IN THE COURT OF APPEALS OF IOWA

No. 1-284 / 10-1770
Filed June 15, 2011

STATE OF IOWA,
Plaintiff-Appellee,

vs.

JEFFREY KEITH RAGLAND,
Defendant-Appellant.

Appeal from the Iowa District Court for Pottawattamie County, James M. Richardson, Judge.

The defendant appeals the district court's denial of an application to correct an illegal sentence. **AFFIRMED.**

Jon M. Kinnamon of Kinnamon, Kinnamon, Russo, Meyer & Keegan, Cedar Rapids, for appellant.

Thomas J. Miller, Attorney General, Thomas S. Tauber, Assistant Attorney General, Matthew D. Wilber, County Attorney, and Margaret Popp Reyes, Assistant County Attorney, for appellee.

Considered by Vogel, P.J., Vaitheswaran, J., and Mahan, S.J.* Tabor, J., takes no part.

*Senior judge assigned by order pursuant to Iowa Code section 602.9206 (2011).

VAITHESWARAN, J.

This is the sixth proceeding in which Jeffrey Ragland challenges his conviction and sentence for first-degree murder. In each of the previous proceedings, he argued the felony-murder rule should not have been used to secure his conviction. *See Ragland v. Hundley*, 79 F.3d 702, 704 (8th Cir. 1996); *State v. Ragland*, 420 N.W.2d 791, 792–93 (Iowa 1988), *overruled by State v. Heemstra*, 721 N.W.2d 549, 558 (Iowa 2006); *Ragland v. State*, No. 08-1163 (Iowa Jan. 12, 2010); *State v. Ragland*, No. 06-0225 (Iowa Aug. 8, 2006); *Ragland v. State*, 478 N.W.2d 642 (Iowa Ct. App. 1991). He also previously claimed his life-without-parole sentence amounted to cruel and unusual punishment. *Ragland*, 420 N.W.2d at 794–95.

In this action, Ragland raised the same arguments but framed them as an attack on an illegal sentence. He did so to avail himself of the principle that a challenge to an illegal sentence may be raised at any time. *See State v. Bruegger*, 773 N.W.2d 862, 872 (Iowa 2009) ("Where, as here, the claim is that the sentence itself is inherently illegal, whether based on constitution or statute, we believe the claim may be brought at any time."); *accord Veal v. State*, 779 N.W.2d 63, 64 (Iowa 2010). The district court saw the application for what it was: a reformulation of arguments raised and decided in prior proceedings. The court denied the application based in part on the law of the case doctrine.

We agree with the district court that the law of the case doctrine precludes re-litigation of the issues raised in this proceeding. *See State v. Grosvenor*, 402 N.W.2d 402, 405 (Iowa 1987) (stating the "doctrine of the law of the case represents the practice of courts to refuse to reconsider what has once been

decided" and stating it "is a rule which provides that the legal principles announced and the views expressed by a reviewing court in an opinion, *right or wrong*, are binding throughout further progress of the case upon the litigants, the trial court and this court in later appeals" (emphasis added)); *see also Holmes v. State*, 775 N.W.2d 733, 735 (Iowa Ct. App. 2009) ("Our decision on direct appeal is . . . final as to all issues decided therein, and is binding upon both the postconviction court and this court in subsequent appeals."). Accordingly, we affirm the denial of Ragland's present application.

AFFIRMED.