

03/09/2018 "See News Release 011 for any Concurrences and/or Dissents."

SUPREME COURT OF LOUISIANA

No. 2017-KH-0054

STATE EX REL. JOSHUA D. BROOKS

VERSUS

STATE OF LOUISIANA

**ON SUPERVISORY WRITS TO THE FIRST JUDICIAL DISTRICT
COURT, PARISH OF CADDO**

JOHNSON, C.J., would grant the writ and assigns reasons.

In 2013, Defendant was convicted of second degree murder as a result of an offense he committed in 2009, when he was 16 years old. Defendant was subsequently sentenced to 60 years imprisonment at hard labor without benefit of parole. In my view, defendant's 60-year sentence without parole is effectively a life sentence. In light of the Supreme Court's holding in *Montgomery v. Louisiana*, 577 U.S. ___, 136 S.Ct. 718, 193 L.Ed. 2d 599 (2016) that *Miller v. Alabama*, 567 U.S. 460, 132 S.Ct. 2455, 183 L.Ed. 2d 407 (2012) announced a substantive rule of constitutional law that applies retroactively, I would grant defendant's writ, vacate his sentence, and remand the case to the district court for further proceedings consistent with the views expressed in *State v. Montgomery*, 13-1163 (La. 6/28/16), 194 So. 3d 606, and for re-sentencing pursuant to La. C.Cr. P. Art. 878.1.