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#### Fourth Circuit Court of Appeals

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

### **Court Rules That *Roper v. Simmons*, 543 U.S. 551 (2005) (Eighth Amendment Bars Imposition of Death Penalty on Defendant Who Was Under 18 Years Old When Murder Committed), Does Not Apply Retroactively to Invalidate a Minor Defendant's Guilty Plea When, Before *Roper*, He Pled Guilty to Avoid Death Penalty**

[Dingle v. Stevenson](#), \_\_\_ F.3d \_\_\_, 2016 WL 6211892 (4th Cir. Oct. 25, 2106). In 1993, Dingle was charged with capital murder and other offenses in a South Carolina state court. He was seventeen years old when the offenses occurred. The state filed notice of its intent to seek the death penalty and in 1995 Dingle pled guilty to all the charges in exchange for life imprisonment with the possibility of parole.

In 2005, Dingle at a state court hearing argued that he should be allowed to withdraw his guilty plea because, in light of *Roper v. Simmons*, 543 U.S. 551 (2005) (Eighth Amendment bars Imposition of death penalty on defendant who was under 18 years old when murder committed), he no longer received the benefit of a plea bargain premised on avoiding the death penalty. He contended that *Roper* applies retroactively to his case and his guilty plea was involuntary because it was made for the sole purpose of avoiding cruel and unusual punishment under the Eighth Amendment.

After being unsuccessful in state court in invalidating his guilty plea, Dingle filed a petition for a writ of habeas corpus in a South Carolina federal district court asserting the same grounds for invalidating the guilty plea as he had argued in state court. The federal district court denied the petition and the fourth circuit affirmed.

The fourth circuit conceded that *Roper* was a substantive rule, but that did not decide Dingle's case. The court stated that the inescapable fact was that Dingle did not receive the death penalty. Nor did he receive a life sentence without parole. See *Miller v. Alabama*, 132 S. Ct. 2455 (2012). The court stated that the United States Supreme Court has not suggested that a substantive rule would stretch beyond the proscribed sentence to reopen a guilty plea with a different sentence. Rather, when a defendant pleads guilty based on the strength of the state's case and an assessment of the range of penalties to which he or she might otherwise be exposed, courts have been especially reluctant to rescind the bargain. The court relied on and discussed *Brady v. United States*, 397 U.S. 742 (1970) (defendant entered into plea agreement to avoid capital punishment, although later legal developments made the defendant ineligible for the death penalty; Court rejects defendant's argument that he be allowed to withdraw his guilty plea).