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SUPREME COURT OF LOUISIANA

No. 15-KH-1987

STATE EX REL. EDUARDO ROBINSON

v.

STATE OF LOUISIANA

**ON SUPERVISORY WRITS TO THE CRIMINAL
DISTRICT COURT, PARISH OF ORLEANS**

PER CURIAM:

Writ granted. Relator is serving, *inter alia*, a sentence of life imprisonment at hard labor without parole eligibility for an aggravated rape he committed when he was 15 years old. *State v. Robinson*, 437 So.2d 872 (La. 1983). In *Graham v. Florida*, 560 U.S. 48, 130 S.Ct. 2011, 176 L.Ed.2d 825 (2010), the United States Supreme Court concluded that a sentence of life without the possibility of parole for a nonhomicide offense committed when the defendant was a juvenile constitutes cruel and unusual punishment. Therefore, the district court erred in denying relator's motion to correct an illegal sentence, which may be filed at any time. *See* La.C.Cr.P. art. 882. Therefore, we order the deletion of the relator's parole ineligibility with regard to his sentence for aggravated rape and order that he be designated as parole-eligible with regard to that sentence and that sentence only in accordance with La.R.S. 15:574.4(D). Relator's consecutive sentence of life imprisonment at hard labor without parole eligibility for first degree murder committed when he was 16 years old, *State v. Robinson*, 434 So.2d 1108 (La. 1983), is unaffected by this ruling.