



Iowa General Assembly

2017 Legal Updates

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Purpose. Legal update briefings are prepared by the nonpartisan Legal Services Division of the Legislative Services Agency. A legal update briefing is intended to inform legislators, legislative staff, and other persons interested in legislative matters of recent court decisions, Attorney General Opinions, regulatory actions, federal actions, and other occurrences of a legal nature that may be pertinent to the General Assembly's consideration of a topic. Although a briefing may identify issues for consideration by the General Assembly, it should not be interpreted as advocating any particular course of action.

MANDATORY MINIMUM SENTENCE WITHOUT POSSIBILITY OF PAROLE FOR JUVENILE OFFENDERS

Filed by the Iowa Supreme Court

June 16, 2017, as amended August 17, 2017

State v. Roby

No. 15-0175

www.iowacourts.gov/About_the_Courts/Supreme_Court/Supreme_Court_Opinions/Recent_Opinions/20170616/15-0175.pdf

Factual and Procedural Background. The defendant Christopher Roby was convicted following a jury trial of one count of sexual abuse in the second degree and one count of sexual abuse in the third degree for acts of abuse when the defendant was 16 and 17 years of age. As to the sexual abuse in the second degree sentence, the district court was required by statute to sentence the defendant to 25 years of confinement which carries a mandatory minimum sentence of 17.5 years before becoming eligible for parole. The district court imposed a 10-year sentence for the sexual abuse in the third degree conviction to run concurrently with the 25-year sentence. After the defendant began serving his sentence, the Iowa Supreme Court (Court) in *State v. Lyle*, 854 N.W.2d 378 (Iowa 2014), held that minimum sentences of imprisonment for a juvenile are unconstitutional under the Cruel and Unusual Punishment Clause in Article I, Section 17, of the Iowa Constitution, and that the district court must consider and apply certain mitigating sentencing factors attributable to the defendant's youth at the time of the offense in sentencing the defendant. Based upon *Lyle*, the defendant sought a reconsideration of his sentence. The district court, after an individualized sentencing hearing, held that the defendant should not be immediately eligible for parole and imposed the mandatory minimum sentence previously imposed. The defendant appealed. The Iowa Court of Appeals affirmed the district court. The Court granted further review.

Issue. Whether the Cruel and Unusual Punishment Clause of the Iowa Constitution categorically prohibits any minimum term of incarceration without the possibility of parole imposed on a person who was a juvenile at the time of the offense. If it does not, whether the district court abused its discretion in resentencing the defendant to the mandatory minimum period of confinement following an individualized sentencing hearing.

Holding. The Court held in a 4-3 decision that a 25-year sentence with a mandatory minimum period of confinement of 17.5 years is not categorically prohibited under the Cruel and Unusual Punishment Clause of the Iowa Constitution, but that the district court abused its discretion in this case by imposing a mandatory minimum sentence of confinement without the possibility of parole without properly applying the mitigating sentencing factors identified.

Analysis. With respect to determining whether the Iowa Constitution categorically prohibits the imposition of a mandatory minimum period of confinement for a juvenile offender, the Court used a two-step analysis. First, the Court reviewed other state laws, recent reforms in Iowa law, and professional and scholarly commentary to determine if there is a national consensus about banning mandatory minimum sentences for juveniles. The Court concluded that no national consensus "readily emerges" and thus is not dispositive. Second, the Court used its own independent judgment in reviewing available information and evidence that would support the categorical elimination of sentencing juvenile offenders to a minimum term of confinement with no opportunity for parole, and concluded that the Cruel and Unusual Punishment clause of the Iowa Constitution "does not yet require the abolition of the practice."

The Court did find that the district court abused its discretion by failing to adhere to the five relevant sentencing factors outlined in *Lyle*. The Court emphasized the following: the factors generally serve to mitigate punishment; juvenile sentences are not entirely adversarial; and the default rule in sentencing is that juveniles are not subject to mandatory

minimum periods of confinement. The Court carefully critiqued the district court decision relating to each factor to add clarity to future individualized sentencing hearings involving juvenile offenders.

Under the first sentencing factor which involved the defendant's age and the features of youthful behavior, the Court concluded the district court improperly considered that the defendant continued to engage in sexual abuse, despite being warned about it, without also hearing evidence about the failure of juveniles to appreciate the risks, consequences, and the tendencies of juveniles to make immature and impetuous decisions. Thus, the finding by the district court could only have been based upon the district court's own observations and not upon evidence that the immature and impetuous decisions of the defendant were a mitigating factor.

The second sentencing factor considered by the district court involved the defendant's family and home environment. The district court addressed this factor by citing evidence that the defendant sexually abused the victim during the time the victim's family was providing the defendant with a home. The Court stated this evidence does not undermine what the second factor seeks to convey, namely, that family and home environment can often affect the life of a juvenile. The Court concluded that not enough evidence about the defendant's family was presented at the hearing. Thus, the finding by the district court was essentially unrelated to this factor.

The district court addressed the third sentencing factor which involved the circumstances of the crime. The Court concluded the evidence showed the crime was not the result of peer pressure, the defendant exhibited no concern for the harm caused to the victim, and the defendant had betrayed the victim's family. The Court stated the role of peer pressure in juvenile crime does not make the absence of peer pressure an aggravating circumstance, and the district court should not have drawn other conclusions about the circumstances of the crime without expert testimony.

The Court concluded the district court failed to address the fourth sentencing factor relating to legal competency. If this factor had been addressed by the district court, the evidence showed the district court could have determined that the defendant thought he was being investigated for a different crime, had confessed to the crime which confession was later suppressed by the court as involuntary, and may not have been adequately communicating with trial counsel. Such evidence could be evidence of the defendant's incompetency.

With respect to the fifth sentencing factor relating to rehabilitation, the district court cited evidence the defendant continued to deny that the sexual abuse occurred, which makes the defendant not amendable to rehabilitation. The Court stated that while admission to the crime is relevant, no evidence was ever presented that the defendant received treatment to aid in rehabilitation.

Concurrences. Two separate concurring opinions emphasized that the Cruel and Unusual Punishment Clause of the Iowa Constitution prohibits a mandatory term of incarceration for any offense committed by a juvenile offender. Both concurrences stated that while this approach does not mandate early release from confinement, it does allow for a meaningful opportunity for rehabilitation.

Dissent. The dissent cautioned that the majority opinion in effect mandates that every juvenile sentencing factor that is to be weighed in a juvenile sentencing hearing is to be weighed in favor of the defendant. This mandate removes sentencing discretion from the district court and bestows upon the appellate courts the freedom to impose their judgments about the appropriateness of a district court's sentence. The dissent stated that expert testimony will be required on both sides before a juvenile can be sentenced to a mandatory minimum sentence, which will create a cottage industry for such experts. The dissent emphasized that in the past few years, juvenile sentencing has evolved from allowing lengthy mandatory prison sentences for juveniles if there is an individualized sentencing hearing, to banning life without the possibility of parole after such an individualized hearing, to a new approach that essentially allows for a mandatory minimum term of confinement after the court weighs the juvenile sentencing factors which are weighed in the defendant's favor. Sentencing a juvenile who committed a serious crime to serve some amount of mandatory confinement is neither cruel nor unusual. What judges need and want from this Court is an intelligent and practical roadmap for future juvenile cases which the majority opinion fails to provide.

The dissent rebutted the application of the juvenile sentencing factors addressed by the majority. With respect to the first sentencing factor involving the chronological age of the defendant, the dissent argued the majority conveniently dropped "chronological" from this factor thus rendering the age factor meaningless. Under the second sentencing factor relating to the defendant's family and home, the dissent argued that rather than allowing a district court to exercise the court's intellect and discretion in determining the mitigating weight of a juvenile's home environment, the majority now requires expert testimony about a juvenile's social maturity, degree of independence, and self-direction in everyday functioning. The dissent concluded that under the third sentencing factor that requires the sentencing court to consider the circumstances of the crime, including peer pressure, the sentencing court would be required to analyze the extent to which peer or family pressure affected the juvenile, even when the juvenile acts alone. With respect to the fourth sentencing factor which requires the sentencing court to consider the legal competency of the juvenile, the dissent argued that the majority imposes an expert testimony requirement to determine whether a particular juvenile would be more capable than other juveniles navigating the legal process. Finally, under the fifth sentencing factor relating to rehabilitation, the dissent concluded that the majority opinion imposes an impossible burden upon the sentencing court, requiring the sentencing court to take into

account the seriousness of a criminal act to determine whether a juvenile falls within the minority of juveniles who will be future offenders and who cannot be rehabilitated.

LSA Monitor: Joseph McEniry, Legal Services, 515.281.3189