



Iowa General Assembly

2016 Legal Updates

Legislative Services Agency – Legal Services Division

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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, a briefing should not be interpreted as advocating any particular course of action.*

CONSTITUTIONALITY OF JUVENILE LIFE SENTENCES

Filed by the Iowa Supreme Court

May 27, 2016

State v. Sweet

No. 14-0455

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Background Facts. Seventeen-year-old Isaiah Sweet (Sweet) shot and killed his grandparents Richard and Janet Sweet in Manchester, Iowa, on May 11, 2012. Sweet's grandparents had raised Isaiah since he was a young child. After he was given *Miranda* warnings, Sweet confessed to the murders and disclosed his activities after the murders. He stated he shot his grandfather in the head because his grandfather made his life "a living hell." He then shot his grandmother and drove to Cedar Rapids and Iowa City and attended several parties over the next few days. Sweet was subsequently arrested a few days later in Iowa City for the murders of Richard and Janet Sweet.

Procedure and Sentencing Hearing. The State charged Sweet with two counts of murder in the first degree in violation of Iowa Code section 707.2. Sweet pled guilty to two counts of murder in the first degree and the State agreed to recommend that the sentences run concurrently. A presentence investigation report (PSI) was prepared prior to sentencing. The PSI indicated Sweet had a previous arrest history for the crime of assault with the intent to commit sexual abuse and some minor criminal offenses. The PSI also indicated Sweet had a tumultuous family life with Richard and Janet Sweet. At the sentencing hearing, Sweet offered the testimony of Dr. Stephen Hart, who summarized the advancements regarding the understanding of the development of the adolescent brain. The doctor noted that when a person is young they are more impulsive, and as people age, the person develops skills to inhibit behavior. The doctor concluded Sweet had severe developmental problems, and serious problems relating to mental health, personal relationships, and educational adjustment. The doctor further noted that Sweet's decision-making ability was destabilized by impulsivity. The doctor concluded that there was some chance Sweet could be rehabilitated, but that a determination could not be made regarding Sweet's potential for rehabilitation until Sweet reaches at least 30 years of age. After hearing testimony, including testimony from Sweet where he expressed remorse, the district court sentenced Sweet to life in prison without the possibility of parole. The district court concluded that Sweet would continue to be a threat to society and that the interests of justice and community safety outweighed any mitigating factors.

Issue. Whether life without the possibility of parole should be categorically banned for juvenile offenders under the Iowa Constitution.

Holding. The Iowa Supreme Court (Court) in a 4-3 decision concluded that a juvenile convicted of murder in the first degree and sentenced to life without the possibility of parole is cruel and unusual punishment and violates Article I, section 17 of the Iowa Constitution.

Court's Analysis. Sweet argued that the rationale of previous federal case law, namely, *Graham v. Florida*, 560 U.S. 48 (2010) (banning juvenile life sentences without parole for nonhomicide offenses), is analogous to banning juvenile life sentences for homicide offenses because, like nonhomicide offenses, it is impossible to determine the future

behavior of juvenile offenders. The State argued that there is nothing in Sweet's background that supports a lesser sentence and no evidence that Sweet can be rehabilitated. The Court agreed with Sweet's argument and adopted a categorical rule that a juvenile offender shall never be sentenced to life without the possibility of parole under Article I, section 17 of the Iowa Constitution. As a result of this decision, the sentence of the district court was vacated and the case was remanded back to district court for resentencing. The majority opinion emphasized that a juvenile is not entitled to be paroled but must be parole eligible. The majority further emphasized that the determination of the irredeemable corruption of a juvenile must be made when the information becomes available, not when the juvenile's character is still "a work in progress." The practical effect of the Court's decision makes it unconstitutional for a juvenile who commits murder in the first degree to be sentenced to life in prison without the possibility of parole including such juveniles who were sentenced prior to the Court's decision.

Concurrences. Chief Justice Cady specially concurred with the majority but wrote separately to emphasize that the current juvenile sentencing scheme should be maintained including sentencing a juvenile to a life sentence without the possibility of parole, however the sentencing scheme should allow for the sentencing court to reconsider a juvenile life sentence without the possibility of parole at a later point after the juvenile's brain has fully developed. Justice Wiggins also concurred with the majority opinion to underscore that this ruling does not require the Board of Parole to release every juvenile class "A" felon at some point in the future. He noted that Iowa Code section 906.4 sets forth the standards the Board of Parole must abide by prior to granting parole, a standard that many juvenile class "A" felons will never be able to meet.

Dissents. Justice Mansfield dissented, stating that neither the United States Constitution nor the Iowa Constitution categorically prohibits the legislature from authorizing a life without parole sentence for a juvenile. He further stated that "more is needed" before the Court can strike down a legislatively authorized sentence, especially a sentencing scheme the legislature authorized in 2015 by large majorities in both houses (Senate File 448). Justice Mansfield emphasized that the point of Senate File 448 was to clear up ambiguities from previous case law as long as the individualized sentencing standards set forth in *Miller v. Alabama*, 567 U.S. ___, (2012) apply to the juvenile being sentenced. In addition, he noted the majority opinion either disregards or gives "short shrift" to previous Iowa case law regarding cruel and unusual punishment. Justice Zager filed a separate dissent, agreeing with Justice Mansfield's dissent but writing separately to express an ongoing objection to the Court's lack of confidence in a district court judge's ability to make difficult decisions in the area of juvenile sentencing involving life sentences without parole. He emphasized sentencing decisions are the type of difficult decisions judges are expected to make every day.

LSA Monitor: Joseph McEniry, Legal Services, (515) 281-3189