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Fourth Circuit Court of Appeals

(Note: You may access the court's opinion by clicking on the case name)

Court Holds That Ruling in *Miller v. Alabama*, 132 S. Ct. 2455 (2012) (Sentence of Mandatory Life Imprisonment Without Parole for Juvenile Convicted of Murder Committed Before Age 18 Without Individualized Consideration of Juvenile Violates Eighth Amendment) Is Not Retroactively Applicable to Cases on Collateral Review

[Johnson v. Ponton](#), ___ F.3d ___, 2015 WL 924049 (4th Cir. March 5, 2015). Johnson committed a murder at age 16 and was convicted of capital murder in 1998 and sentenced to death. In 2005 the Virginia Supreme Court, acting in response to *Roper v. Simmons*, 543 U.S. 551 (2005) (no death penalty for juvenile who commits murder before age 18), commuted Johnson's sentence to life without the possibility of parole without holding or ordering a rehearing. The United States Supreme Court in *Miller v. Alabama*, 132 S. Ct. 2455 (2012), held that imposing a mandatory sentence of life without the possibility of parole for a juvenile convicted of murder committed before age 18 without individualized consideration of the juvenile violates the Eighth Amendment. [Author's note: To comply with *Miller*, G.S. 15A-1340.19A through 15A-1340.19D sets out procedures to determine a juvenile's sentence for first-degree murder.] Johnson after *Miller* filed a petition for a writ of habeas corpus in federal district court in which he argued that *Miller* applied retroactively to his sentence. The district court denied the petition, and the fourth circuit affirmed. It held, relying on United States Supreme Court case law on retroactivity, that *Miller* is not retroactively applicable to cases on collateral review.