

IN THE COURT OF APPEALS OF IOWA

No. 2-670 / 11-1659
Filed September 6, 2012

STATE OF IOWA,
Plaintiff-Appellee,

vs.

JUSTEN FAGAN,
Defendant-Appellant.

Appeal from the Iowa District Court for Iowa County, Denver D. Dillard,
Judge.

A defendant argues that he cannot be resentenced to the mandatory sentence prescribed by Iowa Code section 902.12 (2001) without the Interstate Agreement on Detainers (IAD) being violated. **AFFIRMED.**

Philip B. Mears of Mears Law Office, Iowa City, for appellant.

Justen Fagan, Anamosa, appellant pro se.

Thomas J. Miller, Attorney General, Thomas S. Tauber, Assistant Attorney General, Tim McMeen, County Attorney, for appellee.

Considered by Vaitheswaran, P.J., Bower, J., and Miller, S.J.* Potterfield and Tabor, JJ., take no part.

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

VAITHESWARAN, P.J.

In *State v. Fagan*, No. 10-0660, 2011 WL 768826 (Iowa Ct. App. Mar. 7, 2011), the court addressed the legality of a sentence imposed on Justen Fagan following his conviction for first-degree robbery. We concluded the sentence was illegal because the court failed to impose the mandatory minimum sentence prescribed by Iowa Code section 902.12 (2001). *Fagan*, 2011 WL 768826, at *2. We also rejected Fagan's argument that the Interstate Agreement on Detainers (IAD) prevented the court from vacating his original sentence and substituting a new, harsher sentence. *Id.* at *3 ("As the matter was resolved, resentencing would not violate the 'final disposition' provision of the IAD."). We vacated Fagan's sentence and remanded for resentencing.

On remand, Fagan again raised the same IAD challenge he raised on appeal. The district court declined to address the issue, reasoning that Fagan "had [his] day in court on appeal with this issue." The court resentenced Fagan in accordance with section 902.12.¹

Fagan now appeals the remand decision. Once again, he raises the same IAD challenge that he raised in his previous appeal and that was decided against him. Under the law of the case doctrine, "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

¹ In 2003, the legislature amended section 902.12, which had previously provided that persons convicted of certain felonies had to serve one hundred percent of their maximum term except as provided in section 903A.2. 2003 Iowa Acts ch. 156, § 11. The 2003 amendment required the person to serve seven-tenths of the maximum term of the person's sentence. *Id.* A 2004 amendment to the same statute made the 2003 amendment retroactive, including those who were serving sentences for conviction of the enumerated felonies prior to July 1, 2003. 2004 Iowa Acts ch. 1150, § 1.

court in later appeals.” *State v. Ragland*, 812 N.W.2d 654, 658 (Iowa 2012) (quoting *State v. Grosvenor*, 402 N.W.2d 402, 405 (Iowa 1987)). Pursuant to this doctrine, we will not reconsider an issue that has already been decided. *Id.*

As our prior opinion squarely addressed Fagan’s argument under the IAD, we decline to revisit it.² We affirm the district court’s remand decision sentencing Fagan to a prison term of twenty-five years, with a mandatory minimum of seven-tenths of the maximum sentence under section 902.12.

AFFIRMED.

² We have considered certain exceptions to the law of the case doctrine articulated by Fagan. *Ragland*, 812 N.W.2d at 658 (“[T]he law of the case doctrine is not without exceptions.”). None of the exceptions are applicable.