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SUPREME COURT OF LOUISIANA

NO. 2013-OK-1324

STATE OF LOUISIANA

VERSUS

JUAVE COLLINS

ON WRIT OF CERTIORARI TO THE COURT OF APPEAL,
FIRST CIRCUIT, PARISH OF EAST BATON ROUGE

Johnson, C.J., would grant the writ application and assigns reasons:

“[T]he Eight Amendment forbids a sentencing scheme that mandates life in prison without the possibility of parole for juvenile offenders.” *Miller v. Alabama*, 567 U.S. ___, 132 S.Ct.2455, 183 L.Ed.2d 407 (2012). In *State v. Tate*, 2012-2763 (La. 11/05/13), 130 So.3d 829, this court held that *Miller* does not retroactively apply to juvenile offenders in Louisiana whose life sentences were handed down before the Supreme Court issued its opinion. I dissented from this court’s ruling in *Tate*, finding that *Miller* announced a new rule of criminal procedure that is substantive and consequently should apply retroactively.