

IN THE COURT OF APPEALS OF IOWA

No. 22-2079
Filed March 27, 2024

STATE OF IOWA,
Plaintiff-Appellee,

vs.

DANIL JAMES DENG,
Defendant-Appellant.

Appeal from the Iowa District Court for Polk County, Heather Lauber, Judge.

A juvenile offender challenges his mandatory minimum sentence of incarceration. **AFFIRMED.**

Nicholas Einwalter, Des Moines, for appellant.

Brenna Bird, Attorney General, and Louis S. Sloven, Assistant Attorney General, for appellee.

Considered by Tabor, P.J., and Badding and Chicchelly, JJ.

TABOR, Presiding Judge.

Danil Deng was seventeen years old when he and a friend killed a man, mistakenly believing the victim was responsible for “shooting up” Deng’s home. For his role in the crime, Deng pleaded guilty to first-degree murder. After hearing from a psychologist who interviewed Deng, as well as the victim’s family, the district court sentenced the teenager to life in prison with eligibility for parole after fifty years. The court ran that term consecutive to Deng’s separate sentence for first-degree robbery. Deng will not be eligible for parole until he serves a mandatory minimum term of sixty-two and one-half years for the two offenses.

Deng appeals this sentence—arguing that the district court abused its discretion by failing to properly consider the juvenile sentencing factors from *State v. Lyle*, 854 N.W.2d 378, 404 n.10 (Iowa 2014). Because the district court performed a thorough analysis of all the pertinent factors, we see no abuse of discretion and affirm Deng’s sentence.

I. Facts and Prior Proceedings

“It was some revenge shit.” Deng offered that explanation to psychologist Tracy Thomas, who was retained jointly by the prosecution and the defense to evaluate the juvenile for sentencing. In August 2021, Deng’s family home was the target of a drive-by shooting. “I saw red,” Deng recalled. “The fact that someone tried to kill my family.” Fast forward five days. Deng was driving around with a friend and decided to retaliate—they fired up to seventeen rounds at three men in a driveway who were giving and getting haircuts. Deng later lamented: “the people

we shot . . . weren't even the people who did it." One of the victims died, and two others were injured.¹

The State charged Deng with murder in the first degree, two counts of attempted murder, and carrying weapons. He accepted a plea deal from the State. He agreed to plead guilty to first-degree murder, the State agreed to dismiss the other three charges, and both sides were free to argue for sentencing options within the parameters of *Lyle* and *Miller v. Alabama*, 567 U.S. 460, 477–78 (2012). At sentencing, the defense asked the court to impose a mandatory minimum of twelve and one-half years, to be served concurrently with the robbery sentence. The State recommended a minimum term of fifty years to be served consecutively with the robbery sentence.

The court heard from Dr. Thomas, who advised that she was not there to give "some magic number of years that Mr. Deng should serve in prison before he was ready for the community." But the psychologist did express her opinion that Deng "genuinely is remorseful" and had "a shot at engaging in treatment and benefitting." The court also considered impact statements from the murder victim's family members and Deng's apology for his actions. After carefully weighing the sentencing factors from *Miller* and *Lyle*, the court imposed a mandatory minimum sentence of fifty years. The court also decided that Deng's murder sentence should run consecutive to the mandatory minimum of the robbery charge "given the separate and serious nature of these offenses." Deng appeals that sentence.

¹ Earlier that same day, Deng committed robbery in the first degree. He later entered a guilty plea for that offense and was sentenced to a mandatory minimum term of twelve and one-half years.

II. Scope and Standard of Review

Because the sentence imposed is within the statutory limits, we review for an abuse of discretion. *State v. Majors*, 940 N.W.2d 372, 385 (Iowa 2020). “Sentencing decisions of the district court are cloaked with a strong presumption in their favor.” *State v. Crooks*, 911 N.W.2d 153, 171 (Iowa 2018). But we don’t “rubber stamp” the district court’s decision when imposing an adult sentence on a juvenile offender; even a discretionary sentencing may be suspect if the court “fails to consider a relevant factor that should have received significant weight, gives significant weight to an improper or irrelevant factor, or considers only appropriate factors but nevertheless commits a clear error of judgment by arriving at a sentence that lies outside the limited range of choice dictated by the facts of the case.” *State v. Roby*, 897 N.W.2d 127, 138 (2017) (citations omitted). At the same time, “[w]e trust the sentencing courts to know, after applying the factors, when a mandatory minimum term of incarceration for juvenile offenders is warranted.” *Majors*, 940 N.W.2d at 387.

III. Analysis

Deng contends that the district court abused its discretion by imposing a mandatory minimum sentence that will preclude him from parole eligibility until after sixty-two and a half years of incarceration. When sentencing juvenile offenders like Deng, a district court may impose a minimum term of incarceration after carefully considering the mitigating factors of youth. *See id.* at 386. Because Deng alleges an abuse of discretion, this case turns on whether—after weighing the juvenile sentencing factors—the district court’s imposition of the lengthy mandatory-minimum sentence was warranted.

As required, the district court considered these factors:

(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.

Lyle, 854 N.W.2d at 404 n.10 (cleaned up) (quoting *Miller*, 567 U.S. at 477–78).

On appeal, Deng faults the district court for not recognizing that his crime “while heinous, was one that was borne of his immaturity.” He also insists that the court did not give sufficient weight to the negative impact of his home environment, the external pressures he faced from his involvement in gang life, or his ability to “turn his life around.” Beyond the *Lyle* factors, he asserts that he “accepted responsibility for his actions and expressed remorse not only to Dr. Thomas, but to the victim’s family.” Addressing that last point, the State counters that Deng’s remorse “seems to center around the fact that they shot, injured, and killed the *wrong people*.” But we need not dwell on Deng’s level of regret. What’s more important in the record is the district court’s exacting application of the *Lyle* factors.

Guided by expert testimony, the sentencing court walked through each of those five factors in turn. The record shows that the court devoted considerable thought to each factor. On age and maturity, the court noted that while intelligent, Deng had problems with “thinking through consequences” and “acting impulsively.” The court also recognized that his home life was not ideal but stressed: “you had a mother who loved you who worked very hard to provide for you.” The court then highlighted the serious nature of the crime and the fact that it was “done out of

anger” and “to retaliate for what happened” at his home. The court next noted that Deng had no “incapacities” that diminished his ability to navigate the legal system. And finally, the court expressed concern about Deng’s potential for rehabilitation and capacity for change given his “long history of criminal conduct, both in the juvenile system and in the adult system.” The court then summarized its duty: “At the end of the day, the court is required to balance your need for rehabilitation particularly under those juvenile factors against the need to protect the public from further offenses from you and the court has done that by considering all of these factors.”

To achieve that balance, the court imposed a fifty-year minimum sentence, consecutive to the twelve-and-one-half-year minimum sentence for Deng’s robbery conviction. The court did not overlook relevant factors that should have been given significant weight, did not consider any improper factors, and did not commit a serious error in judgment. After careful review, we discern no abuse of discretion in the district court’s application of the *Lyle* juvenile sentencing factors.

AFFIRMED.