

IN THE IOWA DISTRICT COURT IN AND FOR VAN BUREN COUNTY

STATE OF IOWA,

Plaintiff,

Vs.

SHAWN MICHAEL BENTLER,

Defendant.

No. FECR001230

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
ANALYSIS AND VERDICT**

CLERK DISTRICT COURT  
VAN BUREN COUNTY

2007 MAY 24 AM 11:36

FILED

The trial of this matter to the Bench was commenced on May 7, 2007, pursuant to prior order. The State appeared by Assistant Iowa Attorney General Scott Brown and Van Buren County Attorney Craig Miller. The defendant, Shawn Michael Bentler, appeared in person with attorneys David Sallen and Djalal Arbabha. The Court has considered the testimony of witnesses, the exhibits admitted, the viewing of the property, the stipulations by the parties, the arguments and authorities presented by counsel, and now makes the following

**FINDINGS OF FACT**

1. This Court has jurisdiction of the subject matter of this case and the parties.
2. An Information was filed on or about October 24, 2006, charging the defendant with five separate counts of the crime of Murder in the First Degree, in violation of Iowa Code Section(s) 707.1 and 707.2(1).
3. The defendant entered pleas of not guilty to all charges, waived speedy trial, and waived the right to be tried by a jury.

4. At approximately 3:38 a.m. on October 14, 2006, the 911 operator for Van Buren County received a phone call. The phone call was recorded and was admitted into evidence as a compact disk recording. The caller identified herself as Shayne Bentler and her location as Bonaparte. She reported that she was making the call because her mother told her to call 911. She was reporting events which were occurring at her location. She reported, "There's like somebody ... I don't know. My brother's gonna do something, but I don't know what ... My mom's yelling at him, saying 'Shawn, don't.'" Audible in the background is another female voice saying, "Shawn, don't." That voice ends abruptly followed by a pop sound. The 911 call ends with Shayne screaming "Shawn, no." That call was made from a portable handset for the landline phone at the Bentler residence.

5. From the time Shayne's 911 call starts to ring to the dispatcher until Shayne screams and her call goes silent is almost exactly one minute. At about 20 seconds into the call, one can hear the "click-click" which reportedly represented the incoming unanswered call from Shelby Bentler's cell phone, which the operator could not answer because she was on a line with Shayne. At about 35 seconds into the call, one can hear the voice in the background which is presumably that of Sandra Bentler; that voice goes silent at about 48 seconds into the call with the sound of a pop that is reported as a gunshot. At just before 60 seconds into the call, Shayne screams "Shawn, no." Her phone is silent. The recording captures the continuing "click-click" until the dispatcher attempts unsuccessfully to call Shelby's cell phone.

6. Van Buren County law enforcement officials responded to the location identified by Shayne Bentler in the 911 call in rural Bonaparte, Van Buren County, Iowa. The first deputy arrived at the residence location of the Bentler family at 3:55 a.m. on

October 14, 2006. The home was dark, but he remembers seeing one light. Other testimony suggested that one television might have been on. Ultimately, additional officers arrived, and they found four dead bodies on the second floor of the residence and one dead body in a basement bedroom. The bodies were identified as Michael Bentler and Sandra Bentler (husband and wife), and Sheena, Shelby and Shayne Bentler (three daughters of Michael and Sandra Bentler).

7. Agents from the Iowa Division of Criminal Investigation ("DCI") conducted the investigation. Law enforcement officials ascertained that Shawn Michael Bentler, son of Michael and Sandra Bentler, was residing in Quincy, Illinois. Based on the 911 call, they contacted law enforcement in Quincy and initiated surveillance of Shawn Bentler. After 10:00 a.m. on October 14, 2006, Shawn Bentler left his residence and proceeded to ride his motorcycle. At about 10:17 a.m., Quincy police conducted a vehicle stop and arrested Shawn Bentler on traffic violations and an outstanding arrest warrant. They took him into custody.

8. While in custody in Quincy, Illinois, DCI agents interviewed the defendant. The interview was videotaped, a recording of which was admitted into evidence. After the conclusion of the interview, Defendant was booked into a local jail in Quincy. Following local jail procedures, Defendant's clothing was seized and the defendant was issued standard jail clothing. His clothes and personal effects were placed in four paper bags, folded and stapled shut, with identifying information on the exterior of the bags. At about 9:30 p.m. on October 14, Quincy police gave the bags to DCI Agent John who transferred possession of the bags to DCI Agent Simmons at about 10:20 p.m.

9. On Sunday, October 15, 2006, charges were filed in Iowa accusing Defendant of the murder of his family members. Arrest warrants were issued and served on the defendant. On October 16, 2006, Defendant waived extradition and the jail in Quincy transferred custody of the defendant to Iowa law enforcement officials. He was transported to the Van Buren County Jail.

10. On October 16, 2006, Agent John reclaimed possession of the paper bags from Agent Simmons and delivered them to the Van Buren County Sheriff's Office on or about October 18, 2006. He and Agent-in-Charge Rahn placed the bags in an evidence closet, secured by a locked door. Agent Rahn was the only person in possession of a key to that evidence closet.

11. DNA analysis of the socks found in one of the paper bags and identified as having been worn by the defendant at the time of his arrest proved that at least one spot of blood on one of the socks was the blood of Sandra Bentler.

12. The latent fingerprints recovered by the DCI were not useful in identifying the murderer.

13. Ballistic reports show that the murder weapon was a .22 caliber long rifle discovered in a ditch along the gravel county road not far from where the north lane entrance to the Bentler residence intersects with said county road. Although there is evidence that suggests that the gun was owned by Michael Bentler, the traceable history of the gun fails to establish its owner.

14. The bullets recovered from the scene and from the bodies of the victims, and the shell casings recovered from the scene, all match the style and type of bullets that were found in new cartons of bullets recovered by DCI agents from the unlocked drawers

at the base of the locked gun cabinet in the game room in the basement of the Bentler residence. One live round of the same bullet style and type was found on the floor a short distance from the gun cabinet. No bullet carton was found that was either empty or partially empty from which the bullets might have been removed.

15. The top portion of the gun cabinet had glass doors which were locked. Figurines and other ornamental items were located on a shelf immediately blocking the ability to open the locked gun cabinet. Dust on the shelf holding the figurines and other items suggested that they had not been recently moved in order to gain access to the locked portion of the cabinet. Numerous long guns were stored in said locked cabinet.

16. An empty gun case was found in an unlocked cabinet (not "the gun cabinet") in the area underneath or behind the steps going to the basement game room. No evidence was developed which would support any conclusion that the murder weapon had been removed from that gun case. Other cased long guns were found in that same unlocked cabinet.

17. Michael Bentler's body was found on the upper level of the residence, unclothed, face down in the doorway area between the master bedroom and the hallway. His body revealed a gunshot wound through the lower leg, facial wounds consistent with being struck with the butt of the .22 caliber murder weapon, and a fatal gunshot wound through the eye. Two drops of blood were found on his back. DNA testing established that the drops of blood were from Sandra Bentler. Testimony and State's Exhibits 54 and 55 reveal additional evidence of a struggle: an overturned table, doll on the floor near Mike's body, and bedding draped over the footboard of the bed.

18. The body of Sandra Bentler was found slumped over a chair at the opposite end of the hallway from the body of Michael Bentler, and near the top of the stairs which lead to the main floor of the building. She had sustained a gunshot wound to the right cheek, with the bullet exiting her left jaw. She also sustained a fatal gunshot wound to the head. Samples of blood found in the following locations were DNA tested and shown to be the blood of Sandra Bentler: drops on a pair of Michael Bentler's underwear located on the floor of the master bedroom near a nightstand; several areas of blood on a large doll found laying near and partially on the left leg of Michael Bentler; two drops of blood on Michael Bentler's back; blood on a white phone handset on the wicker table in the hallway; blood on a piece of plastic in the mid-hallway area; and smears of blood on the doorway to Shayne Bentler's bedroom, approximately one-half the distance between the location of Michael Bentler's body and Sandra Bentler's body.

19. Shayne Bentler's body was found laying back down in her closet, with closet doors open. Her closet was behind the entry door to her bedroom. She died of a fatal gunshot wound to the head. She also sustained a wound to the right side of her face which resulted from a gunshot into the telephone handset that she was holding to her ear talking to the 911 dispatcher at the time she was shot dead; that wound left an imprint of the phone on the side of her face. She also sustained a gunshot wound to the right hand.

20. The body of Shelby Bentler was found laying on her back in her closet with the closet door open. The location of her closet was in the corner of her bedroom opposite to the corner where the doorway was located, and down a couple of steps. The door to Shelby's bedroom was adjacent to the area where Sandra Bentler's body was found, and was the bedroom nearest the stairs leading to the main floor of the residence.

She had suffered a fatal gunshot wound to the head. There is also evidence that she may have raised her right hand in a defensive posture while sustaining wounds prior to the fatal shot. A bullet went through her right arm and was found in her chest.

21. The body of Sheena Bentler was found laying back down in her bed in the bedroom located in a basement area that was separate from the game room area and which was accessible from the main floor of the residence by a stairway that was separate from the stairway which led to the basement game room. There is no direct access from the game room to said bedroom. Sheena Bentler sustained a fatal gunshot wound to the head. She was also shot in the left arm. The bedroom in which Sheena's body was found had been the bedroom of Shawn Bentler when he lived with his family at that residence.

22. The main entrance to the home was a doorway next to the overhead garage doors. Said doorway opened to a landing area at the same elevation of the garage floor. That area was described as a mudroom from which one must go up a half flight of stairs in order to enter the residence. The exterior door to the mudroom was often left unlocked. In the mudroom was a box which held a key to enter the door from the mudroom to the main floor of the residence. The garage also had a back door which was partially blocked by a bucket discovered by law enforcement officials on their examination of the premises on October 14, 2006.

23. The basement game room has a ground level entry door. Sheena's basement bedroom has a ground level entry door.

24. The master bedroom on the upper floor of the home has a patio door that opens onto a wooden deck with stairs that ultimately lead to ground level. Evidence is unclear as to whether that door was locked or unlocked when law enforcement officials

arrived on October 14, 2006, but the implication of the testimony of Deputies Caviness and Hudson is that they entered the residence at the upper level, and presumably via the patio door.

25. The defendant lived in a house in Quincy, Illinois, which he shared with Travis Holder. Defendant's bedroom was in the basement of the home, but he frequently slept on the couch in the living room on the main floor. Travis Holder's bedroom was on the main floor. On October 13 and October 14, 2006, the home had no water service and no clothes washing machine or dryer.

26. Sometime before October 14, 2006, Defendant's driving privileges were suspended. He owned a motorcycle which was on October 14, 2006, at the Quincy residence. Travis Holder owned a Ford Festiva automobile that was in need of repairs but was drivable. Among the items needing repair were the muffler and some electrical equipment. Travis typically left his key in the car, either in the ignition switch or on the floorboard. Before October 14, 2006, Defendant had driven that vehicle on occasion without Travis's prior consent.

27. On October 13, 2006, Travis went to a football game with friends. They were not in his car, and he was not driving. On their way home, they stopped at a residence where Travis consumed sufficient bourbon causing him to testify that he was drunk when he arrived at the Quincy home which he shared with the defendant. Testimony concerning his arrival time varied between 12:30 a.m. and 1:30 a.m., with Travis admitting on cross-examination that it might have been between 1:30 and 2:00 a.m. on October 14, 2006. When he arrived, he spoke for a couple of minutes with the defendant who was on the couch at that time. Travis then promptly went to bed in a



bedroom which has at least one window that faces the street on which his Ford Festiva car was parked. Travis awoke about 6:40 a.m. to get ready for work. He saw the defendant on the couch in the living room and spoke briefly with him before going to work. Travis apparently drove the Ford Festiva to work, and noticed that his fuel tank gauge showed empty; he remembered it showing about one-quarter full when he last drove it. The Ford Festiva was parked on the street adjacent to the Quincy home on the evening of October 13, 2006, and was at the same or approximately the same location when Travis left for work on October 14.

28. On October 13 and 14, 2006, the defendant had the use of a cell phone. During the evening hours of October 13, 2006, he spoke to Lexie Leslie on his cell phone several times, the last of which began at approximately 10:48 p.m., and lasted about four minutes. Cell phone records also show that a call was initiated from the defendant's cell phone to Anthony Logsdon's cell phone at approximately 11:35 p.m. on October 13, 2006; and a call was initiated from the defendant's cell phone to Nick Reynolds' cell phone at approximately 12:09 a.m. on October 14, 2006. Those two calls were each about two seconds long.

29. During the interrogation of the defendant by DCI agents while Defendant was being held at the Quincy Police Station, Defendant denied any knowledge of injury or death to his parents and sisters. He said his mother had come to visit him in Quincy at approximately 10:30 p.m. on October 13, 2006, and stayed approximately 20 minutes. He said he sat in her Tahoe automobile while visiting with her and that he accidentally left his cell phone in her vehicle when she returned home.

30. During the trial of this case, Defendant repeated his claim that his mother had come to see him on the evening of October 13, 2006, but claimed that he might have been mistaken about the time and that perhaps it was closer to 11:30 p.m. In all other respects, his testimony remained essentially consistent with the statements made by him during the DCI interrogation at the Quincy Police Station.

31. Defendant's cell phone was found at the Bentler residence placed on a round wicker table in the hallway of the upper level. Several items were on the wicker table. The location of the cell phone gave an appearance of having been intentionally placed rather than accidentally dropped at that location.

32. A niece of Sandra Bentler testified that she called Shayne Bentler at her home at approximately 10:20 p.m. on October 14, 2006. Sandra picked up one of the landline phones and said to the girls, "don't stay up too late." Sandra Bentler was home in Bonaparte at about 10:20 p.m. on October 14, 2006.

33. On the morning of October 14, 2006, law enforcement officers discovered what appeared to be fresh tire tracks in the north lane where it intersects with the gravel county road. Photographic comparisons of those tracks with tracks developed from a newer rear tire from Travis Holder's Ford Festiva showed that the tire tracks from the lane were made by the same size, same style, same tread design, and likely from the same manufacturer's mold as the newer rear tire from the Ford Festiva.

34. Travel time between Shawn's residence in Quincy, Illinois, and the north entrance to the Bentler residence in Bonaparte, Iowa, during daylight travel conditions, not exceeding speed limits, ranges from 1 hour and 19 minutes to 1 hour and 34 minutes, plus 2 to 4 minutes to drive down the lane to the house.

35. Numerous other issues of fact were developed or challenged during the trial of this case which are not necessary to be recited or analyzed in this ruling.

36. Additional facts will be developed as necessary under "Analysis and Verdict" below.

Based on the foregoing, the Court now makes the following

### CONCLUSIONS OF LAW

"Every person is presumed innocent until proved guilty. No person shall be convicted of any offense unless the person's guilt thereof is proved beyond a reasonable doubt." Iowa Code section 701.3; R.Cr.P 2.22(9).

Pursuant to Iowa Code Sections 707.1 and 707.2(1), and *State v. Blair*, 347 N.W.2d 416, 421 (Iowa 1984), as to each count and thus each victim, the State must prove all of the following elements of Murder In The First Degree:

1. On or about the 14th day of October, 2006, the defendant shot the victim.
2. The victim died as a result of being shot.
3. The defendant acted with malice aforethought toward that victim.
4. The defendant acted willfully, deliberately, with premeditation, and with a specific intent to kill that victim.

As to Count I, that victim was Michael Bentler.

As to Count II, that victim was Sandra Bentler.

As to Count III, that victim was Sheena Bentler.

As to Count IV, that victim was Shelby Bentler.

As to Count V, that victim was Shayne Bentler.

"[D]irect and circumstantial evidence are equally probative. . . . Whether the evidence is direct or circumstantial, however, it must raise a fair inference of guilt; it must do more than create speculation, suspicion, or conjecture. . . ." *State v. Blair*, 347 N.W.2d at 421.

Deliberation and premeditation may be shown by circumstantial evidence in one or more of three ways: (1) evidence of planning activity of the defendant which was directed toward the killing; (2) evidence of motive which might be inferred from entire relationships between defendant and victim; and (3) evidence regarding the nature of the killing. *State v. Wilkens*, 346 N.W.2d at 16; *State v. Freie*, 335 N.W.2d at 172; *State v. Harrington*, 284 N.W.2d, 247-48 (Iowa 1979).

. . . The use of a deadly weapon accompanied by an opportunity to deliberate is evidence of malice, deliberation, premeditation and intent to kill. *State v. Wilkens*, 346 N.W.2d at 16; *State v. Mulder*, 313 N.W.2d 885, 888 (Iowa 1981), cert. denied, --- U.S. ---, 103 S.Ct.90, 74 L.Ed.2d 83 (1982); *State v. Harrington*, 248 N.W.2d at 247. . . .

*Id.*

"Willful" means intentional or by fixed design or purpose and not accidental.

Malice aforethought may be express or implied from the acts and conduct of a defendant, and may be inferred from the defendant's use of a deadly weapon. *State v. Smith*, 242 N.W.2d 320, 326 (Iowa 1976)

Defendant raised a defense of alibi claiming he could not have been present at the time and place that the deaths occurred. The burden of proof as to the elements of the offenses charged remains squarely on the State.

### ANALYSIS AND VERDICT

The evidence proves beyond a reasonable doubt that the death of each of the victims was caused by one or more lethal gunshots from the .22 caliber rifle which was admitted in evidence as State's Exhibit 9.

Each victim received a lethal shot in the head by a .22 caliber rifle. Each victim was in a position of helplessness when each was shot in the head. Every occupant of the Mike Bentler residence was killed. Sheena could not have witnessed what occurred on the upper level, and those who were on the upper level could not have witnessed Sheena's murder. The killings were not intended to silence a witness to a murder of any one of the other victims. The nature of the killings, the use of the gun, the amount of ammunition used and the location of each body show evidence of planning. The death of each and every victim was intended. The evidence proves beyond a reasonable doubt that the killing of each victim was the result of being shot and that the act of shooting each victim was with malice aforethought, was willful, deliberate and premeditated to effect the death of each respective victim, and was performed with the specific intent to effect the death of each respective victim.

Shawn Bentler has denied any involvement in the deaths of his family members. He claims that his mother and Shayne incorrectly identified him as having been in the house that night. He argues that since his mother was not wearing eyeglasses or contact lenses, she was mistaken in identifying him. Apparently based on law enforcement's report that the house was dark when they arrived, he also argues that darkness caused or contributed to Sandra and Shayne misidentifying him. He has asserted an alibi defense, which together with other circumstances (such as a loud, unreliable Ford Festiva) would

have made it impossible for him to have traveled from Quincy, Illinois, to Bonaparte, Iowa, commit the murders, then return undetected. He claims that his cell phone was taken to the family residence by Sandra Bentler after defendant left it in her Tahoe when Sandra visited him for about 20 minutes at 10:30 p.m. or 11:30 p.m. on October 13, 2006, in Quincy.

Based on the tire track image found at the north lane entrance to the Bentler residence, the comparison to a tire known to have been on Travis Holder's Ford Festiva, the apparent consumption of a quarter of a tank of gasoline in the Festiva, the fact that the keys were left in the Ford Festiva, and that Shawn Bentler had previously driven the vehicle on several occasions, the State theorizes that the defendant used the Ford Festiva to go to the Bentler residence in those early morning hours of October 14, 2006.

Assuming that the carnage on the upper floor of the Bentler home started with the attack on Mike Bentler, then proceeded to Sandra Bentler, then to Shayne and Shelby (or Shelby and Shayne), some minutes expired between the commencement of the carnage and Shayne's 911 call at about 3:38 a.m. The attack on Mike Bentler might have been one or two minutes before Shayne's call or as many as five minutes or so. There is no way to know whether Sheena was killed before or after the killings that took place on the upper floor of the home, but the analysis contained in this part of the ruling is not dependent on an answer to that question. It is helpful, however, to estimate that the time that the attacks began on the upper level of the home was about 3:30 a.m.

If the .22 rifle that was used in the killings was owned by Mike Bentler and was stored in the unlocked basement cabinets in the Bentler residence, then the killer had to get the gun first. The State's theory is that the bullets also likely came from the residence

as the bullets used in the killings were of the same type as full packages of bullets found in one of the drawers of the gun cabinet. Also, a live .22 caliber shell was found near the bottom of a post in the basement near the location where the bullets were stored in a drawer in the bottom of the gun cabinet. Accordingly, it is reasonable to add on a few more minutes to the start time of the in-house events leading to the killings. This Court estimates that the killer would likely have entered the residence around 3:25 a.m. Of course, if the rifle and bullets did not come from the Bentler residence, then a later entry to the residence could shorten the timeline.

Based on the evidence as to travel time admitted at trial, if Shawn Bentler were to travel from Quincy, Illinois, to arrive at the Bentler residence by 3:25 a.m., he would have had to leave his Quincy, Illinois, residence between about 1:50 a.m. and 2:05 a.m. (Note: Common sense suggests that there would be less traffic at that time of the morning than during the times for testing conducted by both the State and the defense in this case, so travel time could have been less.)

Although there is evidence that Travis Holder returned to his Quincy residence where he lived with Shawn sometime between 12:30 a.m. and 2:00 a.m., both Travis and Anthony Logsdon place the time closer to 1:00 a.m. and not later than 1:30 a.m. Travis spoke briefly with Shawn and went to bed intoxicated. His arrival at home anywhere up until 1:45 a.m. would allow the window of time necessary for Shawn to travel from his residence in Quincy to the family residence in Bonaparte and arrive there by 3:25 a.m.

Given the 3:55 a.m. arrival by Deputy Rob Caviness at the scene, it is clear that the killer was gone from the property before 3:55 a.m. If the killer were Shawn, then he easily would have had time to get back to the Quincy residence more than an hour before

Travis Holder awakened to get ready for work. There was an adequate window of time available for Shawn to travel from his residence in Quincy, Illinois, to the Bentler residence in Bonaparte, commit the crimes, and return to Quincy before he was next seen by Travis.

Evidence of Sandra Bentler's blood was found in at least three locations in the master bedroom: on the underwear of Michael Bentler found near the nightstand, on the doll found near and partially on the left leg of Michael Bentler, and on the back of Michael Bentler (found in the area of the doorway to the master bedroom).

Testimony from the forensic pathologist explained that Sandra Bentler had suffered two gunshot wounds: one entering her right cheek and exiting her left jaw, the other entering the left side of her face and lodging next to her spinal cord. The gunshot wound through the cheek and jaw was not fatal; the other one was. The forensic pathologist could not give an opinion as to which gunshot wound occurred first; but it only makes sense that the fatal gunshot wound to the head occurred at or very near the location in which Sandra Bentler's body was found at the top of the stairs to the upper level of the house, slumped over a chair.

The likely sequence of events are that some struggle occurred in the master bedroom, Mike Bentler was shot in the lower leg, was struck in the forehead face area and then was shot in the eye. Mike Bentler was face down in the doorway to the hallway at the time Sandra exited the master bedroom, depositing two drops of her blood on his back. (How Mike ended up laying on his stomach is one of many unanswered questions.) Nevertheless, Sandra was most likely in the master bedroom during the time that Mike was shot and struck in the face and forehead. Sandra sustained her cheek



wound in the master bedroom either before or after the wounds to Mike. Presumably, the shooter was also in the master bedroom.

After the events in the master bedroom, Sandra exited the bedroom and went down the hallway depositing her own blood along the way. The killer was following her. She stopped or was stopped near the location her body was found at the top of the steps, and near the bedroom doors of Shayne and Shelby.

Audible in the background of the 911 recording is a voice saying "Shawn, don't," followed by a pop that was described as a gunshot. That voice was silent after the pop. The voice sounds female but does not identify herself. The content of other parts of Shayne Bentler's account to the 911 operator make it clear that Shayne believed that was the voice of her mother, Sandra Bentler. It is not clear from the 911 recording as to whether Shayne had been an eyewitness to any events prior to her identification of Shawn at the end of the recording, or whether her conclusions were based only on sounds and words that she no doubt had heard. It is clear, however, that the 911 recording ends with an eyewitness account of Shayne Bentler identifying Shawn Bentler, followed by her scream and silence (except for the "click-click" from Shelby's unsuccessful 911 call). Statements made by Shayne were excited utterances and/or present sense impressions.

The 911 recording captures approximately 60 seconds of the events which occurred at that residence. The time interval between the fatal shooting of Sandra Bentler and the fatal shooting of Shayne Bentler is only about 12 seconds. Events which occurred in or about the master bedroom no doubt consumed considerably more time.

The fact that Shayne and Shelby were each found shot dead in the closets of their respective upstairs bedrooms, and that each attempted (Shayne successfully) to call 911

demonstrates that they each had awareness of violent events which were occurring. Shayne and Shelby apparently became frightened by such events and tried to hide in their closets. Although the passage of time may have been short, the passage of time was not instantaneous and permitted opportunity to perceive events as they were occurring.

The isolated location of Sheena's bedroom, and the fact that the killer also found her and killed her in her bed makes it extremely likely that the assailant was familiar with the unusual layout of the home.

There are bits and pieces of evidence which are not easily explainable with other evidence. This Court need not, however, explain or address each piece of evidence. My job is to consider whether the evidence produced by the State has proven beyond a reasonable doubt each of the elements as to each count charged, and to consider all of the evidence and determine whether any of the evidence convinces me that a reasonable doubt exists as to one or more elements of each respective charge. Is there any doubt based on reason?

The claim of alibi has failed to establish reasonable doubt that Shawn could have been present at the time and place of the crime.

The series of events witnessed and experienced by Sandra Bentler outlined above (in whatever precise sequence) are long enough in duration and significant enough in content to permit a mother to positively identify her only son, regardless of whether or not she was wearing corrective glasses or contact lenses. Shayne Bentler's eyewitness identification of brother, Shawn Bentler, as her killer is supported by her time and opportunity to perceive events occurring. Whether or not lights were on in the house, a

mother and a sister would almost certainly not mistakenly identify their son and brother as their murderer.

The spot of Sandra's blood on Shawn's sock is circumstantial evidence that Shawn was present when Sandra was shot.

Shawn's cell phone found in the house is evidence of his presence at the house. Sandra did not go see him in Quincy at 10:30 p.m. on October 13. She was at home at 10:20 p.m., and Shawn was talking to Lexie Leslie at 10:48 p.m. Sandra did not go see Shawn nearer to 11:30 p.m., stay 20 minutes and take Shawn's phone back to Iowa with her and call Nick Reynolds's cell phone at 12:09 a.m. on October 14. Shawn's phone on the wicker table is circumstantial evidence he was at the house in the early hours of October 14, 2006.

After a full and fair consideration of all the evidence in this case, I am firmly convinced there is no reasonable doubt that on October 14, 2006, Shawn Michael Bentler is the person who shot and killed each of the victims. Accordingly, I find the Defendant, Shawn Michael Bentler, guilty of murder in the first degree as alleged in the Trial Information as to Count I, as to Count II, as to Count III, as to Count IV, and as to Count V.

IT IS THEREFORE ORDERED as follows:

1. That the date for entering judgment and sentence is set for June 19, 2007, at 10:00 a.m.
2. That pursuant to Iowa Code Section 901.2, the State, the 8<sup>th</sup> Judicial District Department of Correctional Services and the defendant may present information

at sentencing which is relevant to the question of sentencing. No presentence investigation is ordered.

3. That the County Attorney shall notify registered victims as required by Iowa Code Section 915.13, and shall file a statement of pecuniary damages to victims on or before the time and date of sentencing.

4. That pursuant to Iowa Code Section 811.1(1), the defendant is denied bail.

Dated: May 24, 2007.

*Michael R. Mullins*  
MICHAEL R. MULLINS  
JUDGE, 8<sup>TH</sup> JUDICIAL DISTRICT

**CERTIFICATE OF SERVICE:** The undersigned certifies that a true copy of this document was served on each person named (and checked) below, including attorneys of record, or the parties where no attorney is of record, by enclosing this document in an envelope addressed to each named person at the respective addresses disclosed by the pleadings of record herein, with postage fully paid, by depositing the envelope in a United States depository or hand delivered on 5-24-07.

- Scott Brown/Craig Miller for State
- David Sallen/DJ Arbabha for defendant
- Court Administration
- 8<sup>th</sup> Dist. D.O.C.

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Signed: *ES*