No. _____

IN THE SUPREME COURT OF THE UNITED STATES

ISAAC RAMIREZ RODRIGUEZ -- PETITIONER

vs.

COMMONWEALTH OF VIRGINIA, -- RESPONDENT.

On Petition for a Writ of Certiorari to
The Supreme Court of Virginia

PETITION FOR WRIT OF CERTIORARI

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QUESTION PRESENTED

This Court has ruled that a criminal sentence must be proportionate to the crime for which the defendant has been convicted. The question presented is:

Are the mandatory minimum life sentence provisions of Virginia Code §§ 18.2-61(B)(2) and 18.2-67.2(B)(2) unconstitutional as constituting Cruel and Unusual Punishment prohibited by the Eighth Amendment to the Constitution of the United States, making the mandatory minimum sentence of two life sentences plus 60 years plus 12 months imposed upon Petitioner in this case unconstitutionally disproportionate to the particular crimes for which he was convicted and unconstitutional.

LIST OF PARTIES TO THE PROCEEDING

The Petitioner (the respondent-appellant below) is Isaac Ramirez Rodriguez, who was born in 1985 and is now imprisoned in a facility of the Virginia Department of Corrections as a result of this case for two (2) life sentences plus 60 years plus 12 months as a result of convictions for sexual offenses against a juvenile female who was raised as his daughter and was born in 2005, with an offense date range from 2016 to 2021.

The Respondent (the defendant-appellee below) is the Commonwealth of Virginia.

RELATED PROCEEDINGS

Commonwealth of Virginia v. Isaac Ramirez Rodriguez, Final Order of Sentencing Circuit Court of Pittsylvania County, Virginia (Nos. CR22000144-00 through CR22000145-00 and CR22000233-00 through CR22000236-00) (entered October 13, 2023) (unpublished).

Isaac Ramirez Rodriguez v. Commonwealth of Virginia, Court of Appeals of Virginia Rec. No. 1911-23-3 (Order Refusing Petition for Appeal) (January 14, 2025) (unpublished).

Isaac Ramirez Rodriguez v. Commonwealth of Virginia, Supreme Court of Virginia Rec. No. 250129 (Order Refusing Petition for Appeal) (September 15, 2025) (unpublished).

Isaac Ramirez Rodriguez v. Commonwealth of Virginia, Supreme Court of Virginia Rec. No. 250129 (Order Refusing Petition for Rehearing) (October 24, 2025) (unpublished).

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TO THE HONORABLE CHIEF JUSTICE AND ASSOCIATE JUSTICES OF THE SUPREME COURT OF THE UNITED STATES:

Petitioner respectfully prays that a writ of certiorari issue to review the judgment of the Supreme Court of Virginia in this case.

OPINIONS / ORDERS BELOW

The final order of the highest state court to deny discretionary review of this case, the Supreme Court of Virginia, appears at Appendix A to the petition and is unpublished.

The final order of the trial court, the Circuit Court of Pittsylvania County, Virginia appears at Appendix B to the petition and is unpublished.

JURISDICTION

The date on which the highest state court decided this case, the Supreme Court of Virginia, was October 24, 2025. The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a).

CONSTITUTIONAL PROVISION INVOLVED

The Eighth Amendment to the Constitution provides that "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."

STATEMENT OF THE CASE

After a jury trial, Petitioner was found guilty of aggravated sexual battery, contributing to the delinquency of a minor, rape, and three charges of object sexual penetration, and sentenced by the trial judge to two (2) mandatory life sentences for rape and object sexual penetration respectively plus 60 years and 12 months on the other charges.

On September 5, 2023, prior to sentencing, Petitioner's counsel filed a Motion to Declare Mandatory Minimum Life Sentences Unconstitutional.

On October 12, 2023, prior to the imposition of sentence but on the same date therof, the above Motion was argued by counsel and denied, with the exception and objection of Petitioner's counsel being duly noted. Sentence was then pronounced as described above, and the sentencing order was entered on October 13, 2023.

On appeal to the Supreme Court of Virginia, Petitioner assigned error to the refusal of the trial court to declare the mandatory minimum sentences unconstitutional for the reasons argued herein.

The Virginia Supreme Court refused discretionary review of the case in a final rehearing decision on October 24, 2025. *See* Appendix B.

REASONS FOR GRANTING THE PETITION

This Court has held in *Solem v. Helm*, 463 U.S. 277 (1983) that "as a matter of principle . . . a criminal sentence must be proportionate to the crime for which the defendant has been convicted." *Id*. at 290. The Court ruled that the life without parole for a bad check conviction – even after six prior felonies – violated the prohibition of cruel and unusual punishment in the Eighth Amendment to the Constitution of the United States.

A mandatory minimum of life imprisonment obviously provides no opportunity for a proportionality analysis and discretionary sentencing. Thus a mandatory minimum life sentence is, both "facially" and "as applied", constitutionally disproportionate to the stipulated facts of the case pursuant to *Solem* and to the later cases of *Graham v. Florida*, 560 U.S. 48 (2010) and *Miller v. Alabama*, 567 U.S. 460 (2012).

In *Graham* this Court decided that juvenile offenders may not be sentenced to life in prison without possibility of parole for nonhomicidal crimes. According to Justice Stevens: "Standards of decency have evolved since 1980. They will never stop doing so." *Graham*, Stevens, J., concurring at 85. So the *Solem* analysis is still good. There seems to be no

logical reason why the proportionality analysis should be limited to death cases, life-imprisonment cases, or those involving juveniles. Justice Thomas stated in his dissent to *Graham* that

> the Court today does more than return to *Solem's* case-by-case proportionality standard for noncapital sentences; it hurdles past it to impose a *categorical* proportionality rule banning life-without-parole sentences not just in this case, but in *every* case involving a juvenile nonhomicide offender, no matter what the circumstances.

Graham, Thomas, J., dissenting at 85.

It is respectfully submitted that Justice Thomas's analysis is logically correct: The floodgates have been opened, and that a proportionality analysis should therefore take place in each and every case.

In *Miller*, a mandatory life without parole sentence for a juvenile convicted of homicide was held to violate the Eighth Amendment.

There appears to be no reason to limit the essence of the *Graham* and *Miller* rulings – with *Solem* in the background – to juveniles.

Even assuming *arguendo* that the proportionality analysis should be limited to certain cases, the case at bar is a prime example of in instance where proportionality ought to be required.

A Washington state case has extended the *Miller* analysis to 19-and-20-year-olds. *See In re Monschke & Bartholomew*, Nos. 96772-5 & 96773-3 (Wash. March 11, 2021)(*en banc*).

Mandatory minimums violate due process and vest too much power in the hands of prosecutors. Therefore the mandatory minimum statutory scheme that currently exists needs to be thrown out by a judicial remedy similar to what this Court did with the federal sentencing guidelines in *United States v. Booker*, 543 U.S. 220 (2005).

Even assuming *arguendo* that mandatory minimum sentences are in some instances constitutionally permissible, this Court has already made it clear that any fact that imposes or increases a mandatory minimum becomes an element of the offense which must be submitted to the jury. *See Alleyne v. United States*, 570 U.S. 99 (2013). *See also, e.g., United States v. Haymond*, 139 S.Ct. 2369 (2019) (mandatory minimum cannot be increased by factors not findable by a jury); *United States v. Davis*, *supra*, 139 S.Ct. 2319 (2019); and *Sessions v. Dimaya*, 138 S.Ct. 1204 (2018).

Petitioner, upon conviction, should have been granted a constitutionally proportionate sentence, and it was error – both "facially" and "as applied" to impose the mandatory minimum life sentence in this case.

The facts found by jury and trial judge in the case at bar certainly warrant serious penitentiary time upon conviction. On the other hand, there is no specific evidence that Petitioner ever used actual force or threats. The

prosecution's evidence, if believed, clearly establishes that although these are disgusting offenses, yet a fact pattern much more disgusting is easily imaginable. Despite this, an effective life sentence – now arbitrarily imposed as the minimum and maximum under Virginia law for any case – has been imposed for a case in which the "disgust-o-meter reading" is far from maximal – e.g., the victim could have been threatened, stabbed, tortured or shot.

The mandatory minimum life sentence provisions of Va. Code §§ 18.2-61(B)(2) and 18.2-67.2(B)(2) are unconstitutional. These two provisions, enacted in 2013, are essentially identical, and provide for a mandatory life sentence where the victim under age 13, "where it is alleged in the indictment that the offender was 18 years of age or older at the time of the offense…"

Comparative law also supports the proposition that life imprisonment would be a disproportionately unconstitutional sentence here. Even assuming the truth of the admittedly aggravated facts resolved by the jury against Petitioner, such a sentence would almost certainly be considered a highly disproportionate sentence under these circumstances in other Western legal systems, including fellow common law systems. An example of this is a recent case from another common law country: Canada.

R. v. Bissonnette, 2022 Supreme Court of Canada 23, Case No. 39544, May 27, 2022, involved a six-count murder case occurring in the Great Mosque of Quebec in 2017. And yet the Court rejected automatic parole ineligibility for consecutive 25-year periods, ruling that a sentence for life without a realistic possibility of parole is, by its very nature, intrinsically incompatible with human dignity, degrading in nature, and presupposing that a defendant lacks the capacity to reform and re-enter society. *See id* at 8, 22, 43-44. The laws of other countries were referred to, with the United States apparently being far more draconian in this regard than other Western nations. *See generally id.* at 50, 56-57.

The general sentiments and principles expressed in *R. v. Bissonnette* are applicable to this situation, and constitute further evidence that a mandatory life sentence in his case would be inhumane and disproportionate.

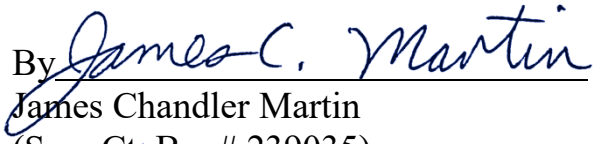
For these reasons, the imposition of one or more mandatory minimum sentences of life imprisonment sentence on Petitioner, both "facially" and "as applied" to him, is an abuse of discretion, as well as being cruel, unusual and constitutionally disproportionate to the facts of the case and to the factors which ought to be considered in sentencing; and that it therefore violates the Eighth Amendment to the U.S. Constitution.

CONCLUSION

The petition for writ of certiorari should be granted.

Respectfully submitted,

ISAAC RAMIREZ RODRIGUEZ



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Dated: January 22, 2026