of phone calls to contact family or an attorney and the person holding custody is to be in the room at the time the calls are made.

**Miranda Rights**

When Lee County Sheriff's Deputy Joshua Wade pulled up to McCain's disabled vehicle on Feb. 5th, he was looking into a possible hit and run that occurred in Keokuk

matching McCain's vehicle description. During his conversation with McCain, LeeComm dispatchers advised that Keokuk Police were looking for someone matching McCain's description in connection with the stabbing, and Wade took McCain into custody.

However, Lee County Attorney Ross Braden and 1st Assistant Jonathan Stensvaag, and McCain's attorneys all signed an agreement where all sides agreed Wade didn't Mirandize McCain.

Wade questioned McCain, and through testimony Thursday, McCain said he told Wade he was invoking his 5th amendment rights, but then answered some more of Wade's questions.

McCain was taken to the Keokuk Police Department and then transferred to the Lee County Jail.

Wade's body camera was submitted as exhibit 1 at the hearing. But Braden and Stensvaag agreed to a suppression of any statements made by McCain to Wade after

McCain invoked his rights.

**Additional questioning**

McCain was then taken to the Lee County Jail where a search warrant was conducted and McCain's clothing was taken as evidence. Lestina testified that McCain told officers he hadn't taken drugs since May and hadn't drank alcohol since the SuperBowl, which was on Feb. 3.

But during McCain's testimony he said he was on 12 mg. of benzodiazapine, an anti-anxiety medication, had smoked marijuana, and was in the middle of a withdrawal from methamphetamine use.

McCain also testified he was sleep deprived and hadn't had sleep in two days. He testified under questioning from Stensvaag that he got about four hours of sleep in a cell between his transfer to the Lee County Jail and continued questioning by Lestina and Keokuk Police Detective Steven Dray.

Dray testified Thursday that prior to beginning that questioning at the jail, McCain asked him what the penalty was for homicide. Dray told McCain they would get to that, but first he had to have his rights read to him.

Dray also testified that McCain never asked for an attorney during the questioning nor invoked his 5th amendment rights.

Beres said because McCain had endured so much questioning and was sleep deprived he didn't voluntarily waive any rights. During questioning both Lestina and Dray said McCain did not sign a voluntary waiver of rights, but did "nod" his head affirmatively when asked if he was waiving his right to remain silent.

Brown said she would review the evidence submitted, including the testimony, Wade's body camera, and an audio recording of the interview at the Lee County Jail, and would render a decision.

**Weird twists**

Beres also suggested that the court analyze whether the Iowa Constitution would uphold video taping interviews where defendants sign written waivers of Miranda.

"You want this court to analyze, for the first time, whether the Iowa Constitution requires a written waiver of Miranda Rights, and then a video of an interview of the waiver?" Brown asked.

Beres said yes, and he would like that language analyzed ultimately for all cases, but specifically high-stakes cases like murder.

At another point, Brown had to admonish McCain for speaking too much. McCain kept trying to answer a question asked by Stensvaag that was objected to by Beres and sustained. Three times McCain tried to answer before Brown insisted he stop speaking.



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<b>MON 16 Sep</b>	Partly Cloudy High – 85.2° F   Low – 73.2° F
<b>TUE 17 Sep</b>	Moderate Rain High– 84.5° F   Low – 71.2° F

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