

SUPREME COURT OF IOWA

Bonilla v. State

791 N.W.2d 697 (Iowa 2010) · No. No. 09–0993 · Decided December 17, 2010

SUMMARY

The Iowa Supreme Court held that sentencing a juvenile offender to life imprisonment without parole for a nonhomicide offense violated the Eighth Amendment under *Graham v. Florida*. It severed the parole-prohibiting provisions of Iowa Code sections 902.1 and 906.5 as applied to Bonilla, leaving a life sentence with the possibility of parole. The court vacated the sentence and remanded for resentencing.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Streit, Justice
JURISDICTION	Iowa
DECIDED	December 17, 2010
DOCKET	No. 09–0993
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from the denial of an application for postconviction relief challenging the legality and constitutionality of a juvenile offender's mandatory sentence of life imprisonment without parole.
STANDARD OF REVIEW	Constitutional claims are reviewed de novo. An illegal sentence may be corrected at any time.
PRECEDENTIAL VALUE	published precedential opinion of the Supreme Court of Iowa
PARTIES	Julio Bonilla v. State of Iowa

TOPICS

- cruel and unusual punishment
- sentencing
- state post-conviction relief
- criminal procedure
- constitutional law

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the Eighth Amendment prohibits sentencing a juvenile nonhomicide offender to life imprisonment without parole.
2. Whether Bonilla's postconviction claim could be treated as a challenge to an illegal sentence and raised on appeal.
3. Whether the unconstitutional parole restrictions in Iowa Code sections 902.1 and 906.5 could be severed so that Bonilla would remain sentenced to life imprisonment but become eligible for parole consideration.

HOLDINGS

1. The mandatory sentence of life imprisonment without the possibility of parole imposed on Bonilla for a nonhomicide offense committed when he was a juvenile violated the Eighth Amendment.
2. A claim that a sentence is unconstitutional as cruel and unusual punishment is a challenge to an illegal sentence and may be raised at any time; Bonilla's postconviction application was therefore construed as a motion to correct an illegal sentence.
3. The parole restrictions in Iowa Code sections 902.1 and 906.5 were unconstitutional as applied to Bonilla and could be severed from the statutes, leaving a life sentence with the possibility of parole and annual parole review.

KEY QUOTATIONS

"In Graham, the United States Supreme Court held the United States Constitution "prohibits the imposition of a life without parole sentence on a juvenile offender who did not commit homicide."" (p. 4)

"The Court further held a state must provide "some meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation."" (p. 5)

"Therefore, Bonilla shall be sentenced to life in prison, with the potential of parole." (p. 9)

FACTUAL BACKGROUND

Bonilla was convicted in 2005 in adult court of first-degree kidnapping, a class A felony, for an offense committed when he was sixteen years old. Iowa law required a life sentence without the possibility of parole for a class A felony, subject only to possible executive commutation. Bonilla challenged that sentence after the United States Supreme Court decided *Graham v. Florida*, which held that life without parole is unconstitutional for juvenile nonhomicide offenders.

PROCEDURAL HISTORY

Bonilla was convicted in adult court of first-degree kidnapping for an offense committed when he was sixteen and received a mandatory life sentence without parole. He filed an application for postconviction relief, which the Iowa District Court for Polk County denied. On appeal, he raised for the first time the claim that his sentence violated the federal and Iowa constitutional prohibitions against cruel and unusual punishment. The Iowa Supreme Court treated the claim as a challenge to an illegal sentence, vacated the sentence, and remanded for resentencing.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The district court must vacate Bonilla's existing sentence and resentence him consistently with the opinion, leaving a life sentence but providing the possibility of parole and applying the parole-review provisions of Iowa Code section 906.5 without the unconstitutional class A felony exclusion.

CASES CITED

- Graham v. Florida, Graham v. Florida, 560 U.S. 48, 130 S. Ct. 2011, 176 L. Ed. 2d 825 (2010)
- Kyle v. State, 322 N.W.2d 299, 302-03 (Iowa 1982)
- Formaro v. Polk County, 773 N.W.2d 834, 838 (Iowa 2009)
- Veal v. State, 779 N.W.2d 63, 64-65 (Iowa 2010)
- State v. Bruegger, 773 N.W.2d 862, 871-72 (Iowa 2009)
- Schiro v. Summerlin, 542 U.S. 348, 351-52, 124 S. Ct. 2519, 2522-23, 159 L. Ed. 2d 442, 448 (2004)
- Bousley v. United States, 523 U.S. 614, 620, 118 S. Ct. 1604, 1610, 140 L. Ed. 2d 828, 838-39 (1998)
- Goosman v. State, 764 N.W.2d 539, 544 (Iowa 2009)
- Am. Dog Owners Ass'n, Inc. v. City of Des Moines, 469 N.W.2d 416, 418 (Iowa 1991) (per curiam)
- State v. Aldrich, 231 N.W.2d 890, 895-96 (Iowa 1975)
- State v. Blyth, 226 N.W.2d 250, 261-62 (Iowa 1975)
- State v. Maghee, 573 N.W.2d 1, 7 (Iowa 1997)
- State v. Ceaser, 585 N.W.2d 192, 196 n.1 (Iowa 1998)
- Bruegger, 773 N.W.2d at 871-72