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Montgomery v. Louisiana

The U. S. Supreme Court holds that its decision in Miller v. Alabama announced a substantive rule of law and must be given retroactive effect by State courts of collateral review

In *Montgomery v. Louisiana*, No. 14-280 (January 25, 2016), the Supreme Court addressed the question of whether *Miller v. Alabama*, 567 U. S. ____ (132 S.Ct. 2455, 183 L.Ed.2d 407) (2012) adopted a new substantive rule that applies retroactively on collateral review to people condemned as juveniles to die in prison. The petitioner was 17 years old in 1963 when he killed a deputy sheriff and was sentenced to life without parole. In 2012, the U. S. Supreme Court held in *Miller* that mandatory life without parole for juvenile homicide offenders violates the Eighth Amendment’s prohibition of cruel and unusual punishment. The petitioner then sought collateral review of his sentence, seeking to have it overturned in light of *Miller*. The Louisiana courts refused to give *Miller* retroactive effect.

The Court first held that when a new substantive rule of constitutional law controls the outcome of a case, the Constitution requires state collateral review courts to give retroactive effect to that rule. Next, the Court clarified the difference between procedural and substantive rules. A procedural rule regulates only the manner of determining the defendant’s culpability. A substantive rule, however, forbids criminal punishment of certain primary conduct or prohibits a certain category of punishment for a class of defendants because of their status or offense. Because *Miller* determined that sentencing a child to life without parole is excessive for all but “the rare juvenile offender whose crime reflects irreparable corruption,” it rendered life without parole an unconstitutional penalty for a class of defendants because of their status, i.e. juvenile offenders whose crimes “reflect the transient immaturity of youth.” Consequently, the Court held, *Miller* announced a substantive rule that is retroactive in cases on collateral review.

Nevertheless, the Court stated, giving *Miller* retroactive effect does not require States to relitigate sentences or convictions where a juvenile offender received a life without parole sentence. Rather, the Court held, a State may remedy a *Miller* violation by permitting juvenile homicide offenders to be considered for parole, rather than by resentencing them. In so holding, the Court found that extending parole eligibility to juvenile offenders does not impose an onerous burden on the States, nor does it disturb the finality of state convictions. “The opportunity for release will be afforded to those who demonstrate the truth of *Miller’s* central intuition – that children who commit even heinous crimes are capable of change.” Accordingly, the Court remanded the case back to Louisiana for the petitioner to be given a chance to show that he is worthy of parole.