

IN THE SUPREME COURT OF IOWA

STATE OF IOWA

Plaintiff-Appellee,

v.

WILLARD CHAIDEN MILLER,

Defendant-Appellant

Jefferson Court
No. FECR005143

Supreme Court No. 23-1122

APPEAL FROM THE IOWA DISTRICT COURT
FOR JEFFERSON COUNTY
HONORABLE SHAWN R. SHOWERS, JUDGE

APPELLANT'S REPLY BRIEF AND ARGUMENT

MARTHA J. LUCEY
State Appellate Defender

ELLA M. NEWELL
Assistant Appellate Defender
enewell@spd.state.ia.us
appellatedefender@spd.state.ia.us

STATE APPELLATE DEFENDER'S OFFICE
6200 Park Ave
Des Moines, Iowa 50321
(515) 281-8841

ATTORNEYS FOR DEFENDANT-APPELLANT

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STATEMENT OF THE ISSUES PRESENTED FOR REVIEW

1. The State is required to present expert testimony on the Miller/Lyle/Roby factors for a mandatory minimum sentence to be imposed.
2. The Iowa Constitution requires a categorical ban of mandatory minimum sentences for juvenile offenders.

NATURE OF THE CASE

COMES NOW the Defendant-Appellant, pursuant to Iowa R. App. P. 6.903(4), and hereby submits the following argument in reply to the Appellee's brief filed on or about May 22, 2024. While the Appellant's brief adequately addresses the issues presented for review, a short reply is necessary to address certain contentions raised by the State.

ARGUMENT

I. The State is required to present expert testimony on the Miller/Lyle/Roby factors for a mandatory minimum sentence to be imposed.

Roby emphasized the “relevant mitigating factors of youth” must be carefully considered when sentencing juveniles to a mandatory minimum sentence. State v. Roby, 897 N.W.2d 127, 148 (Iowa 2017). One factor for determining whether an adult punishment is appropriate for a juvenile offender is whether that juvenile has a “unusual or exceptional maturity” that reveals a departure from developmental norms, warranting an adult sentence. State v. Majors, 940 N.W.2d 372, 397 (Iowa 2017) (Appel,

J. dissenting). An expert is needed to evaluate whether a “particular juvenile offender possessed features of maturity beyond his or her years.” Roby, 897 N.W.2d at 146. This is a highly specific inquiry that “is most meaningfully applied when based on qualified professional assessments.” Id. at 145 (internal citations omitted). Juvenile development is complex and an expert is required to assist a district court when issuing a minimum sentence to a juvenile.

The Iowa Supreme Court clarified this point in State v. Majors. In Majors, the Supreme Court emphasized that it was the State’s burden to establish a minimum term of incarceration is appropriate for a juvenile offender, and an expert is “normally” required. Majors, 940 N.W.2d at 392 (citations omitted). The Supreme Court further clarified that a defendant is not required to present expert testimony to avoid a minimum sentence. Id.

Experts are “normally” required because sentencing goals for juveniles are fundamentally different than the sentencing goals for adults. Roby, 897 N.W.2d at 142. Retribution and deterrence do not carry the same weight with juvenile offenders due to their transient

impetuosity and immaturity. Thompson v. Oklahoma, 487 U.S. 815, 836-38 (1988) (“The likelihood that the teenage offender has made the kind of cost-benefit analysis that attaches any weight to the possibility of execution is so remote as to be virtually nonexistent.”); Roby, 897 N.W.2d at 142 (“[T]he justification of deterrence will normally be irrelevant to all juveniles.”); State v. Lyle, 854 N.W.2d 378, 399 (Iowa 2014) (“[A]ttempting to mete out a given punishment to a juvenile for retributive purposes irrespective of an individualized analysis of the juvenile’s categorically diminished culpability is an irrational exercise.”).

“[R]ehabilitation is the primary consideration in the juvenile sentencing context ‘due to the increased capacity of juveniles to reform in comparison to adults.’” State v. Harrison, 914 N.W.2d 178, 201 (Iowa 2018). This ability to rehabilitate is a strong mitigating factor for all juveniles, regardless of the seriousness of the offense. Roby, 897 N.W.2d at 147. “Thus, judges cannot necessarily use the seriousness of a criminal act, such as murder, to conclude the juvenile falls within the minority of juveniles who

will be future offenders or are not amenable to reform. Again, any such conclusion would normally need to be supported by expert testimony.” Id.

The Iowa Supreme Court has recognized that sentencing goals, including retribution, deterrence, and incapacitation, have “some relevance and purpose,” but carry less weight in the juvenile sentencing context. State v. Zarate, 908 N.W.2d 831, 847 (Iowa 2018). However, the Court has also recognized that these same sentencing goals can ultimately result in purposeless punishment. The Court stated that a “short time” in prison without the possibility of parole might be useful for a juvenile offender from a retribution perspective and for protection of the public, but that sentence would become “nothing more than the purposeless and needless imposition of pain and suffering” after a juvenile matures and reforms. Roby, 897 N.W.2d at 147. (internal citations omitted). The Court also noted that “all minimum sentences tend to obstruct rehabilitation.” Id. An expert is needed to help determine if a

minimum sentence is appropriate for that particular juvenile a minimum sentence could hinder rehabilitative efforts.

Courts are significantly aided by expert testimony when evaluating highly specific facts about juvenile development. Experts have become a de-facto part of the court room in cases involving psychological matters, and the Iowa Supreme Court emphasized the invaluable role that experts play in determining whether a juvenile has “unusual or exceptional maturity” to ensure that an adult punishment is appropriate. Majors, 940 N.W.2d at 397 (Appel, J. dissenting). Roby, 897 N.W.2d at 145-146.

Fashioning a juvenile sentence requires a highly individualized consideration of an offender’s youthful characteristics. State v. Lyle, 854 N.W.2d 378, 403 (Iowa 2014); Miller v. Alabama, 567 U.S. 460, 477 (2012). In order for courts to properly sentence juveniles to a minimum term of incarceration, an expert is required to determine whether that particular juvenile falls outside the presumption against minimum terms for juvenile offenders.

II. The Iowa Constitution requires a categorical ban of mandatory minimum sentences.

Appellate courts review constitutional challenges for the Eighth Amendment to the Federal Constitution or Article 1 Section 17 of the Iowa Constitution under the “currently prevailing standards of whether a punishment is excessive or cruel and unusual.” State v. Lyle, 854 N.W.2d 378, 384 (Iowa 2014) (internal citations omitted); Miller, 567 U.S. at 470 (noting the concept of proportionality central to the Eighth Amendment is viewed “less through a historical prism than according to the evolving standards of decency that mark a progress of a maturing society.”) (internal citations omitted). The analysis for whether a punishment is cruel and unusual or lacks proportionality is not bound by the Iowa Constitution’s text itself or historical legal punishments. Because cruel and unusual punishment is tied to evolving community standards, historical examples are not useful or relevant.

While there is no national consensus that prohibits minimum sentences for juveniles, evolving standards of decency call for their removal from Iowa’s sentencing system. Lyle, 854 N.W.2d at 387

(remarking “Iowans have generally enjoyed a greater degree of liberty and equality because we do not rely on a national consensus regarding fundamental rights without also examining any new understanding.”). Categorical bans for minimum sentences for juvenile criminal offenders avoid the risk of cruel and unusual punishment for juveniles by providing a bright-line rule for district courts. See Graham, 560 U.S. 48, 78-79 (2010) (“A categorical rule avoids the risk that, as a result of these difficulties, a court or jury will erroneously conclude that a particular juvenile is sufficiently culpable to deserve life without parole for a nonhomicide.”).

The individualized hearing places district court judges in a position to make “speculative up-front decisions on juvenile offenders' prospects for rehabilitation,” State v. Sweet, 879 N.W.2d 811, 817, 839 (Iowa 2016). Additionally, minimum sentences both stifle rehabilitation and pose a risk for excessive punishment. Anne E. Parrish, After State v. Lyle: How the Iowa Supreme Court Maintained Mandatory Minimum Sentences for Juvenile Criminal Offenders Despite Recognizing their Unconstitutional Nature, 107

Iowa L. Rev. 1801 at 1827 (May 2022). A categorical ban against mandatory minimum sentences serves to adequately hold offenders responsible without imposing disproportionate punishment and takes judges out of the uncomfortable position where they must decide a juvenile’s rehabilitative potential. Id. at 1828-29.

“[I]t does not follow that courts taking a case-by-case proportionality approach could with sufficient accuracy distinguish the few incorrigible juvenile offenders from the many that have the capacity for change.” Graham v. Florida, 560 U.S. 48, 77 (2010). A categorical ban on minimum sentences of incarceration for juveniles prevents cruel and unusual punishments, provides judges with a bright-line rule, and comports with Iowa’s constitution.

CONCLUSION

“The qualities that distinguish juveniles from adults do not disappear when an individual turns 18.” Roper v. Simmons, 543 U.S. 551, 574-75 (2005). Because juveniles are developmentally different from adults and have a greater capacity for rehabilitation, Miller requests that this Court find that minimum sentences for

juveniles are unconstitutional under Article I, Section 17 of the Iowa Constitution. In the alternative, Miller requests that the Court find an expert is required when sentencing a juvenile offender to a minimum sentence. Miller's sentence should be vacated and the case remanded for a new sentencing hearing before a different judge.

**CERTIFICATE OF COMPLIANCE WITH TYPEFACE
REQUIREMENTS AND TYPE-VOLUME LIMITATION FOR BRIEFS**

This brief complies with the typeface requirements and type-volume limitation of Iowa Rs. App. P. 6.903(1)(g)(1) and 6.903(1)(i)(1) because:

[X] this brief has been prepared in a proportionally spaced typeface Bookman Old Style, font 14 point and contains 1,377 words, excluding the parts of the brief exempted by Iowa R. App. P. 6.903(1)(i)(1).

/s/ Ella M. Newell

Dated: 6/3/24

Ella M. Newell

Assistant Appellate Defender

Appellate Defender Office

6200 Park Ave

Des Moines, IA 50321

(515) 281-8841

enewell@spd.state.ia.us

appellatedefender@spd.state.ia.us

EMN/lr/06/24

Filed: 6/5/24