After *State v. Lyle*: How the Iowa Supreme Court Maintained Mandatory Minimum Sentences for Juvenile Criminal Offenders Despite Recognizing Their Unconstitutional Nature

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ABSTRACT: In State v. Lyle, *the Iowa Supreme Court ruled mandatory minimum sentences, without sentencing courts considering individualized factors, are unconstitutional punishments for juvenile criminal offenders. Although the Court correctly identified the unconstitutional nature of mandatory minimum sentences as punishments for juvenile criminal offenders,* State v. Lyle *resulted in a system of faulty individualized sentencing hearings that pose the same risk of cruel and unusual punishment the Court sought to prevent. This Note argues a categorical ban on mandatory minimum sentences for juvenile criminal offenders would resolve the shortcomings of* State v. Lyle *and prevent sentencing courts from subjecting juvenile criminal offenders to cruel and unusual punishments, while promoting rehabilitation. This Note further argues that a categorical ban is the best and most just solution to the problems persistent in Iowa's post-*Lyle *sentencing system.*

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I. INTRODUCTION

One of the harshest realities of our criminal justice system is the fact that children commit offenses requiring punishment. On any given day,

"[a]pproximately 107,000 youth . . . are incarcerated"[1] and about 10,000 of them are in adult facilities.[2] The question of how to punish youths who commit serious criminal offenses has long been an issue of debate in the United States[3] and a question the courts have had to answer repeatedly throughout history.[4] Courts treat youthful offenders differently than adult offenders, attaching less culpability to their offenses.[5] This treatment is based on a notion the Supreme Court summarized in a concurrence in 1953: "Children have a very special place in life which law should reflect."[6] This notion has a strong basis in science, as adolescents have less developed brains than adults, making them more vulnerable to certain conditions and behaviors that may lead to criminal conduct.[7] Over time, both the U.S. Supreme Court and the Iowa Supreme Court have deemed certain types of punishments unsuitable for juvenile criminal offenders due to their diminished culpability resulting from that vulnerability.[8] Courts have deemed these punishments to be cruel and unusual under the Eighth Amendment of the U.S. Constitution and Article I, Section 17 of the Iowa Constitution.[9]

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1. JAMES AUSTIN, KELLY DEDEL JOHNSON & MARIA GREGORIOU, BUREAU OF JUST. ASSISTANCE, U.S. DEP'T OF JUST., JUVENILES IN ADULT PRISONS AND JAILS: A NATIONAL ASSESSMENT, at x (2000), https://www.ncjrs.gov/pdffiles1/bja/182503.pdf [https://perma.cc/4QFQ-S2D6].

2. Jessica Lahey, *The Steep Costs of Keeping Juveniles in Adult Prisons*, ATLANTIC (Jan. 8, 2016), https://www.theatlantic.com/education/archive/2016/01/the-cost-of-keeping-juveniles-in-adult-prisons/423201 [https://perma.cc/X5E9-J3WD].

3. JAMES C. HOWELL ET AL., BULLETIN 5: YOUNG OFFENDERS AND AN EFFECTIVE RESPONSE IN THE JUVENILE AND ADULT JUSTICE SYSTEMS: WHAT HAPPENS, WHAT SHOULD HAPPEN, AND WHAT WE NEED TO KNOW (STUDY GROUP ON THE TRANSITIONS BETWEEN JUVENILE DELINQUENCY AND ADULT CRIME) 1–5 (2013), https://www.ojp.gov/pdffiles1/nij/grants/242935.pdf [https://perma.cc/XT6E-W9D9].

4. *See infra* Parts II.B–.C (discussing the significant case history of rulings related to the sentencing of juvenile criminal offenders and how what constitutes an inappropriate sentence for juvenile criminal offenders has evolved over time, expanding the scope of unconstitutional punishments).

5. *See* Thompson v. Oklahoma, 487 U.S. 815, 835 (1988) ("Th[e] Court has already endorsed the proposition that less culpability should attach to a crime committed by a juvenile than to a comparable crime committed by an adult.") (holding the death penalty is an unconstitutional punishment for juvenile criminal offenders convicted of crimes they committed under the age of 16).

6. May v. Anderson, 345 U.S. 528, 536 (1953) (Frankfurter, J., concurring).

7. *See infra* Parts II.A.1–2.

8. *See, e.g.*, Roper v. Simmons, 543 U.S. 551, 555–56 (2005) ("This case requires us to address, for the second time in a decade and a half, whether it is permissible under the Eight and Fourteenth Amendments to the Constitution of the United States to execute a juvenile offender who was older than 15 but younger than 18 when he committed a capital crime."); State v. Ragland, 836 N.W.2d 107, 121 (Iowa 2013) (discussing "the unconstitutional imposition of a mandatory life-without-parole sentence" on juvenile criminal offenders).

9. U.S. CONST. amend. VIII ("Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."); IOWA CONST. art. I, § 17 ("[C]ruel and unusual punishment shall not be inflicted."); *see, e.g.*, *Ragland*, 836 N.W.2d at 121.

Identifying punishments as unconstitutional is one way courts address the unfortunate existence of juvenile criminal offenders in the justice system and account for their unique and vulnerable position in society.[10] These types of court decisions have helped lessen the impact of that vulnerability. Although today it may seem like a ridiculous notion to subject any juvenile criminal offender to the death penalty, at least 18 individuals were "executed during the 20th century for crimes committed under the age of 16."[11] A 1988 Supreme Court decision identifying the death penalty as an unconstitutional punishment for crimes committed by those under the age of 16 stopped that cruel practice.[12] It would take another similar decision to protect those between the ages of 16 and 18 from this punishment.[13] Youths continue to be vulnerable to excessive punishment, a situation exasperated by the false "superpredator" label states applied to adolescents throughout the 1990s.[14] Judicial decisions have been essential tools for identifying and preventing cruel and unusual punishments.[15]

The United States Supreme Court and the Iowa Supreme Court have expanded the scope of what constitutes cruel and unusual punishment for juvenile criminal offenders over time.[16] The Supreme Court has identified the death penalty[17] and life imprisonment without the opportunity for parole[18] as potentially cruel and unusual punishments. The Iowa Supreme Court has

10. *See, e.g.*, Graham v. Florida, 560 U.S. 48, 78 (2010) (holding life imprisonment without the possibility of parole is an unconstitutional punishment for juvenile criminal offenders convicted of nonhomicide offenses); and Miller v. Alabama, 567 U.S. 460, 489 (2012) (holding life imprisonment without the possibility of parole is an unconstitutional punishment for juvenile criminal offenders convicted of any type of offense).

11. Thompson v. Oklahoma, 487 U.S. 815, 832 (1988).

12. *Id.* at 838.

13. *Roper*, 543 U.S. at 555–56, 575 (holding the death penalty is an unconstitutional punishment for juvenile criminal offenders convicted of crimes they committed under the age of 18).

14. Priyanka Boghani, *They Were Sentenced as "Superpredators." Who Were They Really?*, PBS: FRONTLINE (May 2, 2017), https://www.pbs.org/wgbh/frontline/article/they-were-sentenced-as-superpredators-who-were-they-really [https://perma.cc/FZ8T-7JDF] ("[T]he 'superpredator' theory has been largely discredited and disavowed.").

15. *See infra* Part III.A (discussing the importance of a just state sentencing process in protecting juvenile criminal offenders from cruel and unusual punishments).

16. *See infra* Part II.B (discussing the history of cruel and unusual punishment cases as they relate to juvenile criminal offenders and the expansion of what classifies cruel and unusual punishment in the case history).

17. *Roper*, 543 U.S. at 555–56, 575.

18. Graham v. Florida, 560 U.S. 48, 78–79 (2010) (holding life imprisonment without the possibility of parole is an unconstitutional punishment for juvenile criminal offenders convicted of *nonhomicide* offenses); Miller v. Alabama, 567 U.S. 460, 489 (2012) (holding life imprisonment without the possibility of parole is an unconstitutional punishment for juvenile criminal offenders convicted of *any* type of offense).

likewise recognized those punishments as cruel and unusual[19] and increased the Supreme Court's protections from them within the state.[20] These decisions create opportunities for the sentencing process to change in response to newly identified unconstitutional punishments and become more just over time.[21]

In 2014, the Iowa Supreme Court expanded the scope of "cruel and unusual" even further in *State v. Lyle*, becoming the first state supreme court to recognize mandatory minimum sentences, without "consider[ing] the attributes of youth in mitigation of punishment," as an unconstitutional punishment for juvenile criminal offenders.[22] Mandatory minimum sentences are sentencing laws that "require[] a judge to impose a statutorily fixed sentence on individual offenders convicted of certain crimes, regardless of other mitigating factors."[23] Legislatures created mandatory minimum sentences for a multitude of reasons, including to "reduce crime (and drug use); control judicial discretion over certain sentencing decisions; increase the prison sentences for serious and violent offenders; and send a message to the public and potential criminals that the legislature was taking action."[24] Although there are strong arguments supporting the deterrent effect of mandatory minimum sentences, opponents argue these sentences carry the risks of excessive punishment and "sentencing disparity" without having a deterring effect.[25] These consequences in the context of juvenile criminal offenders are discussed in Part III. Although *State v. Lyle* appeared to protect juvenile criminal offenders from mandatory minimum sentences, the ruling still allows sentencing courts to impose mandatory periods of incarceration on juvenile criminal offenders through individualized sentencing hearings.[26]

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19. State v. Ragland, 836 N.W.2d 107, 121–22 (Iowa 2013) (discussing "the unconstitutional imposition of a mandatory life-without-parole sentence," applying "the rationale of *Miller*, as well as *Graham*" and holding "sentences that are the functional equivalent of life without parole" are unconstitutional punishment for juvenile criminal offenders).

20. *Id.*; State v. Sweet, 879 N.W.2d 811, 839 (Iowa 2016) ("[W]e adopt a categorical rule that juvenile offenders may not be sentenced to life without the possibility of parole under article I, section 17 of the Iowa Constitution.").

21. *See infra* Part II.B (discussing the history of cruel and unusual punishment cases as they relate to juvenile criminal offenders and showing how new cruel and unusual punishments have been identified and ruled unconstitutional over time).

22. State v. Lyle, 854 N.W.2d 378, 401 (Iowa 2014) (holding mandatory minimum sentences, without individualized sentencing hearings, are unconstitutional punishments for juvenile criminal offenders); *see also id.* at 386 ("[W]e recognize [that] no other court in the nation has held that its constitution or the Federal Constitution prohibits a statutory schema that prescribes a mandatory minimum sentence for a juvenile offender.").

23. LEGIS. PROGRAM REV. & INVESTIGATIONS COMM., CONN. GEN. ASSEMBLY, MANDATORY MINIMUM SENTENCES 1 (2005), https://www.cga.ct.gov/pri/archives/mms/20051201FINAL_Full.PDF [https://perma.cc/7WAH-GC9X].

24. *Id.*

25. *See id.*

26. *Lyle*, 854 N.W.2d at 403 ("[T]he holding in this case does not prohibit judges from sentencing juveniles to prison for the length of time identified by the legislature for the crime

These individualized sentencing hearings are faulty processes. They continue to pose serious risks of cruel and unusual punishments for juvenile criminal offenders through mandatory minimum sentences, maintaining the practice the *Lyle* Court sought to end.[27]

This Note argues that a categorical ban on mandatory minimum sentences for juvenile criminal offenders—eliminating mandatory minimum sentences as potential punishments for any offense an individual commits below the age of 18—would resolve the shortcomings of *Lyle* and prevent sentencing courts from subjecting juvenile criminal offenders to cruel and unusual punishments. Part II lays the groundwork for this argument with a comprehensive history of the federal and state cases leading to *Lyle* and its outcome. Part III highlights the importance of having a just state sentencing process for juvenile criminal offenders to promote rehabilitation and prevent cruel and unusual punishment. Part III then identifies the problematic outcome of *Lyle*, explaining how juvenile criminal offenders are still at risk for cruel and unusual punishment resulting from mandatory minimum sentences after the ruling. Part IV explains what a categorical ban on mandatory minimum sentences for juvenile criminal offenders would look like, why a categorical ban is the best solution to the post-*Lyle* problems discussed in Part III, and how a categorical ban would promote a just state sentencing process in Iowa.

II. BANS ON DEATH, LIFE, AND MANDATORY MINIMUM SENTENCES: A HISTORY OF U.S. SUPREME COURT AND IOWA SUPREME COURT RULINGS ON JUVENILE SENTENCING

This Part lays the groundwork for understanding the unconstitutional nature of mandatory minimum sentences when applied to juvenile criminal offenders with a comprehensive history of the cases leading to *State v. Lyle*. It provides the theoretical underpinnings of the case, as well as a discussion of *Lyle* and its present-day impact. Beginning with a scientific discussion of the unique attributes of the adolescent brain, this Part shows how the Supreme Court and the Iowa Supreme Court recognized those unique attributes and accounted for them in decisions over time. This history highlights the importance of *Lyle* and reveals that cruel and unusual punishment analysis can evolve, especially in relation to juvenile criminal offenders.

committed . . . . Article I, section 17 only prohibits the one-size-fits-all mandatory sentencing for juveniles."); *see also id.* at 401 ("[J]uveniles can still be sentenced to long terms of imprisonment, but not mandatorily" (footnote omitted)); *infra* Parts II.C–.F.

27. *See infra* Part III.B (discussing how individual sentencing hearings have not only failed to safeguard against the cruel and unusual punishment the *Lyle* court recognized but also how the hearings perpetuate that cruel and unusual punishment for juvenile criminal offenders today).

A. THE ADOLESCENT BRAIN

1. The Psychology and Neuroscience Behind the Adolescent Brain

Understanding the theories behind the history and case law in this Part preliminarily requires a basic understanding of the psychology and neuroscience of the adolescent brain. Society has recognized the adolescent brain is different than the adult brain, and, while the exact "why" and "how" remains largely unknown, psychology and neuroscience have backed up this recognition with comprehensive research and studies, particularly in recent years. Unlike the adult brain, the adolescent brain is still developing.[28] Specifically, adolescents have underdeveloped frontal lobes, including the prefrontal cortex, where executive functions take place.[29] Executive functions encompass the ability to control impulses, plan, think abstractly, regulate emotions, and comprehend consequences, including risk and reward.[30] The adolescent brain has not reached its full potential in these areas, and "substantial psychological maturation takes place in middle and late adolescence and even into early adulthood," making the adolescent brain less developed than, and distinct from, the adult brain.[31] Because of this lack of maturation, "adolescents . . . are more vulnerable, more impulsive, and less self-disciplined than adults."[32] It is no surprise, then, "that adolescents are overrepresented statistically in virtually every category of reckless behavior."[33]

2. How the Adolescent Brain Makes the Juvenile Criminal Offender Distinct from the Adult Criminal Offender

The scientific distinction between the adolescent and adult brain creates a dilemma for courts in the realm of criminal sentencing: how to account for the juvenile criminal offender's underdeveloped brain. Although, until recently, courts lacked the scientific evidence to point directly to psychological and neurological distinctions between adult and juvenile criminal offenders, they have always grappled with the notion that "[c]hildren have a very special place in life which law should reflect."[34]

Though the crimes adolescents and adults commit can be identical, many scholars distinguish juvenile criminal offenders from their adult counterparts

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28. ELIZABETH S. SCOTT & LAURENCE STEINBERG, RETHINKING JUVENILE JUSTICE 60 (2008) ("The research clarifies that substantial psychological maturation takes place in middle and late adolescence and even into early adulthood.").

29. *Id.* at 44.

30. *Id.* at 44–45.

31. *Id.* at 60.

32. FRANKLIN E. ZIMRING, CONFRONTING YOUTH CRIME: REPORT OF THE TWENTIETH CENTURY FUND TASK FORCE ON SENTENCING POLICY TOWARD YOUNG OFFENDERS 7 (1978).

33. Jeffrey Arnett, *Reckless Behavior in Adolescence: A Developmental Perspective*, 12 DEVELOPMENTAL REV. 339, 339 (1992).

34. May v. Anderson, 345 U.S. 528, 536 (1953) (Frankfurter, J., concurring).

as "deserv[ing] less punishment because adolescents may have less capacity to control their conduct and to think in long-range terms than adults."[35] This diminished capacity shifts the culpability for the offense away from the adolescent who commits it.[36] The argument here does not purport that victims of an offense and other persons the offense negatively affects experience less suffering when an adolescent commits the offense. Rather, it posits that the distinction between adolescents and adults warrants different treatment under the law in reaction to identical offenses. Although this may not be a desirable outcome for those focused solely on retribution for the offense, this Note seeks to convince those skeptical of the argument that the unique attributes of the adolescent brain warrant this approach in sentencing. The following Parts discuss how the psychological and neurological distinctions between juvenile criminal offenders and adult criminal offenders have driven sentencing case law.

B. THE U.S. SUPREME COURT'S EARLY ACKNOWLEDGEMENT OF THE ADOLESCENT BRAIN

1. The Eighth Amendment's Role in Juvenile Criminal Sentences

The Eighth Amendment, which prohibits "cruel and unusual punishments,"[37] is the backbone of the cases related to sentencing juvenile criminal offenders. These cases grapple with what constitutes cruel and unusual punishment for juvenile criminal offenders, attempting to find a balance between punishment and accounting for the neurological and psychological conditions of youth.[38] This is a balancing courts must perform, as "justice requires . . . consider[ation of] the culpability of the offender in addition to the harm the offender caused."[39] The caselaw in the following Parts will illustrate the evolving nature of the Eighth Amendment as, over time, court rulings have expanded the scope of what types of sentences constitute cruel and unusual punishment for juvenile criminal offenders.

2. The First U.S. Supreme Court Cases Addressing Juvenile Criminal Offenders' Unique Behavior and Diminished Culpability

Throughout the twentieth century, the U.S. Supreme Court "endorsed the proposition that less culpability should attach to a crime committed by a juvenile than to a comparable crime committed by an adult" and applied that

35. ZIMRING, *supra* note 32, at 7.

36. *Id.* ("Moreover, youth crime as such is not exclusively the offender's fault; offenses by the young also represent a failure of family, school, and the social system, which share responsibility for the development of America's youth.").

37. U.S. CONST. amend. VIII.

38. *See e.g.*, Thompson v. Oklahoma, 487 U.S. 815, 838 (1988).

39. State v. Lyle, 854 N.W.2d 378, 398 (Iowa 2014).

principle to sentencing.[40] Early recognition "of [the] great instability which the crisis of adolescence produces" paved the way for addressing the unique attributes of the adolescent brain.[41] For instance, in 1979, in *Bellotti v. Baird*, the Court noted, "[D]uring the formative years of childhood and adolescence, minors often lack the experience, perspective, and judgement to recognize and avoid choices that could be detrimental to them."[42] Even in the late 1970s, the Court was already beginning to identify the specific psychological and neurological markers of the juvenile criminal offender.[43]

The Court continued to distinguish the juvenile criminal offender from the adult criminal offender in subsequent cases. In 1982, in *Eddings v. Oklahoma*, it ruled that when the offender is a juvenile at the time of the crime, evidence of a troubled youth is "relevant mitigating evidence."[44] Addressing why this type of evidence is particularly relevant when the offender is a youth, the Supreme Court noted that "youth is more than a chronological fact. It is a time and condition of life when a person may be most susceptible to influence and to psychological damage."[45] Eddings was a 16-year-old boy at the time of his offense and had been sentenced to death.[46] Early cases, like *Eddings*, established a clear difference between juvenile and adult criminal offenders that the Supreme Court began applying to cases involving the issue of cruel and unusual punishment within juvenile criminal sentencing.[47]

The first of these cases was the 1988 case, *Thompson v. Oklahoma*, in which the Supreme Court ruled the death penalty for juvenile criminal offenders under the age of 16 constituted cruel and unusual punishment under the Eighth and Fourteenth Amendments.[48] The Court limited the potential punishments for some juvenile criminal offenders, but it imposed a strict age cutoff that excluded many juveniles. The Court chose age 16 because "[t]here is . . . complete or near unanimity among all 50 States and the District of Columbia in treating a person under 16 as a minor for several important purposes" and pointed to several different states' legislation concerning driving, marriage, gambling, and other areas that treated those under 16 as minors.[49] The Court justified youths' diminished culpability because "their

40. Thompson v. Oklahoma, 487 U.S. 815, 833–38 (1988).

41. *See* Haley v. Ohio, 332 U.S. 596, 599 (1948).

42. Bellotti v. Baird, 443 U.S. 622, 635 (1979) (footnote omitted).

43. *Id.*

44. Eddings v. Oklahoma, 455 U.S. 104, 113–15 (1982).

45. *Id.* at 115 (footnote omitted).

46. *Id.* at 105. Eddings's death sentence was constitutional for juvenile criminal offenders at the time he was sentenced, and the punishment of death for juvenile criminal offenders below the age of 16, the same age as Eddings, would not be deemed unconstitutional by the U.S. Supreme Court until six years after his case was decided. Thompson v. Oklahoma, 487 U.S. 815, 838 (1988).

47. *See, e.g.*, *Thompson*, 487 U.S. at 838.

48. *Id.*

49. *Id.* at 824 (footnote omitted).

irresponsible conduct is not as morally reprehensible as that of an adult."[50] Subsequent cases, discussed below, built upon and expanded this reasoning.

C. ROPER, GRAHAM, *AND* MILLER*: SIGNIFICANT U.S. SUPREME COURT RULINGS ON JUVENILE SENTENCING*

1. *Roper*: A Categorical Ban on the Death Penalty for All Juveniles

In 2005, 17 years after the Supreme Court banned the death penalty for juvenile criminal offenders under the age of 16, a new petitioner asked the court to address a broader version of this issue.[51] This time, the Court considered whether the punishment could ever be suitable for juvenile offenders of *any* age.[52] The Court answered in the negative and addressed the age group left out of *Thompson*: "The qualities that distinguish juveniles from adults do not disappear when an individual turns 18."[53] Before this ruling, 365 people were executed in the United States for offenses they committed under the age of 18.[54] Recognizing laws restricting all juveniles under 18 from engaging in activities like drinking, smoking, marrying, and voting because of the age group's lack of maturity made it difficult for the Court to justify allowing their execution.[55] Accordingly, the Court placed a categorical ban on the death penalty for all juveniles (those under the age of 18), making it impossible to execute an individual convicted of any crime committed in their youth.[56]

2. *Graham*: Expanding Juveniles' Protections from Excessive Punishment

Even after *Roper*, the question of what else constituted too great a punishment for youth remained open, as *Roper's* reasoning had the potential to apply to other types of sentences.[57] In 2010, five years after *Roper*, the Supreme Court ruled in *Graham v. Florida* that life imprisonment without parole was cruel and unusual punishment for a juvenile criminal offender convicted of a nonhomicide offense.[58] In establishing this additional

50. *Id.* at 835 (footnote omitted).

51. *See generally* Roper v. Simmons, 543 U.S. 551 (2005) ("This case requires us to address, for the second time in a decade and a half, whether it is permissible under the Eighth and Fourteenth Amendments to the Constitution of the United States to execute a juvenile offender who was older than 15 but younger than 18 when he committed a capital crime.").

52. *Id.*

53. *Id.* at 574; and *Thompson*, 487 U.S. at 836–38.

54. *Executions of Juveniles in the U.S. 1976–2005*, DEATH PENALTY INFO. CTR., https://deathpenaltyinfo.org/policy-issues/juveniles/executions-of-juveniles-since-1976 [https://perma.cc/JJD8-B8Z6].

55. *See Roper*, 543 U.S. at 558.

56. *Id.* at 567–69.

57. *See id.* at 569 ("[G]eneral differences between juveniles under 18 and adults demonstrate that juvenile offenders cannot with reliability be classified among the worst offenders.").

58. Graham v. Florida, 560 U.S. 48, 74 (2010).

categorical ban within juvenile criminal sentencing, the Court reasoned that along with the death penalty, "'[t]he differences between juvenile and adult offenders are too marked and well understood to risk allowing a youthful person to receive' a sentence of life without parole for a nonhomicide crime 'despite insufficient culpability.'"[59]

With a categorical ban, the Court completely closed the door on the possibility of any person receiving life imprisonment without the possibility of parole for any nonhomicide crime committed below the age of 18.[60] The reasoning behind choosing a categorical rule was that it "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."[61] This protection, though only for juvenile criminal offenders convicted of *nonhomicide* offenses, confirmed the existence of punishments outside of death that may be uniformly cruel and unusual for juveniles.[62]

3. *Miller*: Recognizing the Cruel and Unusual Nature of Mandatory Life Imprisonment Without Parole for Juveniles

In 2012, in *Miller v. Alabama*, the Supreme Court further expanded the scope of cruel and unusual punishments for juvenile criminal offenders by banning mandatory life sentences without the possibility of parole for juvenile criminal offenders who had committed homicides.[63] This time, however, the Court did not institute a categorical ban.[64] Rather, it ruled individualized sentencing decisions—considering the offender's "chronological age and its hallmark features"—are required before imposing a mandatory life sentence with no possibility of parole.[65] The two juvenile offenders in this case were 14-year-old boys when they were mandatorily sentenced to life without parole.[66] This ruling did not preclude juvenile criminal offenders from receiving mandatory life sentences with no possibility of parole, but it did make it much more unlikely that they would, allowing for different sentencing options.[67]

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59. *Id.* at 78 (quoting *Roper*, 543 U.S. at 572–73) (alteration in original).

60. *Id.* at 78–79.

61. *Id.*

62. *Id.* at 78.

63. Miller v. Alabama, 567 U.S. 460, 489 (2012).

64. *Id.* ("*Graham*, *Roper*, and our individualized sentencing decisions make clear that a judge or jury must have the opportunity to consider mitigating circumstances before imposing the harshest possible penalty for juveniles.").

65. *Id.* at 477 ("Mandatory life without parole for a juvenile precludes consideration of his chronological age and its hallmark features—among them, immaturity, impetuosity, and failure to appreciate risks and consequences. It prevents taking into account the family and home environment that surrounds him . . . [and] neglects the circumstances of the . . . offense . . . .").

66. *Id.* at 465.

67. *Id.* at 489 ("Discretionary sentencing in adult court would provide different options: There, a judge or jury could choose, rather than a life-without-parole sentence, a lifetime prison term *with* the possibility of parole or a lengthy term of years").

Today, the United States is "the only nation that sentences people to life without parole for crimes committed before turning 18."[68]

4. The Recurring Themes of the Three Rulings

These three Supreme Court rulings laid the groundwork for defining cruel and unusual punishment as it relates to sentencing juvenile criminal offenders. Taking into account the biological and developmental conditions of the youth, the rulings demand "that a judge or jury must have the opportunity to consider mitigating circumstances before imposing the harshest possible penalty for juveniles."[69] However, the aforementioned cases do not define these punishments exactly, leaving room for states to decide. These cases and the developing psychology and neuroscience on the adolescent brain prompted the Iowa Supreme Court to begin defining the scope of cruel and unusual punishment as it relates to juvenile criminal sentences within Iowa.

D. THE MILLER-GRAHAM-ROPER *APPROACH: THE IOWA SUPREME COURT EXPANDS PROTECTIONS FOR JUVENILES IN THE STATE SENTENCING PROCESS*

1. *State v. Ragland*: An Interpretation and Possible Expansion of *Miller*

After *Miller*, the Iowa Supreme Court faced the question of whether to apply the decision retroactively.[70] In 2013, the court answered this question in the affirmative. In *State v. Ragland*, the court interpreted *Miller* generously, applying it "to sentences that are the functional equivalent of life without parole."[71] The Governor of Iowa, in response to *Miller*, had commuted the sentences of 38 juvenile criminal offenders in the state serving life with no possibility of parole "to life with no possibility for parole for sixty years and directed that no credit be given for earned time."[72] In finding this commuted sentence unconstitutional, the *Ragland* court noted that "it is important that the spirit of the law not be lost in the application of the law."[73] The *Ragland* court acknowledged the psychology and neuroscience underpinning its reasoning, stating, "[i]n light of our increased understanding of the decision making of youths, the sentencing process must be tailored to account in a meaningful way for the attributes of juveniles that are distinct from adult conduct."[74] The court would carry this sentiment into related future decisions

68. Josh Rovner, *Juvenile Life Without Parole: An Overview*, SENT'G PROJECT (May 24, 2021), https://www.sentencingproject.org/publications/juvenile-life-without-parole [https://perma.cc/J2D3-APMG].

69. *Miller*, 567 U.S. at 489.

70. State v. Ragland, 836 N.W.2d 107, 117 (Iowa 2013).

71. *Id.* at 121–22.

72. *Id.* at 111.

73. *Id.* at 121.

74. *Id.*

identifying and eliminating cruel and unusual punishments for juvenile criminal offenders.

2. *State v. Null:* Another Expansion of *Miller*

In 2013, in *State v. Null*, the Iowa Supreme Court again found a "functional equivalent" to a life sentence without the possibility of parole, this time with a shorter timeline, expanding its interpretation of *Miller* by ruling a 52.5-year minimum sentence must be viewed in light of the *Miller* framework.[75] This expansion solidified how the Iowa Supreme Court would interpret *Roper*: "[T]he reasoning in *Roper*, namely, that juveniles are materially different from adults for the purposes of assessing criminal culpability, ha[s] broad applicability outside the death penalty context."[76]

The *Null* court also recognized the distinction between adolescents and adults in other areas of the law.[77] In a later case involving a 17-year-old convicted of two first-degree robberies who received a 50-year sentence with no possibility of parole for 35 years the court wrote: "We think in light of the principles articulated in *Miller* and *Null* that it should be relatively rare or uncommon that a juvenile be sentenced to a lengthy prison term without the possibility of parole for offenses like those involved in this case."[78] This reasoning created the potential for sentences less severe than the death penalty or life without the possibility of parole (or its functional equivalent) to constitute cruel and unusual punishment.

E. STATE V. LYLE*: THE IOWA SUPREME COURT RULES MANDATORY MINIMUM SENTENCES FOR JUVENILE OFFENDERS UNCONSTITUTIONAL . . . WITH A CATCH*

With the groundwork set by generous interpretations of *Miller*, the Iowa Supreme Court made a historic decision in 2014. In *State v. Lyle* it became the first court to "prohibit[] a statutory schema that prescribes a mandatory minimum sentence for a juvenile offender."[79] As justification for this decision, the Court cited an evolving Eighth Amendment framework in light of the enhanced understanding of the adolescent brain.[80] It stated that "punishments once thought just and constitutional may later come to be seen as fundamentally repugnant to the core values contained in our State and Federal Constitutions

75. State v. Null, 836 N.W.2d 41, 71 (Iowa 2013).

76. *Id.* at 69–70.

77. *Id.* at 53 ("Many areas of the law reflect the differences between youth and adults. For instance, adolescents are prohibited by law from engaging in certain behavior thought to be risky. In Iowa, youth under age twenty-one are not permitted access to alcohol, or to engage in pari-mutuel betting. Further, those under age eighteen are not permitted access to tobacco products, or to obtain tattoos. The transfer of firearms to a minor is a criminal offense. The State grants graduated driver's licenses to youth between the ages of fourteen and seventeen under certain restrictions" (citations omitted)).

78. State v. Pearson, 836 N.W.2d 88, 96 (Iowa 2013).

79. State v. Lyle, 854 N.W.2d 378, 386, 400 (Iowa 2014).

80. *See id.* at 384–85.

as we grow in our understanding over time."[81] The court decided mandatory minimum sentences do not "adequately protect[] the rights of juveniles within the context of the constitutional protection from . . . cruel and unusual punishment."[82] However, there is an important caveat to this ruling: it is not a categorical ban. As long as the court considers youth and its attributes as mitigating factors, it can impose the relevant mandatory sentence on a juvenile criminal offender.[83]

*F. POST-*LYLE*: THE MANDATORY MINIMUM SENTENCE REMAINS A THREAT FOR JUVENILE CRIMINAL OFFENDERS*

After *Lyle*, Iowa Supreme Court decisions related to sentencing juvenile offenders revolved around which factors a court must consider in its individual analysis of juveniles and the scope of *Lyle*.[84] The court clearly stated, "the default rule in sentencing a juvenile is that they are not subject to minimum periods of incarceration."[85] However, the court also made it clear *Lyle* was limited to "statutorily imposed minimums," reiterating that, after individual analysis, a juvenile can still receive the equivalent of a mandatory minimum sentence.[86]

Individual sentencing analysis, the court ruled, must be "grounded in science . . . rather than based on generalized attitudes of criminal behavior that may or may not be correct as applied to juveniles."[87] The court expanded on this notion, highlighting the role of expert testimony[88] and defining the

81. *Id.* at 385.

82. *Id.* at 399.

83. *Id.* at 401 ("[J]uveniles can still be sentenced to long terms of imprisonment, but not mandatorily" (footnote omitted)).

84. State v. Roby, 897 N.W.2d 127, 145 (Iowa 2017) ("Properly applied, these factors ensure the constitutional guarantee against cruel and unusual punishment is satisfied."); State v. White, 903 N.W.2d 331, 333 (Iowa 2017) ("[W]e emphasized the important role of expert testimony when applying the relevant factors. The same scientific evidence responsible for revealing the constitutional infirmity of mandatory minimum sentencing statutes for juveniles must continue to inform judges in performing their difficult job of applying the relevant factors to decide if juveniles should be ineligible for parole for a minimum period of their incarceration.") (citation omitted) (holding a district court judge incorrectly applied the *Lyle* factors in an individualized sentencing hearing, leading the district judge to erroneously sentence a juvenile criminal offender to a seven-year period of mandatory incarceration); and State v. Zarate, 908 N.W.2d 831, 841, 854 (Iowa 2018) ("We agree that the sentencing court must treat the relevant factors associated with youth that we first set forth in *Lyle* as mitigating.").

85. *Roby*, 897 N.W.2d at 144.

86. *Id.* at 143.

87. *White*, 903 N.W.2d at 333–34.

88. *Id.* at 333 ("In particular, we emphasized the important role of expert testimony when applying the relevant factors. The same scientific evidence responsible for revealing the constitutional infirmity of mandatory minimum sentencing statutes for juveniles must continue to inform judges in performing their difficult job of applying the relevant factors to decide if juveniles should be ineligible for parole for a minimum period of their incarceration." (citations omitted)).

"factors that a district court must use in determining whether the minimum period of incarceration without parole is warranted."[89] They are:

> (1) the age of the offender and the features of youthful behavior, such as "immaturity, impetuosity, and failure to appreciate risks and consequences"; (2) the particular "family and home environment" that surround the youth; (3) the circumstances of the particular crime and all circumstances relating to youth that may have played a role in the commission of the crime; (4) the challenges for youthful offenders in navigating through the criminal process; and (5) the possibility of rehabilitation and the capacity for change.[90]

As long as these factors are properly considered, it is within a sentencing court's discretion to sentence juveniles as it pleases within the basic constitutional limits.[91] When a district court holds an individual hearing and decides to sentence a juvenile offender for a period of time without the possibility of parole, the standard of review is for abuse of discretion.[92]

As a result of this individual analysis approach, courts currently sentence juvenile offenders to lengthy mandatory terms operating under "the default rule" that "juvenile[s] . . . are not subject to minimum periods of incarceration."[93] For instance, in 2019, in *Goodwin v. Iowa District Court for Davis County*, the Iowa Supreme Court upheld a district court's decision to sentence a juvenile offender to 50 years with a 25-year mandatory minimum sentence without the opportunity for parole after an individualized hearing.[94] Michael Goodwin Jr. was 16 years old at the time of his offense.[95] Furthermore, in 2020, the Iowa Supreme Court again upheld a juvenile offender's lengthy mandatory minimum sentence in *State v. Majors*.[96] The district court sentenced Majors to 17.5 years, "not[ing] that Majors was nearly age eighteen when he committed the crime."[97] "Jarrod Dale Majors was a seventeen-year-old high school senior" at the time of his offense and, at age 35, he was still serving the mandatory period of his sentence.[98] Although *Lyle*

89. *Zarate*, 908 N.W.2d at 841.

90. *Id.* (citations omitted).

91. State v. Crooks, 911 N.W.2d 153, 173 (Iowa 2018).

92. *White*, 903 N.W.2d at 333.

93. State v. Roby, 897 N.W.2d 127, 144 (Iowa 2017).

94. Goodwin v. Iowa Dist. Ct. for Davis Cnty., 936 N.W.2d 634, 637 (Iowa 2019) ("A failure to conduct an individualized hearing before imposing a mandatory minimum sentence would render a juvenile's sentence unconstitutional and subject to a challenge as an illegal sentence. This defendant, however, received an individualized sentencing hearing that addressed the *Miller/Lyle/Roby* factors.").

95. *Id.* at 637.

96. State v. Majors, 940 N.W.2d 372, 377 (Iowa 2020) ("[W]e determine the district court did not abuse its discretion by imposing the mandatory minimum after considering the youth sentencing factors under *Roby*.").

97. *Id.* at 388.

98. *Id.* at 376–77.

placed mandatory minimum sentences under the umbrella of cruel and unusual punishments for juvenile offenders, those who break the law during adolescence are not completely shielded from mandatory periods of incarceration.[99]

III. THE IMPORTANCE OF A JUST SENTENCING PROCESS FOR JUVENILE CRIMINAL OFFENDERS AND THE PROBLEMATIC RESULTS OF *STATE V. LYLE*

This Part explains the importance of a just sentencing process for juvenile offenders and addresses the problematic outcome of *State v. Lyle*. Beginning with the importance of a just state sentencing process, this Part explores why punishments can be particularly severe for juvenile criminal offenders in comparison to adult criminal offenders, highlights the weakness of retribution as a goal for punishing juvenile criminal offenders, and explains the enhanced capacity of juvenile criminal offenders to rehabilitate. A just state sentencing process will consider these factors when sentencing juvenile criminal offenders and avoid the pitfalls of a process that does not. Finally, this Part will address the aftermath of *Lyle* and show, by highlighting the inadequacies of the individualized sentencing hearing process, the ruling does not shield juvenile criminal offenders from the cruel and unusual punishment it identified, leaving room for injustice within the Iowa sentencing process.

A. *A SENTENCING PROCESS ACCOUNTING FOR A JUVENILE CRIMINAL OFFENDER'S UNIQUE ATTRIBUTES AVOIDS EXCESSIVE PUNISHMENT AND PROMOTES REHABILITATION*

1. Punishments Can Be Particularly Severe for Juvenile Offenders

When a juvenile criminal offender faces the same sentence as an adult counterpart, the individual's youth creates a variance in the sentence's impact, increasing its severity for the juvenile. The Supreme Court explains this concept in *Graham v. Florida* in the context of life without parole:

> Life without parole is an especially harsh punishment for a juvenile. Under this sentence a juvenile offender will on average serve more years and a greater percentage of his life in prison than an adult offender. A 16-year-old and a 75-year-old each sentenced to life without parole receive the same in punishment in name only.[100]

In essence, the impact of a particular sentence on an adolescent is greater than on an adult because the adolescent will be punished for a greater percentage of their life than the adult. That discrepancy, Justice Kennedy wrote, "cannot be ignored."[101] Underlying this concept is the notion that,

99. *Id.* at 391; State v. Lyle, 854 N.W.2d 378, 403 (Iowa 2014).
100. Graham v. Florida, 560 U.S. 48, 70 (2010).
101. *Id.*

while some punishments are traditionally considered suitable, or fitting the offense, for adult criminal offenders, they are not always suitable for juvenile criminal offenders. A state sentencing process that considers this is better equipped to achieve more just outcomes by imposing sentences that fit the offense the juvenile committed and account for the unique attributes of the adolescent brain.

2. Retribution is a Weak Justification for Punishing Juvenile Criminal Offenders

Although retribution stands as one of the four traditional goals of punishment (along with deterrence, incapacitation, and rehabilitation),[102] it holds little weight as a justification for punishing juvenile criminal offenders. Retribution embodies the idea that "people who break the law deserve to be punished."[103] The U.S. Supreme Court noted in *Roper v. Simmons*, "[w]hether viewed as an attempt to express the community's moral outrage or as an attempt to right the balance for the wrong to the victim, the case for retribution is not as strong with a minor as with an adult."[104] This idea is grounded in the psychological and neurological attributes of adolescents that distinguish them from adults.[105] Their "culpability or blameworthiness is diminished, to a substantial degree, by reason of youth and immaturity."[106]

The adolescent brain, by no fault of the individual it inhabits, is not fully developed, and this has behavioral consequences that can make the adolescent more susceptible to criminal activity.[107] So, when an adolescent commits a criminal act, it is not as easily justifiable to find that adolescent deserving of punishment when the act may be grounded in the innate neurological and psychological conditions of youth. Retribution is not as suitable as other traditional goals of punishment for juvenile criminal offenders in a just state sentencing process because it could lead the state to excessive punishment, blaming the youth for attributes beyond their control. Rather, a just state sentencing process should initially focus on other goals of punishment, such as rehabilitation.

3. Juvenile Criminal Offenders are Well-Suited for Rehabilitation

Courts, including the Iowa Supreme Court and the U.S. Supreme Court, have long recognized "that juveniles have rehabilitation potential exceeding

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102. DORIS LAYTON MACKENZIE, DEP'T OF JUST., SENTENCING AND CORRECTIONS IN THE 21ST CENTURY: SETTING THE STAGE FOR THE FUTURE 1 (2001), https://www.ncjrs.gov/pdffiles1/nij/189106-2.pdf [https://perma.cc/SEH7-8JNS].

103. *Id.*

104. Roper v. Simmons, 543 U.S. 551, 571 (2005).

105. *See supra* Part II.A.1.

106. *Roper*, 543 U.S. at 571.

107. *See supra* Part II.A.2.

that of adults."[108] Rehabilitation is "the idea that the purpose of punishment is to apply treatment and training to the offender so that he is made capable of returning to society and functioning as a law-abiding member of the community."[109] The greater potential for juvenile criminal offenders to rehabilitate has led courts to focus on rehabilitation over the other traditional goals of punishment.[110]

The source of this potential lies within the adolescent brain; the concept of "neuroplasticity" can explain the phenomenon.[111] Neuroplasticity is "[t]he ability of the brain to form and reorganize synaptic connections, especially in response to learning or experience or following injury."[112] As it learns, the brain changes shape and grows, and the more "plastic" a brain is, the more it is able to change shape and grow—in other words, to learn.[113] Adolescents have significantly more neuroplasticity than adults,[114] which means their ability to learn exceeds that of adults. An individual's ability to learn and grow is central to their ability to rehabilitate. If sentencing processes do not recognize and utilize this enhanced capacity for juvenile criminal offenders to rehabilitate, a great opportunity for rehabilitation within the criminal justice system is lost.

4. Individual State Approaches to Sentencing Juvenile Criminal Offenders Heavily Impacts the Severity of Available Punishments

An individual state's approach to sentencing juvenile criminal offenders can be the difference between appropriate and excessive punishment. In 2010, there were 123 juvenile criminal offenders serving life sentences without the opportunity for parole for nonhomicide offenses in the United

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108. State v. Pearson, 836 N.W.2d 88, 96 (Iowa 2013).

109. David A. Thomas, Donald C. Clarke, Ian David Edge, Thomas J. Bernard & Antony Nicolas Allott, *Punishment*, BRITANNICA (Dec. 22, 2021), https://www.britannica.com/topic/punishment/Rehabilitation [https://perma.cc/M6K7-MR4B].

110. State v. Zarate, 908 N.W.2d 831, 847 (Iowa 2018) ("[O]ur juvenile sentencing jurisprudence focuses heavily on the goal of rehabilitation over all others due to the increased capacity of juveniles to reform in comparison to adults.").

111. *See* Linda Patia Spear, *Adolescent Neurodevelopment*, 52 J. ADOLESCENT HEALTH S7, S10 (2012) ("The balance between plasticity and stability is tilted towards plasticity early in life—a time when there are many opportunities for the brain to be sculpted by experiences . . . . At maturity, the balance is shifted toward greater stability . . . .").

112. *Neuroplasticity*, LEXICO, https://www.lexico.com/en/definition/neuroplasticity [https://perma.cc/R24D-SRH6].

113. *See* Sara Bernard, *Neuroplasticity: Learning Physically Changes the Brain*, EDUTOPIA (Dec. 1, 2010), https://www.edutopia.org/neuroscience-brain-based-learning-neuroplasticity [https://perma.cc/2UH2-C3FZ] ("[W]hen people repeatedly practice an activity or access a memory, their neural networks—groups of neurons that fire together, creating electrochemical pathways—shape themselves according to that activity or memory.").

114. *See* Spear, *supra* note 111, at S10 ("Basic science studies have also revealed evidence for 4–5 times higher rates of formation of new neurons during adolescence than in adulthood" (footnote omitted)).

States.[115] They were all sentenced within just 11 states, including Iowa.[116] Among those states, Florida housed a majority (77) of the juvenile criminal offenders serving sentences the Supreme Court would rule cruel and unusual in *Graham v. Florida* in 2010.[117] Before the Supreme Court decided *Graham*, states could determine whether the scope of cruel and unusual punishment for juvenile criminal offenders included life sentences without parole for nonhomicide offenses.[118] A state sentencing process that carefully considers the unique attributes of adolescents when sentencing juvenile criminal offenders can avoid cruel and unusual punishment, even before the Supreme Court recognizes the punishment as cruel and unusual.

This progressive state sentencing process is particularly relevant to mandatory minimum sentences and juvenile criminal offenders. In Washington, in 2012, before the state chose to impose a prohibition on mandatory minimum sentences similar to that which the Iowa Supreme Court imposed in *State v. Lyle*, two boys, Treson Roberts (16) and Zyion Houston-Sconiers (17), faced robbery charges after stealing candy and cell phones on Halloween night.[119] Both boys faced mandatory minimum sentences due to the nature of the charges, and though "[t]he trial judge . . . 'wished he could have done more to reduce their sentences,'" he had to sentence one boy to 26 years and the other to 31 years in prison, "both without [the] opportunity for parole."[120] In Iowa, with *Lyle*, the law would not have forced a trial judge to give those sentences.[121] Individual states have great power to shape the sentencing process for juvenile criminal offenders within their borders, and this means states have the potential to promote rehabilitation and avoid severe punishments that focus on retribution.

B. THE OUTCOME OF LYLE *RUNS CONTRARY TO ITS RULING—INDIVIDUALIZED SENTENCING HEARINGS THREATEN CRUEL AND UNUSUAL PUNISHMENT*

1. Individualized Hearings Are Insufficient to Account for the Unique Attributes of Juvenile Criminal Offenders

The factors district courts consider in individualized sentencing hearings are limited and inadequate. They ignore the sentiment set forth in *Lyle*:

115. Graham v. Florida, 560 U.S. 48, 64 (2010).

116. *Id.*

117. *Id.* at 64.

118. *See id.*

119. Emily Steiner, *Mandatory Minimums, Maximum Consequences*, JUV. L. CTR. (Aug. 16, 2017), https://jlc.org/news/mandatory-minimums-maximum-consequences [https://perma.cc/6HZP-JAE6].

120. *Id.*

121. *See* State v. Lyle, 854 N.W.2d 378, 380 (Iowa 2014) ("[W]e hold a statute mandating a sentence of incarceration in a prison for juvenile offenders with no opportunity for parole until a minimum period of time has been served is unconstitutional under . . . the Iowa Constitution" (footnote omitted)).

"[T]he time when a seventeen-year-old could seriously be considered to have adult-like culpability has passed."[122] Adolescent brain maturation differs between individuals, and a variety of factors influence the rate and extent of the maturation process.[123] These determining factors "may be . . . heredity and environment, prenatal and postnatal insult, nutritional status, sleep patterns, pharmacotherapy, and surgical interventions during early childhood."[124] Even prenatal conditions, such as exposure to nicotine or alcohol in the womb, likely significantly impact the brain maturation process taking place years later.[125]

The factors that have grown out of the Iowa Supreme Court's ruling in *Lyle*[126] do not comprise a comprehensive account of the potential factors contributing to criminal juvenile offenders' diminished culpability due to their adolescent brains. The factors are too general and, frankly, seek to do an impossible task: find an objective time when the adolescent brain becomes mature. Indeed, in *State v. Sweet*, the Iowa Supreme Court opted for a categorical ban on life without parole for criminal juvenile offenders, declining to use individual sentencing hearings for that very reason.[127]

Although science has great potential to create an objective legal test for maturity,[128] the underlying studies and associated discoveries have yet to be conducted and made. Therefore, any legal test seeking to assess the brain maturation of an adolescent, which individual sentencing hearings seek to do,[129] cannot be scientifically accurate. This means a district court could assess a juvenile criminal offender according to the *Lyle* factors and falsely conclude the individual was mature at the time of the offense and lacked the diminished capability associated with juveniles, which could potentially result in a

122. *Id.* at 398.

123. Mariam Arain, et al., *Maturation of the Adolescent Brain*, 9 NEUROPSYCHIATRIC DISEASE & TREATMENT 449, 449–52 (2013) ("Brain maturation during adolescence (ages 10–24 years) could be governed by several factors . . . .").

124. *Id.* at 450.

125. *Id.*

126. State v. Zarate, 908 N.W.2d 831, 841 (Iowa 2018).

127. State v. Sweet, 879 N.W.2d 811, 837 (Iowa 2016) ("[T]he enterprise of identifying which juvenile offenders are irretrievable at the time of trial is simply too speculative and likely impossible given what we now know about the timeline of brain development . . . . We are asking the sentencer to do the impossible, namely, to determine whether the offender is 'irretrievably corrupt' at a time when even trained professionals with years of clinical experience would not attempt to make such a determination.").

128. Ronald E. Dahl, *Adolescent Brain Development: A Period of Vulnerabilities and Opportunities*, 1021 ANNALS N.Y. ACAD. SCIS. 1, 19–20 (2004) ("If science can provide clear evidence for an immaturity of neural systems that affect decision making or abilities to regulate affect in adolescence—and if there are objective criteria for assessing the level of maturation that are not simply based on an arbitrary number of birthdays—science can be said to be making very important contributions to the legal, ethical, and moral questions about adolescent responsibility.").

129. State v. Lyle, 854 N.W.2d 378, 399 (describing the individualized sentencing hearing as an "analysis of the juvenile's categorically diminished culpability").

mandatory sentence. The individualized hearing factors fail as a comprehensive assessment of juvenile criminal offenders to determine if a mandatory sentence is appropriate. This goes against the essence of *Lyle*, which highlighted the importance of "considering *all* background facts and circumstances."[130] Therefore, the individualized hearing is a dangerous approach that allows the type of cruel and unusual punishment the *Lyle* court sought to end to persist into the present day.

2. Individualized Hearings Leave Room for District Courts to Misinterpret the Theory and Reasoning Behind *Lyle*

In individualized sentencing hearings, district courts can erroneously interpret the *Lyle* factors contrary to the case's rationale and sentence juvenile criminal offenders to mandatory periods of incarceration. District courts have great discretion in deciding whether to sentence a juvenile criminal offender to a mandatory period,[131] and this means district courts have loose boundaries when applying the *Lyle* factors. In fact, the district courts do not even have to consider each factor.[132]

As this Note mentioned earlier, district courts continue to sentence juvenile criminal offenders to lengthy mandatory terms, and the Iowa Supreme Court has upheld those sentences.[133] Individualized hearings fail to serve as a proper shield from cruel and unusual punishment for the juvenile criminal offenders where district courts maintain great discretion. For example, in *State v. Majors*, the district court, in its *Lyle* factor analysis, relied heavily on the fact Majors was nearly 18 years old at the time of his offense before imposing a mandatory minimum sentence on him.[134] However, as Justice Appel noted in his dissent, the district court's "just-short-of-eighteen analysis" has no basis in any Supreme Court case, and Iowa case law supports the well-grounded scientific theory that the diminished capability of adolescence persists beyond the age of 18.[135] In fact, the petitioner in *Lyle*, Andre Lyle Jr., "appeared before the district court for sentencing on his

130. *Id.* at 401 (emphasis added).

131. State v. White, 903 N.W.2d 331, 333 (Iowa 2017) ("Our standard of review from a decision by the district court to impose a period of incarceration without parole on a juvenile is for an abuse of discretion."). *White* held that a district court judge incorrectly applied the *Lyle* factors in an individualized sentencing hearing and failed to consider scientific evidence, leading to the district court judge erroneously sentencing a juvenile criminal offender to a seven-year period of mandatory incarceration. *Id.* at 333–34.

132. State v. Crooks, 911 N.W.2d 153, 173 (Iowa 2018) ("Yet the court is not required to specifically examine and apply each factor on the record at this point but considers all relevant factors in exercising its discretion to select the proper sentencing option.").

133. Goodwin v. Iowa Dist. Ct. for Davis Cnty., 936 N.W.2d 634, 637 (Iowa 2019); State v. Majors, 940 N.W.2d 372, 376 (Iowa 2020).

134. *Majors*, 940 N.W.2d at 388.

135. *Id.* at 399–400 (Appel, J., dissenting) ("The caselaw does not support the just-short-of-eighteen analysis of the State's expert that was erroneously adopted by the district court.").

eighteenth birthday."[136] Nevertheless, the majority held the district court did not abuse its discretion and "appropriately noted that Majors was nearly age eighteen when he committed the crime."[137]

Additionally, mistakes made by the district courts—reviewed by the Iowa Supreme Court for abuse of discretion—also highlight reasons for concern with the process. In *State v. White*, a district court sentenced Khasif White to a seven-year mandatory period of incarceration without addressing any scientific evidence of the unique attributes of adolescents.[138] The Iowa Supreme Court recognized this abuse of discretion, stating the district court's analysis was "not grounded in science but rather based on generalized attitudes of criminal behavior that may or may not be correct as applied to juveniles."[139] Although the Court caught this error, district courts have likely made a wide array of other errors in individualized sentencing hearings while interpreting the *Lyle* factors. The discretion individualized sentencing hearings afford district courts allows room for misinterpretations such as the ones in *Majors* and *White*. In this way, the protection the *Lyle* Court sought to provide juvenile criminal offenders in light of their diminished culpability becomes lost in the individualized sentencing hearing process.

3. Individualized Sentencing Hearings Fail to Consider Juvenile Criminal Offenders' Enhanced Potential for Rehabilitation

Finally, the individualized sentencing hearing departs from the fundamental idea that juvenile criminal offenders have a great capacity for rehabilitation.[140] In *Lyle*, the Iowa Supreme Court recognized "it is likely a juvenile can rehabilitate faster if given the appropriate opportunity."[141] Individualized sentencing hearings threaten to take away this opportunity in certain instances. If a district court chooses to sentence a juvenile criminal offender to a mandatory period of incarceration after an individual sentencing hearing, that individual has limited opportunity for proper rehabilitation to "return[] to society and function[] as a law-abiding member of the community,"[142] within that time period. Juvenile criminal offenders serving mandatory periods of incarceration have no procedure through which they can showcase their growth and learning, and opportunities to utilize their enhanced capacity for rehabilitation are lost. Individualized sentencing hearings are hasty, and they detract from the goal of rehabilitation within

136. State v. Lyle, 854 N.W.2d 378, 381 (Iowa 2014).

137. *Majors*, 940 N.W.2d at 388.

138. State v. White, 903 N.W.2d 331, 333–34 (Iowa 2017).

139. *Id.*

140. *See supra* Part III.A.3 (discussing the enhanced capacity of the juvenile criminal offender to rehabilitate due to their high neurological flexibility and ability to learn and grow and a faster rate).

141. *Lyle*, 854 N.W.2d at 400.

142. *See* Thomas et al., *supra* note 109.

juvenile sentencing.[143] This is a loss, not only for the young people capable of rehabilitation, but also for society, which loses the benefit of potential contributing members.

IV. A CATEGORICAL BAN ON MANDATORY MINIMUM SENTENCES FOR JUVENILE OFFENDERS WOULD RESOLVE THE SHORTCOMINGS OF *LYLE* AND PREVENT THE CRUEL AND UNUSUAL PUNISHMENT OF JUVENILE OFFENDERS

This Part explains why a categorical ban on mandatory minimum sentences resolves *Lyle*'s shortcomings and why the ban best promotes the theory and reasoning behind *Lyle* and other significant cases related to sentencing juvenile criminal offenders. This Part begins with an explanation of what the categorical ban would look like within the criminal justice system and then explains how it would solve the problems of individualized sentencing hearings that Section III.B. identified. Next, this Part explains how the categorical ban aligns with and promotes the fundamental ideas that *Lyle* and related cases are built upon. Finally, this Part concludes with the future consideration of expanding the categorical ban to certain individuals beyond the age of 18 who carry the same vulnerabilities of those under the age of 18.

A. WHAT A CATEGORICAL BAN WOULD LOOK LIKE

A categorical ban on mandatory minimum sentences for juvenile criminal offenders would prevent individuals from serving minimum periods of incarceration *without the possibility of parole* for criminal offenses committed under the age of 18. Categorical bans are not a novel concept in the world of juvenile criminal offender sentencing. As discussed in Part I, both the U.S. Supreme Court and the Iowa Supreme Court have utilized categorical bans.[144] The courts implemented these categorical bans to avoid the risk of erroneous sentencing decisions in lower courts[145] and prevent sentencing courts from preemptively ruling a juvenile criminal offender cannot rehabilitate when parole boards are better equipped to make that decision.[146] Under a categorical ban on mandatory minimum sentences, juvenile criminal offenders would not be subject to individualized sentencing hearings holding the risk of incarceration without the possibility of parole. Instead, any juvenile

143. State v. Zarate, 908 N.W.2d 831, 847 (Iowa 2018).

144. Graham v. Florida, 560 U.S. 48, 75 (2010) ("Categorical rules tend to be imperfect, but one is necessary here."); State v. Sweet, 879 N.W.2d 811, 839 (Iowa 2016).

145. *Graham*, 560 U.S. at 78–79 ("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.").

146. *Sweet*, 879 N.W.2d at 839 ("In sum, we conclude that sentencing courts should not be required to make speculative up-front decisions on juvenile offenders' prospects for rehabilitation because they lack adequate predictive information supporting such a decision. The parole board will be better able to discern whether the offender is irreparably corrupt after time has passed, after opportunities for maturation and rehabilitation have been provided, and after a record of success or failure in the rehabilitative process is available.").

criminal offender's sentence would carry the guaranteed opportunity for parole throughout the sentence. The legislature could enact the categorical ban, or the Iowa Supreme Court could institute it the next time this issue appears before the court.

B. WHY A CATEGORICAL BAN WOULD SOLVE THE PROBLEMATIC OUTCOME OF LYLE

A categorical ban on mandatory minimum sentences for juvenile criminal offenders would eliminate the problems created within *Lyle's* individualized sentencing hearings.[147] Beginning with the insufficient *Lyle* factors district courts consider in these hearings,[148] a categorical rule would, by eliminating the individualized analysis altogether, remove the risk of a district court falsely concluding a juvenile criminal offender was mature at the time of their offense and lacked the diminished culpability associated with adolescence. The district court can still "consider the attributes of youth in mitigation of punishment,"[149] but inadequacies in the factors district courts use to assess these attributes will no longer carry the risk of a mandatory minimum sentence. Instead of attempting the impossible task of identifying whether each juvenile criminal offender has reached maturity, this rule errs on the side of caution *and science*, assuming all juvenile offenders carry the diminished culpability of adolescence and avoiding the first pitfall of individualized sentencing hearings.

For similar reasons, a categorical ban will eliminate the problem of district courts erroneously interpreting the *Lyle* factors. The great discretion district courts have to impose mandatory minimum sentences on juvenile criminal offenders would cease to exist. District courts would need to utilize other forms of punishment, perhaps more focused on rehabilitation, when sentencing juvenile criminal offenders. This means it would no longer be possible for a district court to misinterpret the *Lyle* factors and erroneously sentence a juvenile criminal offender to a mandatory minimum sentence. Cases like *State v. White*, where a district court erroneously sentenced a juvenile criminal offender to seven years of mandatory incarceration,[150] would never happen again in the state of Iowa. The categorical ban avoids this opportunity for human error that can result in lost years of a young person's life.

Furthermore, a categorical ban would utilize juvenile criminal offenders' enhanced capacity for rehabilitation better than the current system of individualized sentencing hearings. With the opportunity for parole attached to every juvenile criminal offender's sentence, rehabilitation will always be a

147. *See supra* Part III.B (discussing the problems with individual sentencing hearings for juvenile criminal offenders).

148. *See supra* Part III.B.1 (discussing the insufficiencies of the *Lyle* factors used in individual sentencing hearings for juvenile criminal offenders).

149. State v. Lyle, 854 N.W.2d 378, 401 (Iowa 2014).

150. *Id.* at 331, 333–34.

possibility, and the ban would correct the failure of individualized sentencing hearings[151] to take advantage of this phenomenon. Categorical bans prevent sentencing courts from "mak[ing] speculative up-front decisions on juvenile offenders' prospects for rehabilitation,"[152] which is precisely the danger individualized sentencing hearings create.[153] With a categorical ban on mandatory minimum sentences for juvenile criminal offenders in place, a great potential for rehabilitation within the criminal justice system will no longer go to waste. Parole boards will have the opportunity to see individual growth and development in adolescents as it occurs instead of having to wait years until a mandatory minimum sentence runs its course.

Finally, the idea of a categorical ban on mandatory minimum sentences for juvenile criminal offenders has support from the Iowa Supreme Court bench.[154] In *State v. White*, Justice Appel teased at the idea of a categorical ban, stating, "[i]f implementation of this decision proves inconsistent, confusing, difficult, or unworkable, the obvious solution would be to . . . categorically eliminate the application of adult mandatory minimum sentences to juvenile offenders."[155] Justice Hecht, who had previously advocated for a categorical ban on mandatory minimum sentences for juvenile criminal offenders,[156] was more adamant that a ban was necessary: He concluded in *White*, "[A]rticle I, section 17 of the Iowa Constitution prohibits a mandatory term of incarceration for any offense committed by a juvenile offender."[157] These justices, who have a history of making landmark decisions regarding juvenile criminal offender sentencing, have noted the potential a categorical ban has to prevent the cruel and unusual punishment juvenile criminal offenders face in the current Iowa sentencing process.

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151. *See supra* Part III.B.2 (discussing how individualized sentencing hearings have failed to protect juvenile criminal offenders from the dangers of cruel and unusual punishment the *Lyle* court identified in their ruling).

152. *See* State v. Sweet, 879 N.W.2d 811, 817, 839 (Iowa 2016) (explaining why "a categorical ban on life without the possibility of parole" for juvenile criminal offenders is necessary to protect them from cruel and unusual punishment).

153. *See supra* Part III.B.2 (discussing how individualized sentencing hearings take away juvenile criminal offenders' opportunity to rehabilitate).

154. *See infra* notes 140–42 and accompanying text.

155. State v. White, 903 N.W.2d 331, 334 (Iowa 2017) (Appel, J. concurring) (quoting State v. Roby, 897 N.W.2d 127, 150 (Iowa 2017) (Appel, J. concurring specially)).

156. State v. Roby, 897 N.W.2d 127, 149 (Iowa 2017) (Hecht, J., concurring specially).

157. *White*, 903 N.W.2d at 334 (Hecht, J., concurring specially) (quoting *Roby*, 897 N.W.2d at 149 (Hecht, J., concurring specially)).

C. A Categorical Ban Promotes the Theory and Reasoning Behind Lyle *and Related Cases*

1. The Categorical Ban Fits Within Legal Distinctions Between Juveniles and Adults

Returning to the case history leading to *Lyle*, the central idea that "[c]hildren have a very special place in life which law should reflect"[158] persists. A categorical ban on mandatory minimum sentences for juvenile criminal offenders embodies this idea. A multitude of state laws, including Iowa state laws, categorically separate those under the age of 18 from those over the age of 18—and even sometimes those under the age of 21 from those over the age of 21.[159] This categorical separation serves to protect adolescents by recognizing the difference between children and adults.[160] A categorical ban on mandatory minimum sentences for juvenile criminal offenders would provide a similar protection for adolescents within the Iowa sentencing process. The Supreme Court has recognized "that children are constitutionally different from adults for purposes of sentencing,"[161] and a categorical ban is consistent with this principle. Separating those under age 18 is by no means a novel concept in the law and will serve to protect that vulnerable population.

2. The Evolving Eighth Amendment Framework Supports a Categorical Ban

A categorical ban on mandatory minimum sentences for juvenile criminal offenders fits with the notion of the evolving Eighth Amendment framework.[162] The *Lyle* Court recognized the "concept of cruel and unusual punishment is 'not static.'"[163] The categorical ban would make mandatory minimum sentences for juvenile criminal offenders one of the "punishments once thought just and constitutional [that] later come to be seen as fundamentally repugnant to the core values contained in our State and Federal Constitutions as we grow in our understanding over time."[164] As this Note previously discussed, mandatory minimum sentences take away the opportunity for rehabilitation[165] and, as applied through individualized sentencing hearings, pose the risk of excessive punishment.[166]

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158. May v. Anderson, 345 U.S. 528, 536 (1953) (Frankfurter, J., concurring).

159. State v. Null, 836 N.W.2d 41, 53 (Iowa 2013).

160. *Id.*

161. Miller v. Alabama, 567 U.S. 460, 471, 479 (2012).

162. *See supra* Part II.B.1.

163. State v. Lyle, 854 N.W.2d 378, 384 (Iowa 2014) (quoting Trop v. Dulles, 356 U.S. 86, 101 (1958)).

164. *Id.* at 384–85.

165. *See supra* Part III.B.3 (discussing how juvenile criminal offenders do not have an opportunity to rehabilitate in a mandatory sentencing scheme).

166. *See supra* Part III.B.1–2.

Although the *Lyle* Court found the idea of a mandatory minimum sentence after an individualized sentencing hearing constitutional at the time the case was decided,[167] it is now clear the method has serious structural issues that threaten the core values of our legal system.[168] The categorical ban takes away the constitutional threat of this punishment and pushes forth a protection for juvenile criminal offenders that aligns with the idea of the evolving Eighth Amendment that courts have historically recognized.[169] Labeling new punishments as cruel and unusual over time allows the law to follow society's expanding moral compass, which the Supreme Court has recognized as advantageous.[170] The categorical ban would label mandatory minimum sentences cruel and unusual for juvenile criminal offenders, preventing a practice in conflict with core societal values.

3. A Categorical Ban Will Not Detract from the Notion that Juvenile Criminal Offenders Should Face Consequences for Their Offenses

A categorical ban on mandatory minimum sentences for juvenile criminal offenders would still account for the fact their offenses "may be just as harmful to victims as those committed by older persons,"[171] leaving room for adequate legal responsibility. The Supreme Court grappled with this balance in *Eddings v. Oklahoma* before banning the death penalty for those under the age of 16:

> We are not unaware of the extent to which minors engage in increasingly violent crime. Nor do we suggest an absence of legal responsibility where crime is committed by a minor. We are concerned here only with the manner of the imposition of the ultimate penalty: the death sentence imposed for the crime of murder upon an emotionally disturbed youth with a disturbed child's immaturity.[172]

Deciding the potential cruel and unusual nature of the death penalty outweighed its value as a punishment for these juvenile criminal offenders, the Supreme Court decided they could still adequately hold the offenders

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167. *Lyle*, 854 N.W.2d at 401.

168. *See supra* Part III.B.1–3 (discussing the problematic structure of individualized sentencing hearings that *Lyle* established for juvenile criminal offenders and how they create the opportunity for cruel and unusual punishment).

169. *See* Kennedy v. Louisiana, 554 U.S. 407, 419 (2008) (explaining how cruel and unusual punishment changes over time).

170. *Id.* (Society's understanding of cruel and unusual punishment has changed "because '[t]he standard of extreme cruelty is not merely descriptive, but necessarily embodies a moral judgement. The standard itself remains the same, but its applicability must change as the basic mores of society change.'" (alteration in original) (quoting Furman v. Georgia, 408 U.S. 238, 382 (1972) (Burger, C.J., dissenting))).

171. ZIMRING, *supra* note 32, at 7.

172. Eddings v. Oklahoma, 455 U.S. 104, 116 (1982) (footnote omitted).

responsible without imposing it.[173] The categorical ban recognizes a similar unequal balance between the mandatory minimum sentence's punishment value for juvenile criminal offenders and its potential cruel and unusual nature.[174]

Without mandatory minimum sentences, juvenile criminal offenders would still face consequences for their offenses and be held legally responsible. This would be a ban on one specific type of punishment carrying a high risk of being excessive.[175] Additionally, without being able to impose a mandatory minimum sentence on juvenile criminal offenders, sentencing courts could focus more on rehabilitative punishments. This would better take advantage of adolescents' enhanced ability to rehabilitate[176] and perhaps deter sentencing courts from sending juveniles to adult prisons where they are "more likely to suffer sexual abuse and violence."[177] When rehabilitation is the central goal of punishment within the juvenile criminal justice system,[178] and juveniles are likely to benefit from rehabilitation,[179] it should follow they adequately face the consequences of their criminal actions by learning, growing, and reentering society as functioning members.

4. Future Considerations: An expansion of the Ban to Adolescents Over the Age of 18

Although a ban on mandatory minimum sentences for those who commit criminal offenses over the age of 18 may appear radical, the U.S. Supreme Court has long recognized "[t]he qualities that distinguish juveniles from adults do not disappear when an individual turns 18."[180] This idea has support within the scientific community, which labels adolescence as the period between age ten and 24.[181] Additionally, other areas of law reflect a recognition of this phenomena. For example, all 50 states prohibit anyone under the age of 21 from purchasing alcohol.[182] A precise age cutoff for the expansion of the categorical ban would require a scientific inquiry. But if the

173. *Id.*

174. *See supra* Part III.B (discussing the potential for cruel and unusual punishment of juvenile criminal offenders in a mandatory sentencing scheme).

175. *See supra* Part IV.A.

176. *See supra* Part III.A.3 (discussing how juvenile criminal offenders, with high neuroplasticity and an enhanced ability to learn, have an increased ability to rehabilitate).

177. Lahey, *supra* note 2.

178. State v. Zarate, 908 N.W.2d 831, 847 (Iowa 2018).

179. *See supra* Part III.A.3 (discussing how rehabilitation is more well-suited to juvenile criminal offenders than the other traditional goals of punishment due to the enhanced ability of juvenile criminal offenders to rehabilitate).

180. Roper v. Simmons, 543 U.S. 551, 574–75 (2005).

181. Arain et al., *supra* note 134, at 449–50.

182. *State Guide to Drinking Age Law*, NAT'L YOUTH RTS. ASS'N (2020), https://www.youthrights.org/issues/drinking-age/laws-in-all-50-states [https://perma.cc/GQ54-BD62].

same vulnerabilities[183] in those individuals under 18 exist in those over 18, it is logical to expand the ban on mandatory minimum sentences to some individuals over the age of 18 for the same reasons already set forth in this Note.[184] This inquiry, however, reaches beyond the scope of this Note and current scientific knowledge.

V. CONCLUSION

Although young people commit serious criminal offenses, it is important, as the late Justice Cady eloquently stated in *State v. Ragland*, "that the spirit of the law not be lost in the application of the law."[185] By 1988, at least 18 individuals were executed in the United States for crimes they committed when they were younger than age 16.[186] In 2010 there were "123 juvenile [criminal] offenders serving life without parole sentences for nonhomicide [offenses]."[187] In 2011, a district court in Iowa sentenced 17-year-old Andre Lyle Jr. to a mandatory minimum term of seven years in adult prison for punching a classmate after school and taking a small amount of marijuana from him.[188] A look at this history[189] reveals juvenile criminal offenders have suffered immensely from punishments courts have come to recognize as cruel and unusual.

The risk of excessive punishment within the criminal sentencing process requires active examination in order to unveil those instances of suffering and prevent them to the greatest extent possible. The *Lyle* court correctly identified suffering within the criminal sentencing process,[190] but it failed to safeguard against that suffering and prevent it from continuing. Under President Donald J. Trump, the Executive Branch restricted federal prosecutorial discretion when it comes to mandatory minimum sentences.[191] Although the

183. *See supra* Part II.A.1–2 (discussing the neurological vulnerabilities of juvenile criminal offenders that make them more vulnerable to criminal behavior and more susceptible to cruel and unusual punishment).

184. *See supra* Part IV.C.1–3 (discussing why a categorical ban on mandatory minimum sentences for juvenile criminal offenders is the best way to prevent the cruel and unusual punishment the *Lyle* Court identified).

185. State v. Ragland, 836 N.W.2d 107, 121 (Iowa 2013).

186. Thompson v. Oklahoma, 487 U.S. 815, 838 (1988).

187. Graham v. Florida, 560 U.S. 48, 49 (2010).

188. State v. Lyle, 854 N.W.2d 378, 381 (Iowa 2014).

189. *See supra* Part II (discussing the case history of cruel and unusual punishment as it relates to juvenile criminal offenders' sentencing).

190. *Lyle*, 854 N.W.2d at 401.

191. OFF. OF THE ATT'Y GEN., MEMORANDUM FOR ALL FEDERAL PROSECUTORS: DEPARTMENT CHARGING AND SENTENCING POLICY 1 (2017) (https://www.justice.gov/archives/opa/press-release/file/965896/download) [https://perma.cc/4GC5-N2GH] ("[I]t is a core principle that prosecutors should charge and pursue the most serious, readily provable offense. This policy affirms our responsibility to enforce the law, is moral and just, and produces consistency. This policy fully utilizes the tools Congress has given us. By definition, the most serious offenses are

Executive Branch under President Joseph R. Biden rescinded this policy,[192] there are other signs mandatory minimum sentences and other harsh punishments for juveniles will persist and possibly increase within the criminal justice system. For example, in 2021, the Supreme Court ruled definitively in *Jones v. Mississippi* that, when a juvenile is convicted of homicide, sentencers are not required to make a finding that the juvenile is beyond rehabilitation before sentencing that juvenile to life without parole.[193] The *Jones* Court found this holding "consistent with *Miller*, . . . consistent with [the Supreme Court's] analogous death penalty precedents, and . . . not dictated by any consistent historical or contemporary sentencing practices in the States."[194] With this ruling and other manifestations of excessive punishment's persistent threat toward youth within the criminal justice system in mind, the categorical ban this Note promotes would fill the gaps *Lyle* left behind. Further, it would provide a solution that helps ensure no juvenile criminal offender will suffer cruel and unusual punishment at the hands of a mandatory minimum sentence in Iowa's state sentencing process again.

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those that carry the most substantial guidelines sentence, including *mandatory minimum sentences*" (emphasis added)).

192. OFF. OF THE ATT'Y GEN., MEMORANDUM FOR ALL FEDERAL PROSECUTORS: INTERIM GUIDANCE ON PROSECUTORIAL DISCRETION, CHARGING, AND SENTENCING (2021), https://www.justice.gov/ag/page/file/1362411/download#:~:text=The%20goal%20ofthis%20interim%20step,longer%2Dterm%20policy%20is%20formulated. [https://perma.cc/GDS8-VSR6] ("The goal of this interim step is to ensure that decisions about charging, plea agreements, and advocacy at sentencing are based on the merits of each case and reflect an individualized assessment of relevant facts while longer-term policy is formulated.").

193. Jones v. Mississippi, 141 S. Ct. 1307, 1318–19 (2021).

194. *Id.* at 1319.