

SUPREME COURT OF IOWA

State of Iowa v. Schuyler Cole Tripp

State v. Tripp · No. 08-0805 · Decided January 8, 2010

SUMMARY

The Iowa Supreme Court affirmed the sentence imposed on Schuyler Cole Tripp following his guilty plea to third-degree sexual abuse. The court held that his constitutional challenge to the lifetime parole provision under Iowa Code section 903B.1 was not ripe because he was serving probation, not parole, and the future conditions and duration of parole were uncertain.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Baker, Justice
JURISDICTION	Iowa
DECIDED	January 8, 2010
DOCKET	08-0805
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed the portion of his sentence imposing a lifetime special sentence with parole-like supervision after pleading guilty to third-degree sexual abuse.
STANDARD OF REVIEW	Constitutional challenges to statutes are reviewed de novo. Statutes are presumed constitutional, and the challenger bears the burden of proving unconstitutionality beyond a reasonable doubt.
PRECEDENTIAL VALUE	Published Iowa Supreme Court opinion
PARTIES	Schuyler Cole Tripp v. State of Iowa

TOPICS

- ripeness
- cruel and unusual punishment
- sentencing
- constitutional law
- appellate procedure

PRACTICE AREAS

- criminal law
- criminal procedure
- constitutional law
- appellate procedure
- sentencing

QUESTIONS PRESENTED

1. Whether Tripp's constitutional challenge to the lifetime parole sentence imposed under Iowa Code section 903B.1 was ripe for adjudication.
2. Whether the special sentence constituted cruel and unusual punishment under the Eighth Amendment to the United States Constitution and article I, section 17 of the Iowa Constitution.
3. Whether trial counsel's failure to raise the constitutional challenge constituted ineffective assistance of counsel.

HOLDINGS

1. Tripp's challenge to the lifetime parole sentence imposed under Iowa Code section 903B.1 was not ripe for adjudication because the length and conditions of parole, as well as any consequences of violating those conditions, had not yet been determined.
2. The court did not reach the merits of whether Iowa Code section 903B.1, as applied to third-degree sexual abuse, constituted cruel and unusual punishment because the challenge was not ripe.
3. The court addressed the alleged sentencing error directly as an inherently illegal-sentence claim rather than under the guise of ineffective assistance of counsel.

KEY QUOTATIONS

“We hold this challenge to the special sentence provisions under Iowa Code section 903B.1, as applied to third-degree sexual assault under Iowa Code section 709.4(2)(c)(4), is not ripe for adjudication.” (2)

“A case is ripe for adjudication when it presents an actual, present controversy, as opposed to one that is merely hypothetical or speculative.” (6)

FACTUAL BACKGROUND

Tripp was twenty years old when he performed a sex act with a fifteen-year-old victim; they were more than four years apart in age and were not cohabiting as husband and wife. He pleaded guilty to third-degree sexual abuse and received a suspended prison sentence, five years of supervised probation, a fine, sex-offender-registration requirements, and a special lifetime sentence under Iowa Code section 903B.1. He had not served prison time and was not yet on parole when he challenged the special sentence.

PROCEDURAL HISTORY

Tripp pleaded guilty in the Iowa District Court for Wapello County to third-degree sexual abuse. The district court imposed an indeterminate prison term not exceeding ten years, suspended incarceration, ordered five years of supervised probation, and imposed the special lifetime sentence under Iowa Code section 903B.1. Tripp appealed without filing a motion in arrest of judgment, challenging the special sentence as cruel and unusual punishment and alleging ineffective assistance of counsel.

DISPOSITION

affirmed

CASES CITED

- State v. Keene, 629 N.W.2d 360, 363 (Iowa 2001)
- State v. Seering, 701 N.W.2d 655, 661 (Iowa 2005)
- State v. Hernandez-Lopez, 639 N.W.2d 226, 233 (Iowa 2002)
- State v. Bruegger, 773 N.W.2d 862, 869 (Iowa 2009)
- United States v. Bridges, 760 F.2d 151, 154 (7th Cir. 1985)
- United States v. Walden, 578 F.2d 966, 972 (3d Cir. 1978)
- United States v. Rea, 532 F.2d 147, 149 (9th Cir. 1976)
- State v. Wade, 757 N.W.2d 618, 626-27 (Iowa 2008)
- State v. Iowa Dist. Ct., 616 N.W.2d 575, 578 (Iowa 2000)
- Abbott Labs. v. Gardner, 387 U.S. 136, 148-49 (1967)
- Califano v. Sanders, 430 U.S. 99, 105 (1977)
- State v. Schreiner, 754 N.W.2d 742, 765 (Neb. 2008)
- State v. Bullock, 638 N.W.2d 728, 735 (Iowa 2002)