

No. 14-280

In the Supreme Court of the United States

HENRY MONTGOMERY, PETITIONER

v.

STATE OF LOUISIANA

ON WRIT OF CERTIORARI
TO THE SUPREME COURT OF LOUISIANA

**BRIEF OF *AMICI CURIAE* STATE OF
MICHIGAN AND 15 OTHER STATES IN
SUPPORT OF RESPONDENT**

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QUESTION PRESENTED

Whether the rule announced in *Miller v. Alabama*, 132 S. Ct. 2455 (2012), applies retroactively to cases final on direct review under the framework set out in *Teague v. Lane*, 489 U.S. 288 (1989).

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INTEREST OF *AMICI CURIAE*

The Attorneys General of the States are the chief law enforcement officers of their respective states, and they have a vital interest in protecting the finality of judgments for murder convictions that have been obtained over the last fifty years. This Court ruled in *Miller v. Alabama*, 132 S. Ct. 2455 (2012), that the *mandatory* imposition of life without parole for teenage murderers is unconstitutional. The question here is whether this decision applies retroactively.

The answer directly affects the administration of justice in the States. While federal prisons hold only 37 such prisoners, more than 2,000 criminals who committed murder while teenagers are currently incarcerated in state prisons. And the convictions for these state prisoners span more than five decades. Thus, the considerations of finality weigh heavily here. Any retroactive application of *Miller* would challenge the settled expectations of victims that these violent murderers would never be subject to release.

As guardians of the community's security, the amici States note that these offenders are as a category some of the most dangerous. They committed the gravest crime—murder. And they have been incarcerated for virtually their entire adult lives. Requiring the States to resentence hundreds of offenders, many of whose crimes were committed decades ago, would undermine the community's safety and would offend principles of finality.

INTRODUCTION AND SUMMARY OF ARGUMENT

Contrary to the suggestion of some, the prisoners who seek the retroactive application of *Miller* are not all hapless aiders and abettors who played a secondary role and whose cases reached finality a year or two before the *Miller* decision. Rather, the cases span more than fifty years. And they include some of the most vicious criminals anywhere.

In Michigan, for example, James Porter systematically executed a woman and her four children. He committed this brutal crime in 1982, when he was 16. The idea of having a resentencing hearing more than 30 years later to examine Porter's "immaturity [and] impetuosity," 132 S. Ct. 2468, when he is now almost 50 years old is dubious. Such examples are legion throughout the states.

In fact, the experience of the states with some of the largest number of murderers committed by juveniles (Pennsylvania, Michigan, Louisiana, Illinois, and Missouri) underscore the deep problems of finality raised by this case. Of the more than 2,000 offenders nationwide, as many as half were sentenced more than 20 years ago.

Even aside from the practical limitations on retroactivity, the determination whether a rule is substantive and therefore should be applied retroactively should depend on whether the conduct for which the defendant is currently incarcerated is not criminal or carries a sentence that the law cannot impose. By this definition, *Miller* did not announce a substantive rule and does not apply.

This rule makes sense because while it offends basic fairness to force a criminal to serve a sentence that could never have been imposed, that is not the case here. *Miller* does not require that the juvenile receive a different sentence, but a different process. Montgomery could again receive the same sentence—life without parole—even if *Miller* applied. The *mandatory* nature of the sentence is not a part of the punishment, but only a description of the mechanism for the decision. *Miller* did not exclude a category of punishment.

The courts below that have applied *Miller* retroactively and the United States in its argument that *Miller* should apply retroactively both make two primary errors.

First, the fact that *Miller* changes the range of sentences, requiring the option of a more lenient sentence, does not indicate that it is a substantive change. The key point is that the same sentence may still be imposed. In this way, not a single criminal defendant is currently held for a sentence that could not have been imposed after *Miller*.

Second, the fact *Miller* requires a sentencer to consider additional factors, namely the offender's youth and related characteristics, does not mean that it changes the sentencing elements. *Miller* does not require any specific finding. It only requires individual sentencing.¹

¹ This brief only addresses the first question presented. With respect to the second question, the amici assume for purposes of argument that this Court has jurisdiction over the issue.

STATEMENT OF FACTS

Currently there are more than 2,000 inmates in prison serving life sentences for murders they committed when they were teenagers. Hundreds of these offenders were sentenced more than 20 years ago. The facts of one of these cases—the James Porter case from Michigan—underscore the considerations of finality at issue.

In 1982, James Porter was 16 years old and seemed to be the friend of Eric Giuliani, who had graduated from the high school that Giuliani still attended. (1/11/83 Tr., vol. II, at 478–79.) In the few months before the date of the crime, the Giuliani home had been subject to a couple of burglaries. (*Id.* at 488–91.) On April 7, 1982, Eric’s sister, Cindy, and her mother, Elizabeth Giuliani, were planning on going bowling. It had been a snow day. (*Id.* at 529.) On that same day, Porter’s younger brother Kent saw James Porter leaving the family home with a “gun case.” (1/10/83 Tr., vol. I, at 394–96.)

The evidence demonstrated that Porter arrived at the Giuliani home that morning and systematically executed the entire family, except the father, Richard Giuliani, who was not at home.

Mrs. Giuliani was found outside of her bathroom in the hallway; Porter had shot her twice in the head with a .22 rifle, once above her right eye and again above her left ear. (1/11/83 Tr., vol. II, at 616–17, 657.)

Sixteen-year-old Kathy was found next to her mother, still dressed in her pajamas; Porter shot her once in her left temple. (*Id.* at 620, 660.)

Kathy's younger sister, Cindy, who was 13, was found in the bathroom. (*Id.* at 661.) She was already dressed, wearing a blue blouse, blue jeans, and socks. (*Id.*) Porter shot her three times, once in her left shoulder, and twice in her head. (*Id.* at 626.)

Eric Giuliani was found near his own bedroom; Porter shot him twice in the head. (*Id.* at 628, 665.)

The final victim found in the house was Dean or "Deano" Giuliani, who was ten years old. He was in the small bathroom, fully dressed, apparently hiding in the shower stall. (*Id.* at 666.) Porter shot him in his left temple and face with the bullet passing through his brain. (*Id.* at 632). There were casings throughout the house. (*Id.* at 604 (the responding officer said the casings were "everywhere I went").)

Afterward, Porter withdrew some cash from Eric Giuliani's bank account and went shopping with his friend at a car audio store, K-Mart, and Taco Bell before his arrest. (1/13/83, vol. III, at 879–80). Porter had argued with Eric about the earlier burglaries before his killing spree. (*Id.* at 984–86.)

James Porter was sentenced to life in prison with no opportunity for parole for five counts of first-degree murder on March 14, 1983, more than 30 years ago.

Crimes such as Porter's are indicative of the crimes in this class of offenders. For example, the Florida Court of Appeals, the first appellate court to address *Miller's* retroactivity, addressed the sentence of a 16-year old who committed a brutal murder and held that *Miller* did not apply retroactively. See *Geter v. State*, 115 So. 3d 375 (Fla. App. 3 Dist. 2012).

The facts in Geter's case provide another illustration of the kinds of crimes that have led the States to seek life sentences for some teenage murderers:

Geter was arrested for first-degree murder in December 2000, on the eve of his seventeenth birthday. Earlier that same day, a rock or stone was thrown through the front window of the victim's home, breaking the window, and allowing Geter to gain entry into the home. The victim, in an attempt to defend her home, her child, and herself, struggled with Geter and struck him in the head with a crowbar. However, Geter was able to overpower the victim. He ripped the victim's panties from her body, raped her, and ejaculated inside her vagina. During the violent struggle between the victim and Geter, the victim's three-year-old son was awoken by his mother's screams.

After the rape, Geter got a butcher knife. He stabbed the victim in the neck eight to twelve times. Geter then cut the victim from her elbow to her wrist so that she would bleed faster and die. When the victim still had not died, Geter finally choked her to death. The victim's three-year old son witnessed the brutal murder of his mother. Before leaving the victim's home, Geter passed by the victim's son and told him to be a good boy. [*Geter*, 115 So.3d at 376.]

ARGUMENT

I. A duty to revisit all mandatory-life-without-parole sentences for teenage murderers would offend principles of finality.

Finality is an important principle, particularly in the context of convictions no longer subject to review. “Application of constitutional rules not in existence at the time a conviction became final seriously undermines the principle of finality which is essential to the operation of our criminal justice system.” *Teague v. Lane*, 489 U.S. 288, 309 (1989) (plurality). The retroactive application of new rules to cases that are final impedes the effective operation of state criminal justice systems by “continually forc[ing] the States to marshal resources in order to keep in prison defendants whose trials and appeals conformed to then-existing constitutional standards.” *Id.* at 310. By limiting retroactive application, “the *Teague* principle protects not only the reasonable judgments of state courts but also the States’ interest in finality[.]” *Beard v. Banks*, 542 U.S. 406, 413 (2004).

The decision in *Miller* envisions a particular kind of sentencing for juveniles convicted of murder: sentencing that enables the court to consider the individual characteristics of the offender, including the mitigating qualities of youth. *Miller*, 132 S. Ct. at 2467. But for cases more than 20 years old, these considerations are blunted, if not irrelevant. A resentencing would not reflect *Miller* at all but would effectively become a parole hearing. The experience of some of the states with the largest populations discloses the threat to finality.

A. The *Miller* principles cannot be applied meaningfully to what are effectively cold cases.

Teague balances the principle of finality with the goal of protecting convicted defendants from constitutional violations. *Teague*, 489 U.S. at 309–10. While constitutional issues often involve questions of fairness, the States’ interest in finality also implicate considerations of justice. Any retroactive application of *Miller* to these old, closed cases would offend the administration of justice in two ways.

As an initial matter, using only the numbers from five states with significant numbers of offenders sentenced to life without parole as juveniles, retroactive application of *Miller* would require the reevaluation of sentences of more than 1,000 prisoners who committed the most heinous of crimes under state law. And the cases span a fifty-year history. In real terms, these are cold cases: all of the relevant witnesses have moved on, police officers may have retired or died, and family members of the victim and perpetrator will need to be tracked down. For any medical professional who wishes to address the perpetrator’s mental state at the time of the murder, their endeavor will require new investigation. It is a huge undertaking. It will be difficult in most cases and may be impossible in some.

In fact, for many of the cases, the sentencing court will now be unable to accomplish the specific task required under *Miller*. *Miller* lists the different factors that the sentencing court may consider in determining whether to impose life without parole, factors which may be digested into six categories:

(1) *the “immaturity, impetuosity, and failure to appreciate risks and consequences,” Miller*, 132 S. Ct. at 2468 (emphasis added);

(2) “the family and home environment that surrounds [the defendant]—and from which he cannot usually extricate himself—no matter how brutal or dysfunctional,” *id.*;

(3) “the circumstances of the homicide offense,” *id.*;

(4) “including the extent of his participation in the conduct,” *id.*;

(5) *“the way familial and peer pressures may have affected him,” id.* (emphasis added);

(6) how “he might have been charged and convicted of a lesser offense if not for incompetencies associated with youth—for example, his inability to deal with police officers or prosecutors (including on a plea agreement) or his incapacity to assist his own attorneys,” *id.*

Several of these factors are dependent on the psychological profile of the perpetrator at the time of the crime, not the time of (re)sentencing. And these are facts that would have been unnecessary to prove at trial, so there will be no existing factual record on which to draw. The question whether a specific juvenile murderer was “immature” or “impetuous,” and whether that person was affected by familial or peer pressure at the time of the murder, may now be infeasible to determine.

Significantly, half of these offenders were sentenced to life without parole more than 20 years ago, some reaching back more than 50 years. See 1.B, pp. 12–16. Any medical witness addressing the juvenile’s mental status back then will not have conducted the research when the crimes occurred, so these questions may now be unanswerable. This fact shows one of the reasons why finality is an important legal principle: the passage of time often makes it less likely, not more, that courts will be able to uncover the truth. At some juncture, a decision that was constitutionally proper at the time it was made must stand, and cannot be subject to a radical revisiting 40 or 50 years later.

Consider the case of James Porter, one of the hundreds of prisoners who committed murders long ago who would be subject to *Miller* if that case applied retroactively. His brutal murder of a mother and her four children occurred on April 7, 1982, more than 30 years ago. He was 16 years old then and is almost 50 years old today. Porter systematically murdered his teenage friend Eric Guliani and his family, including 10-year old Deano, who was hiding in the bathroom.

Whether Porter was “impetuous” or “immature” in 1982, or whether he was under family or peer pressure, when he committed this mass murder will be hard to determine. That moment has passed. The States’ strong interest in finality—an essential concept in the American criminal justice system—will be significantly undermined if *Miller* is applied retroactively. For the Porter case, and hundreds like it, the *Miller* test cannot even be meaningfully applied. Consistent with the administration of justice, the courts should not have to try to square the circle.

Rather, for the older cases, such resentencings will really amount to parole hearings. As an illustration, the National Association of Criminal Defense Lawyers provides guidance on how to conduct these (re)sentencings and advises defense counsel to focus on the prisoner's *current* state of mind:

At the sentencing hearing, one must try to explain to the court that (1) *the kid who committed this crime (___ years ago) is not the same person who stands before the court now* or (2) he is still a kid and that kids are very different from adults. . . .

For a resentencing, the defense must show that the client is now a mature person and quote the language in *Graham* [v. *Florida*, 130 S. Ct. 2011, 2032 (2012)]: “Maturity can lead to that considered reflection which is the foundation for remorse, renewal, and rehabilitation.” This is a person who, because he was a kid at the time, did not understand the full consequences of what he did. *He now fully understands what he did and all of the consequences, and now he is in full control of his behavior. He is safe to be released. He has been punished for what he did.* Obvious and considerable changes in a person can have a significant impact on a judge, prosecutor, and victim's family. [Stephen K. Harper, “Resentencing Juveniles Convicted of Homicide Post-Miller” (emphasis added).]²

² The article may be found at the NACDL website:

The point is a straight-forward one: for an older case, a sentencing court may give more consideration to the ability to release safely the offender rather than whether the offender “fail[ed] to appreciate [the] risks” or had been influenced by his “famil[y] and peers” at the time of the crime as *Miller* provided. 132 S. Ct. at 2468. The most notable aspect of the NACDL article is its focus on the “change” exhibited by the offender since the time of the crime, and not the *Miller* factors themselves. “Resentencing Juveniles,” (“Another essential task is to speak to people in the jail or prison system (classification officers, teachers, corrections officers) who know and have worked with the defendant and have seen him change.”)³ The “circumstances of the homicide offense” and “the extent of his participation” in this view have yielded to the question whether the offender is safe now to be released. That reflects parole considerations, not *Miller*, and not a sentencing hearing more generally.

B. Relying on five states with a large number of juvenile offenders, as many as half committed their crimes more than 20 years ago.

According to a 2010 report from the National Conference of State Legislatures (NCSL), there were at that time 2,105 juvenile offenders sentenced to life without parole as a mandatory matter. “Juvenile Life

<http://www.nacdl.org/Champion.aspx?id=32657> (visited August 31, 2015). See March 2014 edition of *Champion* magazine.

³ See n. 2.

Without Parole (JLWOP),” pp. 1–17.”⁴ More than 70% of these offenders are found in six states: Pennsylvania, Michigan, Louisiana, Florida, Illinois, and Missouri. Setting aside the State of Florida, as its offenders will not be affected by this decision,⁵ this brief surveys the remaining five states each with more than 100 juvenile offenders to demonstrate the practical implications of a finding of retroactivity here.⁶

1. Pennsylvania

The Pennsylvania Supreme Court found *Miller* not retroactive under *Teague*. *Commonwealth v. Cunningham*, 81 A.3d 1, 8–9 (Pa. 2013). The legislative response changed the sentencing scheme for juveniles committed of murder who were convicted after *Miller*. Thus, there have been no resentencings for cases that were final on direct review.

For the listed 482 offenders, more than half were sentenced more than 20 years ago. See Appendix A (Pennsylvania). The oldest offender, Joseph Ligon, committed murder in 1956. The idea that the resentencing for Ligon, now 78 years old, will reflect any of the *Miller* factors in a meaningful way is untenable.

⁴ See <http://www.ncsl.org/documents/cj/jlwopchart.pdf> (visited August 31, 2015). The report listed 2,574 offenders, but 469 were sentenced to life as a discretionary matter.

⁵ The Florida Supreme Court found that the *Miller* decision should apply retroactively in applying its own state rules of retroactivity. *Falcon v. State*, 162 So.3d 954, 961–63 (Fla. 2015).

⁶ According to the NCSL report, see n.4, the five states each had more than 100 offenders in 2010, and they comprise a majority of the total juvenile lifers. The lists from the five states include a small percentage of cases that were pending at the time of *Miller*.

2. Michigan

Michigan follows a similar pattern. The Michigan Supreme Court found that *Miller* does not apply retroactively, reviewing it under federal law and its own state standard of retroactivity. *People v. Carp*, 852 N.W.2d 801, 832, 841 (Mich. 2014), cert. pending, *Carp v. Michigan*, No. 14-824, *Davis v. Michigan* 14-8106. The Legislature passed a statute in the wake of *Miller* addressing juvenile lifers whose cases were final, creating a trigger if this Court rules that *Miller* is retroactive. Mich. Comp. Laws § 769.25a(2). In that circumstance, the prosecution would have the election to seek a life-without-parole sentence, and the sentencer would have to choose between life without parole and a term of years. Mich. Comp. Laws § 769.25a(2); § 769.25(9) (providing either life without parole or an indeterminate sentencing range 25-to-40 years minimum and 60-year maximum sentence).

More than half of the 368 listed offenders in Michigan, i.e., more than 200 offenders, committed their offense before 1995, more than 20 years ago. See Appendix B (Michigan). The oldest of these offenders is Sheldry Topp, who is 70 years old; he murdered his victim in 1962. Any resentencing for Mr. Topp would be more of a parole hearing than a sentencing.

3. Louisiana

Like Pennsylvania and Michigan, the Louisiana Supreme Court found that *Miller* was not retroactive. *State v. Tate*, 130 So.3d 829, 841 (2013). The Louisiana Legislature responded by making those juvenile offenders eligible for parole after 35 years if there has been a “judicial determination” that the murderer is entitled to parole eligibility. La. Rev. Stat. § 574.4(E).

Like Michigan and Pennsylvania, more than half—130—of the 202 committed their crimes more than 20 years ago. See Appendix C (Louisiana). The oldest offender, Clifford Hampton, committed murder on May 26, 1958, and he is now 74 years old.

4. Missouri

The issue of the retroactivity of *Miller* is pending in the Missouri Supreme Court. *Branch v. Cassady*, ___ S.W.3d ___ (Mo. Ct. App. W.D. 2015), case transferred to Missouri Supreme Court, March 31, 2015. The state intermediate court found *Miller* retroactive and remanded that case for resentencing in light of *Miller*. *Branch*, 2015 WL 160718, *1. The Missouri Legislature has passed no legislation in response to the *Miller* decision.

Of the more than 100 offenders, approximately half—53—were sentenced more than 20 years ago. See Appendix D (Missouri). One of the oldest offenders, Tommy Thomas, was sentenced on July 2, 1987.

5. Illinois

In contrast to Pennsylvania, Michigan, and Louisiana, the Illinois Supreme Court found *Miller* to be retroactive under *Teague*. *People v. Davis*, 6 N.E.3d 709, 722 (Ill. 2014). Like Missouri, the Illinois Legislature has made no change in response.

Relying on the numbers from Cook County, it appears that more than half of the approximate 100 listed offenders committed their crimes more than 20 years ago. See Appendix E (Cook County) (33 of the 53 offenders' cases from that county arose before 1995).

In addition to these five states, there are more than 20 other states that have another 700-plus offenders, and several of these states have around 50 such offenders (Alabama, Arkansas, Colorado, Iowa, Massachusetts, South Carolina, and Virginia).⁷ Extrapolating from the lists of offenders from the five states surveyed, it is likely that another 350 or so juvenile offenders committed their murders more than 20 years ago. The finality concerns are unmistakable: reopening hundreds of cold cases in an attempt to ascertain how mature teenage murderers were decades ago when they committed their crimes would be a step much more likely to undermine than to improve the accuracy of these sentences.

Applying *Miller* retroactively raises the specter of hundreds of resentencings across the country to what are effectively cold cases. Such a ruling would undermine the administration of justice.

II. The *Miller* rule should not apply retroactively.

Miller creates a procedural rule that should not apply retroactively. It is also not a watershed rule. And the arguments that *Miller* should apply retroactively—that it is a substantive rule—would significantly change this Court’s retroactivity jurisprudence in a way that would undermine the primary values undergirding the reasons for retroactivity.

⁷ The numbers are taken from the NCSL report. See n. 4.

A. The new rule that *Miller* created is a procedural one.

This Court has held that new rules announced in its decisions apply to all cases that are pending on direct review or not yet final. *Schriro v. Summerlin*, 542 U.S. 348, 351 (2004). But for convictions that are already final, the new rule applies in only “limited circumstances.” *Id.* at 351–52.

The exceptions that allow retroactivity fall into two categories. “The first exception permits the retroactive application of a new rule if the rule places a class of private conduct beyond the power of the State to proscribe, or addresses a substantive categorical guarantee accorded by the Constitution, such as a rule prohibiting a certain category of punishment for a class of defendants because of their status or offense.” *Graham v. Collins*, 506 U.S. 461, 477 (1993) (internal citations omitted). The second exception, which applies to watershed rules, has not yet been fully defined but is “clearly meant to apply only to a small core of rules requiring observance of those procedures that are implicit in the concept of ordered liberty.” *Id.* (internal citations omitted).

On the question whether the *Miller* rule is a substantive or procedural rule, this Court has explained that the key to the analysis for a procedural change is that it “regulates only the manner of determining the defendant’s culpability.” *Summerlin*, 542 U.S. at 353. As a consequence, a procedural rule does not “alter the range of conduct the statute punishes.” *Id.*

In contrast, a substantive change *does* change the range of conduct subject to punishment. This Court has explained that a substantive rule:

- “[P]rohibit[s] a certain category of punishment for a class of defendants because of their status or offense.”⁸
- “[P]lace[s] particular conduct or persons covered by the statute beyond the State’s power to punish.”⁹
- “[N]arrow[s] the scope of a criminal statute by interpreting its terms.”¹⁰
- “[M]odifies the elements of an offense.”¹¹

These descriptions interplay with one another. For example, where a decision modifies the elements of a crime, it alters the range of conduct the statute punishes, thereby rendering some formerly unlawful conduct lawful. *Summerlin*, 542 U.S. at 354.

Applying these standards, *Miller* does not decriminalize any class of conduct, see *Graham v. Collins*, 506 U.S. at 477, and does not prohibit a certain category of punishment for a class of defendants—juvenile murderers may still be sentenced to life without parole. *Miller*, 132 S. Ct. at 2471. And there is no question that the *Miller* decision does not narrow the scope of a criminal statute, see

⁸ *Beard*, 542 U.S. at 416 (citing *Penry v. Lynaugh*, 492 U.S. 302, 330 (1989)); accord *Graham v. Collins*, 506 U.S. at 477.

⁹ *Summerlin*, 542 U.S. at 351-52.

¹⁰ *Id.*

¹¹ *Id.* at 354.

Summerlin, 542 U.S. at 351–52, and does not place particular conduct outside the State’s power to punish. *Miller*, 132 S. Ct. at 2471. Finally, it does not change the sentencing elements for the imposition of life without parole sentence because it does not require any specific finding.

Rather, *Miller* changes the sentencing process. The Court seemed to anticipate this question:

Our decision does not categorically bar a penalty for a class of offenders or type of crime—as, for example, we did in *Roper* or *Graham*. Instead, it mandates only that a sentencer follow a certain process—considering an offender’s youth and attendant characteristics—before imposing a particular penalty. [*Miller*, 132 S. Ct. at 2471.]

The thing that the new scheme requires is “individualized sentencing.” *Id.* at 2466 n.2 (“*Graham* established one rule (a flat ban) for nonhomicide offenses, while we set out a different one (individualized sentencing) for homicide offenses.”). This is a change to the process.

To put it another way, a convicted teenage murderer post-*Miller* may still be sentenced to life without parole. This is why it is not a categorical bar. Cf. *Penry v. Lynaugh*, 492 U.S. 302, 330 (1989) (“[I]f we held, as a substantive matter, that the Eighth Amendment prohibits the execution of mentally retarded persons such as Penry regardless of the procedures followed, such a rule would fall under the first exception to the general rule of nonretroactivity and would be applicable . . . on collateral review.”).

Miller thus is different from this Court's other categorical exclusions. Cf. *Graham v. Florida*, 560 U.S. 48 (2010) (excluding life sentence for juveniles for non-homicides); *Roper v. Simmons*, 543 U.S. 551, 568 (2005) (excluding death penalty for juveniles); *Atkins v. Virginia*, 536 U.S. 304, 321 (2002) (excluding the death penalty for the mentally disabled). *Miller* does not exclude any penalty.

This distinction between substance and procedure is rooted in basic fairness. *Teague* ensures that a substantive rule applies retroactively because otherwise there is “[1] a significant risk that a defendant stands convicted of an act that the law does not make criminal or [2] faces a punishment that the law cannot impose upon him.” *Summerlin*, 542 U.S. at 352 (internal quotes and citations omitted). Under *Miller*, a juvenile murderer is still subject to a life-without-parole sentence. None of this Court's definitions of substance apply to *Miller*.¹²

B. The primary arguments about why *Miller* is substantive are unavailing.

The petitioner and his amici offer two primary justifications about why *Miller* is substantive: either because it expands the range of possible punishments or because it requires a sentencer to consider certain factors at sentencing. These arguments for retroactivity would require a significant change in the law and would not further the basic values underlying the *Teague* test. This Court should reject them.

¹² The amici agree with the arguments that Louisiana makes about why *Miller* is not a watershed rule.

1. The fact that life without parole for juveniles is still available after *Miller* is dispositive.

Both Montgomery and the United States rely as their first argument on the fact *Miller* alters the range of sentences available as to why the change here is substantive. Pet. Br. 16–19; U.S. Br. 13–18. It is true that before *Miller* only life without parole was available and now either paroleable life or a term of years must be available. But a change in possible outcomes does not fit within any of this Court’s existing categories of the definition of “substantive.” *Miller* does not exclude a category of punishment, but requires consideration of a lesser punishment that was not previously available.

That the change may yield different outcomes should not be dispositive as to whether the change is procedural or substantive. Cf. *Hanna v. Plumer*, 380 U.S. 460, 468 (1965) (recognizing, when addressing the *Erie* doctrine, that “procedural variation[s]” may also be “ ‘outcome-determinative’ ”). As with all significant changes to procedure for sentencing, a change in process very well may alter the sentence imposed. The most obvious example of such a change is *Beard*, which found that a prior decision striking down a unanimity requirement on mitigating factors for death penalty cases did not apply retroactively. 452 U.S. at 420. A jury might well decide to impose a lesser sentence, rather than the death penalty, where the jurors no longer must agree on the same basis for mitigation. See *Mills v. Maryland*, 486 U.S. 367, 384 (1988) (“The possibility that a single juror could block such consideration, and consequently require the jury to impose the death penalty, is one we dare not risk.”).

To define “substantive” to include expanding the range of sentencing options would not further the considerations of justice that undergird this Court’s retroactivity analysis. Finality properly yields where someone is serving a sentence that the government could not have lawfully imposed. See *Summerlin*, 542 U.S. at 352 (standards of retroactivity ensure that a criminal defendant will not “face[] a punishment that the law cannot impose upon him.”) (internal citations omitted). But no one convicted of committing murder while a juvenile in Louisiana—or anywhere else—is currently serving a sentence that could not have been imposed. All of them *could* have received the same life-without-parole sentence if they committed first-degree murder today. For these offenders, the considerations of finality should govern.

The fact that this Court predicted that such sentencing outcomes would be “uncommon,” see *Miller*, 132 S. Ct. at 2469, does not rebut the point. Basic principles of justice are offended by incarcerating someone for something that is not a crime or by imposing a sentence that could never have been imposed. But because life without parole remains a permissible sentence, there is no “significant risk” under *Summerlin*, 542 U.S. at 352, that someone is serving a sentence that could not be imposed. *Contra* U.S. Br. 21. The offense to justice is not in a criminal defendant serving a sentence unlikely to be constitutionally permissible, but rather serving one that could *never* be constitutionally imposed. The categorical nature of the exclusion is essential. It makes all the difference.

2. Requiring consideration of specific factors, as *Miller* does, is primarily a change in process.

In arguing that *Miller* was substantive and therefore retroactive, Montgomery argues that *Miller* requires consideration of specific factors. Pet. Br. 22–25. But Montgomery takes these factors too far. His analysis conflicts with the thrust of this Court’s analysis in *Miller* and its death-penalty jurisprudence on retroactivity as it relates to consideration of mitigating circumstances at sentencing.

The key analysis from *Miller* explaining the Court’s holding underscores the point that the Eighth Amendment requires a change to the sentencing process, and does not require any specific findings. *Miller*, 132 S. Ct. 2469 (“We therefore hold that the Eighth Amendment forbids a sentencing scheme that *mandates* life in prison without possibility of parole for juvenile offenders”) (emphasis added); *id.* at 2475 (“the mandatory sentencing schemes before us violate this principle of proportionality”). The change in process is predicated on the need for the opportunity to consider mitigating evidence, but is nonetheless still a procedural change. This is true for all the mitigation cases.

Montgomery conflates the change in process that enables the sentencer to consider mitigating circumstances with the Court establishing a requirement that the sentencer make a specific finding necessary to a particular sentence, the latter of which would be a substantive change.

In particular, *Miller* requires a change to the sentencing scheme—the procedure of sentencing—to enable the sentencer to consider mitigating factors. *Miller*, 132 S. Ct. at 2458 (“But the mandatory penalty schemes at issue here prevent the sentencer from taking account of these central considerations [of the offender’s youth].”). *Miller* sets out a different sentencing scheme—“individualized sentencing”—rather than a mandatory penalty scheme.

The analysis from *Summerlin* demonstrates the point and confirms that the change here is not a substantive one. In *Summerlin*, this Court announced that *Ring v. Arizona*, 536 U.S. 584 (2002), established a procedural rule when *Ring* held that a jury—not a sentencing judge—must find aggravating circumstances necessary for the imposition of the death penalty. *Summerlin*, 542 U.S. at 353. This Court noted that where a judicial decision “made a certain fact essential to the death penalty,” the resulting new rule would be a substantive change. *Id.* But that is not what happened here.

Indeed, no single factor is controlling—no “certain fact” essential—under *Miller* that a sentencing court must find to justify its sentence. *Miller* merely lists considerations. It does not create a sentencing “element.” If Montgomery were right, *Miller* would require a jury decision, since any new sentencing element would be prerequisites to the penalty. *Ring*, 536 U.S. at 604 (“the required finding [of an aggravated circumstance] expose[d] [Ring] to a greater punishment than that authorized by the jury’s guilty verdict.”). Not true here. The punishment of life without parole is available without any new required finding.

To be sure, *Miller* is replete with references to the importance of the sentencing court considering the teenage murderer's youthful characteristics and requires the sentence to "tak[e] account of an offender's age and the wealth of characteristics and circumstances attendant to it," 132 S. Ct. at 2467, but nevertheless this Court was unambiguous that the cure to this ill was to provide an individualized sentence, i.e., to give the sentencing court "discretion to impose a different punishment." *Id.* at 2460; 2466 n.2 (describing the rule it sets out as one of "individualized sentencing"). It is a change in the process, not in the "elements" or findings a court must make. See *Miller*, 132 S. Ct. at 2471 ("it mandates only that a sentencer follow a certain process") (emphasis added). It is not a substantive change.

CONCLUSION

This Court should hold that *Miller v. Alabama*, 132 S. Ct. 2455 (2012), does not apply retroactively.

Respectfully submitted,

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APPENDIX A

PENNSYLVANIA

| <u>Offender</u> | <u>Year of Birth</u> | <u>Offense Year</u> ¹³ |
|------------------------|----------------------|-----------------------------------|
| 1. Joseph Ligon | 1937 | 1956 |
| 2. Donald White | 1947 | 1966 |
| 3. James Romberger | 1948 | 1967 |
| 4. Thomas Roach | 1950 | 1969 |
| 5. Haywood Fennell | 1950 | 1969 |
| 6. Foster Tarver | 1951 | 1970 |
| 7. James Ferguson | 1951 | 1970 |
| 8. John Nole | 1951 | 1970 |
| 9. Albert Irby | 1952 | 1971 |
| 10. Steven Northington | 1952 | 1971 |
| 11. Carl Garnett | 1953 | 1972 |
| 12. Michael Wilson | 1953 | 1972 |
| 13. Louis Stanton | 1953 | 1972 |
| 14. Robert Blagman | 1953 | 1972 |
| 15. James Cobbs | 1953 | 1972 |
| 16. Howard Jones | 1953 | 1972 |
| 17. Richard Klinger | 1954 | 1973 |
| 18. Benjamin Wright | 1954 | 1973 |
| 19. Frank Lee | 1954 | 1973 |
| 20. Jackie Thompson | 1954 | 1973 |
| 21. William Hines | 1955 | 1974 |
| 22. Earl Rice | 1956 | 1975 |
| 23. Wayne Pritchett | 1956 | 1975 |

¹³ The Pennsylvania Department of Corrections did not have dates of offense, so the year listed is the latest year the murder could have been convicted and the offender still have been under the age of 18.

PENNSYLVANIA

| <u>Offender</u> | <u>Year of Birth</u> | <u>Offense Year</u> |
|------------------------|----------------------|---------------------|
| 24. Freddy McCutchen | 1956 | 1975 |
| 25. John Veltre | 1956 | 1975 |
| 26. Nathaniel Anderson | 1956 | 1975 |
| 27. Tyrone Jones | 1956 | 1975 |
| 28. Lamont Harris | 1956 | 1975 |
| 29. Scott Griffin | 1957 | 1976 |
| 30. Brian Wallace | 1957 | 1976 |
| 31. Kevin VanCliff | 1957 | 1976 |
| 32. George Elliott | 1957 | 1976 |
| 33. Charles Lawson | 1957 | 1976 |
| 34. Floyd Wilson | 1957 | 1976 |
| 35. George Peterson | 1957 | 1976 |
| 36. Jeffrie Carr | 1957 | 1976 |
| 37. John Young | 1957 | 1976 |
| 38. Jeffery Dean | 1957 | 1976 |
| 39. Bobby Brightwell | 1957 | 1976 |
| 40. Damon Allen | 1957 | 1976 |
| 41. Joseph Baynes | 1957 | 1976 |
| 42. Brian McMichael | 1957 | 1976 |
| 43. Kevin Davis | 1958 | 1977 |
| 44. Kevin Evans | 1958 | 1977 |
| 45. David Phillips | 1958 | 1977 |
| 46. Michael Twigg | 1958 | 1977 |
| 47. Kenneth Allen | 1958 | 1977 |
| 48. Michael Kutenits | 1958 | 1977 |
| 49. Larry Markle | 1958 | 1977 |
| 50. John Cooper | 1958 | 1977 |
| 51. Douglas Hollis | 1958 | 1977 |

PENNSYLVANIA

| <u>Offender</u> | <u>Year of Birth</u> | <u>Offense Year</u> |
|----------------------|----------------------|---------------------|
| 52. Jeffrey Cristina | 1958 | 1977 |
| 53. Steven Austin | 1958 | 1977 |
| 54. Michael Sullivan | 1958 | 1977 |
| 55. Darryl McBee | 1959 | 1978 |
| 56. Michael Watson | 1959 | 1978 |
| 57. Willie Hill | 1959 | 1978 |
| 58. Allen Brown | 1959 | 1978 |
| 59. Terrance Kronk | 1959 | 1978 |
| 60. Warner Batty | 1959 | 1978 |
| 61. Lewis Lee | 1959 | 1978 |
| 62. Darryl Ryan | 1959 | 1978 |
| 63. Joseph Evans | 1960 | 1979 |
| 64. Martin Knecht | 1960 | 1979 |
| 65. Franklin Baines | 1960 | 1979 |
| 66. Thomas Tomoney | 1960 | 1979 |
| 67. Bruce Williams | 1960 | 1979 |
| 68. William Sheppard | 1960 | 1979 |
| 69. Yul Hayward | 1960 | 1979 |
| 70. Andre Martin | 1960 | 1979 |
| 71. Joseph Frisina | 1960 | 1979 |
| 72. Stevin Linder | 1960 | 1979 |
| 73. Ricky Battles | 1960 | 1979 |
| 74. Stephen Mitchell | 1960 | 1979 |
| 75. Raynard Green | 1960 | 1979 |
| 76. Gregory Sourbeer | 1961 | 1980 |
| 77. Marvin Garcia | 1961 | 1980 |
| 78. Henry Satchell | 1961 | 1980 |
| 79. John Lekka | 1961 | 1980 |
| 80. Trina Garnett | 1961 | 1980 |

PENNSYLVANIA

| <u>Offender</u> | <u>Year of Birth</u> | <u>Offense Year</u> |
|--------------------------|----------------------|---------------------|
| 81. Robert Burgess | 1961 | 1980 |
| 82. Ronald Long | 1961 | 1980 |
| 83. Kevin Brinkley | 1962 | 1981 |
| 84. Kevin Hughes | 1962 | 1981 |
| 85. Alphonso Leaphart | 1962 | 1981 |
| 86. John Thompson | 1962 | 1981 |
| 87. Tyrone Zeigler | 1962 | 1981 |
| 88. Joseph Romeri | 1962 | 1981 |
| 89. Eugene Richardson | 1962 | 1981 |
| 90. Brian Hooper | 1962 | 1981 |
| 91. Ceaser Grant | 1962 | 1981 |
| 92. Michael Scribe | 1962 | 1981 |
| 93. Robert Buli | 1962 | 1981 |
| 94. Mark Robinson | 1962 | 1981 |
| 95. Glenn Winokur | 1962 | 1981 |
| 96. Eddie McCrary | 1962 | 1981 |
| 97. Henry Smolarski | 1962 | 1981 |
| 98. Roxanne Severcool | 1962 | 1981 |
| 99. Roderick Allen | 1962 | 1981 |
| 100. Anthony Jones | 1962 | 1981 |
| 101. Courtney Richardson | 1962 | 1981 |
| 102. Daniel Peters | 1963 | 1982 |
| 103. Robert Ruffin | 1963 | 1982 |
| 104. Leonard Bocchicchio | 1963 | 1982 |
| 105. Steven Ivey | 1963 | 1982 |
| 106. Henry Robinson | 1963 | 1982 |
| 107. David Maldonado | 1963 | 1982 |
| 108. George Brooker | 1963 | 1982 |
| 109. Paul Boatwright | 1963 | 1982 |

PENNSYLVANIA

| <u>Offender</u> | <u>Year of Birth</u> | <u>Offense Year</u> |
|-------------------------|----------------------|---------------------|
| 110. Chris Jordan | 1963 | 1982 |
| 111. Jeffery Branch | 1964 | 1983 |
| 112. Charles Brown | 1964 | 1983 |
| 113. Dennis Flanagan | 1964 | 1983 |
| 114. Courtney Boyd | 1964 | 1983 |
| 115. Ronald Saunders | 1964 | 1983 |
| 116. Richard Phelps | 1964 | 1983 |
| 117. Raymond Holley | 1964 | 1983 |
| 118. Edward Martin | 1964 | 1983 |
| 119. Donnell Bennet | 1964 | 1983 |
| 120. Victor Scott | 1964 | 1983 |
| 121. Eugene Carney | 1964 | 1983 |
| 122. James Button | 1964 | 1983 |
| 123. Tyrone Payne | 1964 | 1983 |
| 124. Richard Olds | 1964 | 1983 |
| 125. Vincent Boyd | 1965 | 1984 |
| 126. Christopher Nolan | 1965 | 1984 |
| 127. John Waters | 1965 | 1984 |
| 128. Vincent Beckton | 1965 | 1984 |
| 129. James Miller | 1965 | 1984 |
| 130. Scott Davis | 1965 | 1984 |
| 131. Anthony Brown | 1965 | 1984 |
| 132. Clarence Hayman | 1965 | 1984 |
| 133. Edwin Humphreys | 1965 | 1984 |
| 134. Robert Bebout | 1965 | 1984 |
| 135. David Perry | 1966 | 1985 |
| 136. Robert Garcia | 1966 | 1985 |
| 137. Francis Washington | 1966 | 1985 |
| 138. Joseph Aulisio | 1966 | 1985 |

PENNSYLVANIA

| <u>Offender</u> | <u>Year of Birth</u> | <u>Offense Year</u> |
|------------------------|----------------------|---------------------|
| 139. Scott Shaw | 1966 | 1985 |
| 140. Joyce Granger | 1966 | 1985 |
| 141. Raymond Williams | 1966 | 1985 |
| 142. Charles Manor | 1966 | 1985 |
| 143. Henry Smalls | 1966 | 1985 |
| 144. Troy David | 1966 | 1985 |
| 145. Joseph Laconti | 1966 | 1985 |
| 146. Reginald Roana | 1967 | 1986 |
| 147. Kenneth Bryant | 1967 | 1986 |
| 148. Johnnie Freeman | 1967 | 1986 |
| 149. Raymond Mitchell | 1967 | 1986 |
| 150. John Lebo | 1967 | 1986 |
| 151. Anthony Johnson | 1967 | 1986 |
| 152. Tracey Pietrovito | 1967 | 1986 |
| 153. Herbert Harris | 1967 | 1986 |
| 154. Armenious Alston | 1967 | 1986 |
| 155. Vernon Steed | 1968 | 1987 |
| 156. John Pace | 1968 | 1987 |
| 157. Richard Mazeffa | 1968 | 1987 |
| 158. Edwen Garcia | 1968 | 1987 |
| 159. Percy Lee | 1968 | 1987 |
| 160. Carl Kirksy | 1968 | 1987 |
| 161. Anthony Cessna | 1968 | 1987 |
| 162. Keith Johnson | 1968 | 1987 |
| 163. Aaron Phillips | 1969 | 1988 |
| 164. Luis Gonzalez | 1969 | 1988 |
| 165. Jesse McCrath | 1969 | 1988 |
| 166. Norman Bryant | 1969 | 1988 |
| 167. Richard Moore | 1970 | 1989 |

PENNSYLVANIA

| <u>Offender</u> | <u>Year of Birth</u> | <u>Offense Year</u> |
|------------------------|----------------------|---------------------|
| 168. Jose Hernandez | 1970 | 1989 |
| 169. Bernard Williams | 1970 | 1989 |
| 170. James Rodgers | 1970 | 1989 |
| 171. Kerry Marshall | 1970 | 1989 |
| 172. Demetrius Cull | 1971 | 1990 |
| 173. Corey Hollinger | 1971 | 1990 |
| 174. Keith Anderson | 1971 | 1990 |
| 175. Michael Boettlin | 1971 | 1990 |
| 176. Johnny Miller | 1971 | 1990 |
| 177. James Martinez | 1971 | 1990 |
| 178. Juan Gonzales | 1971 | 1990 |
| 179. Rashid Parks | 1971 | 1990 |
| 180. Donald Zoller | 1971 | 1990 |
| 181. Michael Vest | 1971 | 1990 |
| 182. Michael Holmes | 1971 | 1990 |
| 183. Maurice Murray | 1971 | 1990 |
| 184. Antonio Gonzelez | 1971 | 1990 |
| 185. Michael McFadden | 1971 | 1990 |
| 186. Horace Deloatch | 1971 | 1990 |
| 187. Theopholis Wilson | 1971 | 1990 |
| 188. Maurice Jones | 1971 | 1990 |
| 189. Jason Reed | 1972 | 1991 |
| 190. Kempis Songster | 1972 | 1991 |
| 191. Shawn Bell | 1972 | 1991 |
| 192. Timothy Hanson | 1972 | 1991 |
| 193. Henry Whitman | 1972 | 1991 |
| 194. Scott Noll | 1972 | 1991 |
| 195. John Blount | 1972 | 1991 |
| 196. Dale Gardner | 1972 | 1991 |

PENNSYLVANIA

| <u>Offender</u> | <u>Year of Birth</u> | <u>Offense Year</u> |
|-----------------------------|----------------------|---------------------|
| 197. Tracey Marrero | 1972 | 1991 |
| 198. Dameon Brome | 1972 | 1991 |
| 199. Michael Reed | 1972 | 1991 |
| 200. Dwayne Morningwake | 1972 | 1991 |
| 201. Roberto Gonzalez | 1972 | 1991 |
| 202. George Teets | 1972 | 1991 |
| 203. Michael Anderson | 1972 | 1991 |
| 204. Christopher Weatherill | 1972 | 1991 |
| 205. Anthony Wright | 1972 | 1991 |
| 206. Miguel Martinez | 1972 | 1991 |
| 207. Donnell Drinks | 1973 | 1992 |
| 208. Jermaine McEleveen | 1973 | 1992 |
| 209. Bobby Harris | 1973 | 1992 |
| 210. Mark Graber | 1973 | 1992 |
| 211. Paul Brewton | 1973 | 1992 |
| 212. Alfonzo Madison | 1973 | 1992 |
| 213. Erik Vanzant | 1973 | 1992 |
| 214. Michael Lehman | 1973 | 1992 |
| 215. Wilfredo Caballero | 1973 | 1992 |
| 216. Michael Henry | 1973 | 1992 |
| 217. Toby Wooten | 1973 | 1992 |
| 218. Virgil Shaw | 1973 | 1992 |
| 219. Stacey Torrance | 1973 | 1992 |
| 220. Robert Rosser | 1973 | 1992 |
| 221. Michael Howard | 1973 | 1992 |
| 222. Robert Holbrook | 1974 | 1993 |
| 223. Theodore Burns | 1974 | 1993 |
| 224. Yerodeen Williams | 1974 | 1993 |
| 225. Frank Grazulis | 1974 | 1993 |

PENNSYLVANIA

| <u>Offender</u> | <u>Year of Birth</u> | <u>Offense Year</u> |
|-------------------------|----------------------|---------------------|
| 226. Shaurn Thomas | 1974 | 1993 |
| 227. Joseph Metts | 1974 | 1993 |
| 228. Tabitha Buck | 1974 | 1993 |
| 229. Daniel White | 1974 | 1993 |
| 230. Shannon Robinson | 1974 | 1993 |
| 231. David Lahoz | 1974 | 1993 |
| 232. James Hough | 1974 | 1993 |
| 233. Marvin Woods | 1974 | 1993 |
| 234. Ernest Franklin | 1974 | 1993 |
| 235. Mollo Figuera | 1974 | 1993 |
| 236. Giovanni Reed | 1974 | 1993 |
| 237. Michael Arce | 1974 | 1993 |
| 238. Alan Earp | 1974 | 1993 |
| 239. Samuel Gladden | 1975 | 1994 |
| 240. Hector Flores | 1975 | 1994 |
| 241. Scott Shroat | 1975 | 1994 |
| 242. Joseph Jones | 1975 | 1994 |
| 243. Perry Lighty | 1975 | 1994 |
| 244. Henry Dennison | 1975 | 1994 |
| 245. Christopher Baker | 1975 | 1994 |
| 246. Regis Seskey | 1975 | 1994 |
| 247. Harry Williams | 1975 | 1994 |
| 248. Kenon Sayles | 1975 | 1994 |
| 249. Donald Flynn | 1975 | 1994 |
| 250. Ricky Roberts | 1975 | 1994 |
| 251. Frazier Martinez | 1975 | 1994 |
| 252. Harold Stinson | 1975 | 1994 |
| 253. Joseph Chamberlain | 1975 | 1994 |
| 254. Marlo Clark | 1975 | 1994 |

PENNSYLVANIA

| <u>Offender</u> | <u>Year of Birth</u> | <u>Offense Year</u> |
|------------------------|----------------------|---------------------|
| 255. Tyrone Henderson | 1975 | 1994 |
| 256. Ronald Fairiror | 1975 | 1994 |
| 257. Ellery Little | 1976 | 1995 |
| 258. Sharvonne Robbins | 1976 | 1995 |
| 259. Ricardo Noble | 1976 | 1995 |
| 260. Omar Shamsiddeen | 1976 | 1995 |
| 261. Malik Bey | 1976 | 1995 |
| 262. Benjamin Brabham | 1976 | 1995 |
| 263. Jamal Allen | 1976 | 1995 |
| 264. Omar Dennis | 1976 | 1995 |
| 265. Bernardo Burnside | 1976 | 1995 |
| 266. Michael Foust | 1976 | 1995 |
| 267. Michael Harrison | 1976 | 1995 |
| 268. Melisa McManus | 1976 | 1995 |
| 269. Michael Gibbs | 1976 | 1995 |
| 270. Antonio Howard | 1976 | 1995 |
| 271. Thomas O'Neal | 1976 | 1995 |
| 272. Todd Hill | 1976 | 1995 |
| 273. William Taylor | 1976 | 1995 |
| 274. Avery Talmadge | 1976 | 1995 |
| 275. Phillip Foxx | 1976 | 1995 |
| 276. Tyrone Jackson | 1976 | 1995 |
| 277. Albert Butler | 1976 | 1995 |
| 278. Norman Gundrum | 1976 | 1995 |
| 279. Nathaniel Bunday | 1977 | 1996 |
| 280. Lawrence Fisher | 1977 | 1996 |
| 281. Tyree Sanders | 1977 | 1996 |
| 282. Rondell Carrero | 1977 | 1996 |
| 283. Atil Finney | 1977 | 1996 |

PENNSYLVANIA

| <u>Offender</u> | <u>Year of Birth</u> | <u>Offense Year</u> |
|------------------------|----------------------|---------------------|
| 284. Asim Mack | 1977 | 1996 |
| 285. Darrell Heath | 1977 | 1996 |
| 286. Carl Collins | 1977 | 1996 |
| 287. Justin Secreti | 1977 | 1996 |
| 288. Robert Innis | 1977 | 1996 |
| 289. Dorian Lamore | 1977 | 1996 |
| 290. Carl Wilkins | 1977 | 1996 |
| 291. Gregory Brown | 1977 | 1996 |
| 292. Ronnie Bethea | 1977 | 1996 |
| 293. Johnny Berry | 1977 | 1996 |
| 294. Keith Hicks | 1977 | 1996 |
| 295. Rodney Derrickson | 1977 | 1996 |
| 296. Julius Jenkins | 1977 | 1996 |
| 297. Rafael Gary | 1977 | 1996 |
| 298. Bryan Freeman | 1978 | 1997 |
| 299. Christopher Young | 1978 | 1997 |
| 300. Jermaine Young | 1978 | 1997 |
| 301. Shaun Winters | 1978 | 1997 |
| 302. Maurice Bailey | 1978 | 1997 |
| 303. Ricardo Campos | 1978 | 1997 |
| 304. Nathan Riley | 1978 | 1997 |
| 305. Ricardo Cruz | 1978 | 1997 |
| 306. Fabian Lopez | 1978 | 1997 |
| 307. Manuel Ortiz | 1978 | 1997 |
| 308. Michael Crosby | 1978 | 1997 |
| 309. Clayton Faxon | 1978 | 1997 |
| 310. Jason Scott | 1978 | 1997 |
| 311. Terrence Lewis | 1978 | 1997 |
| 312. Ahmad Holmes | 1978 | 1997 |

PENNSYLVANIA

| <u>Offender</u> | <u>Year of Birth</u> | <u>Offense Year</u> |
|----------------------------|----------------------|---------------------|
| 313. German Cruz | 1978 | 1997 |
| 314. Ollie Taylor | 1978 | 1997 |
| 315. Anthony Lewis | 1978 | 1997 |
| 316. Tamika Bell | 1978 | 1997 |
| 317. Neil Lyew | 1978 | 1997 |
| 318. Jamar Sowell | 1979 | 1998 |
| 319. Michael Williams | 1979 | 1998 |
| 320. David Freeman | 1979 | 1998 |
| 321. Jorge Munoz | 1979 | 1998 |
| 322. Rodney Walton | 1979 | 1998 |
| 323. Scott Walker | 1979 | 1998 |
| 324. Tony Lewis | 1979 | 1998 |
| 325. Rafael Torres | 1979 | 1998 |
| 326. Eugene Gilyard | 1979 | 1998 |
| 327. B. Whetstone | 1979 | 1998 |
| 328. Brian Samuel | 1979 | 1998 |
| 329. Aquil Tillman | 1979 | 1998 |
| 330. Dirron Tindal | 1979 | 1998 |
| 331. Clarence Laudenberger | 1979 | 1998 |
| 332. Samuel Smith | 1979 | 1998 |
| 333. Jamar McCullough | 1979 | 1998 |
| 334. Hassan Mayhew | 1979 | 1998 |
| 335. Hector Huertas | 1979 | 1998 |
| 336. Phillip Pratt | 1979 | 1998 |
| 337. Jorge Cintron | 1979 | 1998 |
| 338. Ricky Moorefield | 1979 | 1998 |
| 339. Ricardo Peoples | 1979 | 1998 |
| 340. Trazis Durham | 1979 | 1998 |
| 341. Timothy Rose | 1979 | 1998 |

PENNSYLVANIA

| <u>Offender</u> | <u>Year of Birth</u> | <u>Offense Year</u> |
|-------------------------|----------------------|---------------------|
| 342. Melvin Ortiz | 1980 | 1999 |
| 343. Parris Harper | 1980 | 1999 |
| 344. Hasan Abbott | 1980 | 1999 |
| 345. John Jacob | 1980 | 1999 |
| 346. Nicholas Bowen | 1980 | 1999 |
| 347. Levar Jones | 1980 | 1999 |
| 348. Kristopher Heggins | 1980 | 1999 |
| 349. Riyad Johnson | 1980 | 1999 |
| 350. Dwayne Smith-Bey | 1980 | 1999 |
| 351. Leroy Walker | 1980 | 1999 |
| 352. David Valasquez | 1980 | 1999 |
| 353. Clarence Adams | 1980 | 1999 |
| 354. Allie Speights | 1980 | 1999 |
| 355. Ronnie Johnson | 1980 | 1999 |
| 356. Aramis Gonzalez | 1980 | 1999 |
| 357. Daron Nesbit | 1980 | 1999 |
| 358. Antonio Morales | 1980 | 1999 |
| 359. Edward Walls | 1980 | 1999 |
| 360. Ivory King | 1981 | 2000 |
| 361. Aaron Smith | 1981 | 2000 |
| 362. Jonathan Hernandez | 1981 | 2000 |
| 363. Raheem Shackelford | 1981 | 2000 |
| 364. Derrick Harvey | 1981 | 2000 |
| 365. Yusef Whitehead | 1981 | 2000 |
| 366. Nicholas White | 1981 | 2000 |
| 367. Vincent Talley | 1981 | 2000 |
| 368. Anwar East | 1981 | 2000 |
| 369. Andrew Callahan | 1981 | 2000 |
| 370. James House | 1981 | 2000 |

PENNSYLVANIA

| <u>Offender</u> | <u>Year of Birth</u> | <u>Offense Year</u> |
|------------------------|----------------------|---------------------|
| 371. Clinton Walker | 1981 | 2000 |
| 372. Joseph Flowers | 1981 | 2000 |
| 373. Charles Carlson | 1981 | 2000 |
| 374. Muhammad Davis | 1981 | 2000 |
| 375. Jessica Holtmeyer | 1982 | 2001 |
| 376. Arthur Dunn | 1982 | 2001 |
| 377. Shariff Ingram | 1982 | 2001 |
| 378. Dontae Chambers | 1982 | 2001 |
| 379. Derrick Chappell | 1982 | 2001 |
| 380. Ian Cunningham | 1982 | 2001 |
| 381. Maurice Williams | 1982 | 2001 |
| 382. Neil Simpson | 1982 | 2001 |
| 383. Daniel Castro | 1982 | 2001 |
| 384. Michael Pendleton | 1982 | 2001 |
| 385. Terrell Clary | 1983 | 2002 |
| 386. Zachery Witman | 1983 | 2002 |
| 387. David Moua | 1983 | 2002 |
| 388. Kenneth Crawford | 1983 | 2002 |
| 389. Donald Brown | 1983 | 2002 |
| 390. Miguel Garcia | 1983 | 2002 |
| 391. James Provitt | 1983 | 2002 |
| 392. Robert Outlaw | 1983 | 2002 |
| 393. Gabriel Correa | 1984 | 2003 |
| 394. Bryan Chambers | 1984 | 2003 |
| 395. Malik Johnson | 1984 | 2003 |
| 396. Mack Hill | 1984 | 2003 |
| 397. Michael Bourgeois | 1984 | 2003 |
| 398. Bryant Foreman | 1984 | 2003 |
| 399. Fred Porter | 1984 | 2003 |

PENNSYLVANIA

| <u>Offender</u> | <u>Year of Birth</u> | <u>Offense Year</u> |
|------------------------|----------------------|---------------------|
| 400. Jermaine Abrams | 1984 | 2003 |
| 401. Nasir Elliott | 1985 | 2004 |
| 402. Richard Kemper | 1985 | 2004 |
| 403. Edward Goudy | 1985 | 2004 |
| 404. Ronaldo Sanchez | 1985 | 2004 |
| 405. Dominic Coia | 1985 | 2004 |
| 406. Kamil Walker | 1985 | 2004 |
| 407. Aaron Wilson | 1985 | 2004 |
| 408. Bradley Grim | 1985 | 2004 |
| 409. Brandon Brown | 1985 | 2004 |
| 410. Brian Bahr | 1985 | 2004 |
| 411. Steven Pannebaker | 1985 | 2004 |
| 412. Derrick Davis | 1985 | 2004 |
| 413. Brandon Summers | 1986 | 2005 |
| 414. Steve Jones | 1986 | 2005 |
| 415. Justin Robertson | 1986 | 2005 |
| 416. Wayne Goodman | 1986 | 2005 |
| 417. Nicholas Coia | 1986 | 2005 |
| 418. Marcus Christie | 1986 | 2005 |
| 419. Yariel Cortes | 1986 | 2005 |
| 420. Ramon Cintron | 1986 | 2005 |
| 421. Edward Batzig | 1986 | 2005 |
| 422. Aleem Williams | 1986 | 2005 |
| 423. Anthony Machicote | 1986 | 2005 |
| 424. Kiyiem Hagwood | 1986 | 2005 |
| 425. Jeremy Melvin | 1986 | 2005 |
| 426. Keith Warrington | 1987 | 2006 |
| 427. Anthony Romanelli | 1987 | 2006 |
| 428. Jimmy Carrero | 1987 | 2006 |

PENNSYLVANIA

| <u>Offender</u> | <u>Year of Birth</u> | <u>Offense Year</u> |
|------------------------------|----------------------|---------------------|
| 429. Tyson Montgomery | 1987 | 2006 |
| 430. Randolph Creighton | 1987 | 2006 |
| 431. Kyle Williams | 1987 | 2006 |
| 432. Fanon Zuber | 1987 | 2006 |
| 433. Jamil Thomas | 1987 | 2006 |
| 434. Erik Surrat | 1987 | 2006 |
| 435. Delbert Williams | 1987 | 2006 |
| 436. Tamir Turner | 1988 | 2007 |
| 437. Christopher Duncan | 1988 | 2007 |
| 438. Khalif McDuffy-Anderson | 1988 | 2007 |
| 439. Alante Manigualt | 1988 | 2007 |
| 440. Chaiz Brown | 1988 | 2007 |
| 441. Felix Rosa | 1989 | 2008 |
| 442. Clarence Saunders | 1989 | 2008 |
| 443. Tashan Bundy | 1989 | 2008 |
| 444. Rahmil Fields | 1989 | 2008 |
| 445. Luis Andujar | 1989 | 2008 |
| 446. Walter Stawarz | 1989 | 2008 |
| 447. Michael McMillan | 1989 | 2008 |
| 448. David Sparks | 1989 | 2008 |
| 449. Tajjideen Whitaker | 1989 | 2008 |
| 450. Christopher McEaney | 1989 | 2008 |
| 451. Maleek Williams | 1990 | 2009 |
| 452. Vincent Pratt | 1990 | 2009 |
| 453. Raymond Ward | 1990 | 2009 |
| 454. Darnell Hamrick | 1990 | 2009 |
| 455. Devon Knox | 1990 | 2009 |
| 456. Jovan Knox | 1990 | 2009 |
| 457. Eric Smith | 1990 | 2009 |

PENNSYLVANIA

| <u>Offender</u> | <u>Year of Birth</u> | <u>Offense Year</u> |
|--------------------------|----------------------|---------------------|
| 458. Emru Kebede | 1990 | 2009 |
| 459. Anthony Jacobs | 1990 | 2009 |
| 460. Andre Vessels | 1990 | 2009 |
| 461. Johnny Brown | 1991 | 2010 |
| 462. Alec Kreider | 1991 | 2010 |
| 463. Kwilson Coleman | 1991 | 2010 |
| 464. Dorian Peterson | 1991 | 2010 |
| 465. Eric Hancock | 1991 | 2010 |
| 466. Qu'eed Batts | 1991 | 2010 |
| 467. Stephen Hall | 1991 | 2010 |
| 468. Anton Patterson | 1991 | 2010 |
| 469. Lamon Street | 1991 | 2010 |
| 470. Earl Hawkins | 1991 | 2010 |
| 471. Raymont Walker | 1991 | 2010 |
| 472. Earl Hawkins | 1991 | 2010 |
| 473. James Canady | 1991 | 2010 |
| 474. Christian Hernandez | 1991 | 2010 |
| 475. Joseph Gainer | 1991 | 2010 |
| 476. Ian Seagraves | 1992 | 2011 |
| 477. Johnie Washington | 1992 | 2011 |
| 478. Michael Felder | 1992 | 2011 |
| 479. Anthony Satchell | 1992 | 2011 |
| 480. Christian Kenyon | 1992 | 2011 |
| 481. Isaiah Hereford | 1993 | 2012 |
| 482. Omar Hooks | 1992 | 2012 ¹⁴ |

¹⁴ The list from the Pennsylvania Department of Corrections includes some offenders whose cases were pending when *Miller* was decided, generally the cases where the offense date was committed in 2008 or later. These offenders are entitled to resentencing irrespective of the *Montgomery* decision.

APPENDIX B

MICHIGAN

| <u>Offender</u> | <u>Year of Birth</u> | <u>Offense Year</u> |
|------------------------|----------------------|---------------------|
| 1. Sheldry Topp | 1944 | 1962 |
| 2. Robert Trombley | 1946 | 1963 |
| 3. John Hall | 1949 | 1967 |
| 4. Bobby Griffin | 1950 | 1967 |
| 5. Roderick Walker | 1951 | 1968 |
| 6. Robert Cook | 1952 | 1969 |
| 7. Daniel Wheeler | 1952 | 1970 |
| 8. Zerious Meadows | 1954 | 1970 |
| 9. David Bennett | 1954 | 1972 |
| 10. Kevin Cottingham | 1955 | 1973 |
| 11. David Abdalla | 1956 | 1974 |
| 12. Timothy Clark | 1956 | 1974 |
| 13. Kenneth Williams | 1957 | 1974 |
| 14. Robert Morton | 1957 | 1973 |
| 15. Walter Jones | 1957 | 1975 |
| 16. William Cooke | 1957 | 1975 |
| 17. David Walton | 1957 | 1975 |
| 18. William Washington | 1957 | 1975 |
| 19. Edward Sanders | 1958 | 1975 |
| 20. William Garrison | 1959 | 1976 |
| 21. Roger Hinton | 1959 | 1976 |
| 22. Kenneth Carter | 1959 | 1976 |
| 23. Mark Dawson | 1959 | 1976 |
| 24. Charles Lewis | 1959 | 1976 |
| 25. Charles Finch | 1960 | 1976 |
| 26. Darnell Johnson | 1960 | 1976 |
| 27. Michael Calvin | 1960 | 1976 |

MICHIGAN

| <u>Offender</u> | <u>Year of Birth</u> | <u>Offense Year</u> |
|------------------------|----------------------|---------------------|
| 28. Joe Frank Wesley | 1960 | 1978 |
| 29. Gary Peters | 1960 | 1977 |
| 30. Anthony Jones | 1961 | 1979 |
| 31. Thomas Anzures | 1961 | 1979 |
| 32. Timothy Kincaid | 1961 | 1978 |
| 33. Albert Garrett | 1962 | 1980 |
| 34. Ronnie Waters | 1962 | 1980 |
| 35. William Hogue | 1962 | 1980 |
| 36. Robert Dukes | 1963 | 1980 |
| 37. Donnie Davis | 1963 | 1980 |
| 38. Ronald Tolbert | 1963 | 1981 |
| 39. Henry Hill, Jr. | 1963 | 1980 |
| 40. Christopher Powell | 1963 | 1981 |
| 41. Timothy Carigon | 1963 | 1980 |
| 42. Fonza Jackson | 1964 | 1981 |
| 43. Ronnie Williams | 1964 | 1981 |
| 44. Richard Musselman | 1964 | 1980 |
| 45. Scott Davis | 1964 | 1980 |
| 46. Charles Daniel | 1964 | 1980 |
| 47. James Howard | 1964 | 1981 |
| 48. Dennis Johnson | 1964 | 1980 |
| 49. David Samel | 1964 | 1981 |
| 50. Daren Porter | 1964 | 1981 |
| 51. Ray Howell | 1964 | 1982 |
| 52. James Porter IV | 1965 | 1982 |
| 53. Kevin Denman | 1965 | 1982 |
| 54. Garron Mason | 1965 | 1982 |
| 55. Renard Johnson | 1965 | 1982 |
| 56. Brian Granger | 1965 | 1983 |

MICHIGAN

| <u>Offender</u> | <u>Year of Birth</u> | <u>Offense Year</u> |
|-------------------------|----------------------|---------------------|
| 57. Ronald Moore, Jr. | 1966 | 1981 |
| 58. Michael McCracken | 1966 | 1983 |
| 59. Shane Richey | 1966 | 1983 |
| 60. Machel Pearson | 1966 | 1983 |
| 61. Yolanda Simpson | 1966 | 1984 |
| 62. Michael Kvam | 1966 | 1984 |
| 63. Scott Rata | 1966 | 1982 |
| 64. Timothy Jordan | 1967 | 1984 |
| 65. Donald McAfee | 1967 | 1984 |
| 66. Michael Jackson | 1967 | 1983 |
| 67. Ernest Davis | 1967 | 1984 |
| 68. Diangelo Stewart | 1968 | 1986 |
| 69. Jerry Lashuay | 1968 | 1983 |
| 70. Dennis Watson | 1968 | 1985 |
| 71. William Bryant | 1968 | 1984 |
| 72. Ronald Hammond | 1968 | 1985 |
| 73. Thomas Ross | 1968 | 1986 |
| 74. Mark Storey | 1968 | 1984 |
| 75. Kenneth Anderson | 1968 | 1986 |
| 76. Charles Porter, Jr. | 1969 | 1984 |
| 77. Dexter Tolliver | 1969 | 1984 |
| 78. Walter Miller | 1969 | 1986 |
| 79. Damion Todd | 1969 | 1986 |
| 80. Terry Morris | 1969 | 1987 |
| 81. Richard Simmons | 1969 | 1986 |
| 82. Eric Brown | 1969 | 1986 |
| 83. Tony Taylor | 1969 | 1984 |
| 84. Jemal Tipton | 1969 | 1987 |
| 85. Gerald Colson | 1969 | 1987 |

MICHIGAN

| <u>Offender</u> | <u>Year of Birth</u> | <u>Offense Year</u> |
|---------------------------|----------------------|---------------------|
| 86. Willie Benjamin | 1969 | 1987 |
| 87. Ronald Williams | 1969 | 1987 |
| 88. Bennie Williams | 1969 | 1985 |
| 89. Melvin Banks | 1969 | 1987 |
| 90. Craig Whilby | 1969 | 1987 |
| 91. Robert Goodyear | 1970 | 1987 |
| 92. Herbert Allen | 1970 | 1986 |
| 93. Paul Young | 1970 | 1987 |
| 94. Tommy Richards | 1970 | 1987 |
| 95. Karl Strunk | 1970 | 1987 |
| 96. Lynn McNeal, Jr. | 1970 | 1987 |
| 97. Michael Patterson | 1970 | 1988 |
| 98. Kimberly Simmons | 1970 | 1988 |
| 99. Terrance Thomas | 1970 | 1987 |
| 100. Christopher Machacek | 1970 | 1986 |
| 101. Antonio Espree | 1971 | 1987 |
| 102. Donyelle Black | 1971 | 1987 |
| 103. James Thomas | 1971 | 1987 |
| 104. James Taylor | 1971 | 1987 |
| 105. Steven Osterhout | 1971 | 1988 |
| 106. Sherwin McMillan | 1971 | 1988 |
| 107. Henry Jewell | 1971 | 1989 |
| 108. Norman Buck, Jr. | 1971 | 1988 |
| 109. Kendrick Youngblood | 1971 | 1988 |
| 110. Eric Cammon | 1971 | 1988 |
| 111. Norman Sego | 1971 | 1988 |
| 112. John Jackson | 1971 | 1989 |
| 113. Anthony Bonelli | 1971 | 1989 |
| 114. Shawn Harris | 1972 | 1989 |

MICHIGAN

| <u>Offender</u> | <u>Year of Birth</u> | <u>Offense Year</u> |
|-------------------------|----------------------|---------------------|
| 115. Clifton Gill | 1972 | 1988 |
| 116. Andre Calloway | 1972 | 1989 |
| 117. Brian Ivory | 1972 | 1987 |
| 118. Larone Harris | 1972 | 1987 |
| 119. Jonathan Martin | 1972 | 1988 |
| 120. Joseph Passeno | 1972 | 1989 |
| 121. John Atkins, Jr. | 1972 | 1989 |
| 122. Jerry Allore, Jr. | 1972 | 1989 |
| 123. Patrick Gray | 1972 | 1988 |
| 124. Jessie Hayes | 1972 | 1989 |
| 125. Corey Bibbs | 1972 | 1990 |
| 126. Mario Henderson | 1972 | 1990 |
| 127. Marvin Lewis | 1972 | 1990 |
| 128. Daryle Baker | 1972 | 1990 |
| 129. Robert Anderson | 1972 | 1990 |
| 130. Gerald Merrell | 1973 | 1990 |
| 131. Kishan Miller | 1973 | 1990 |
| 132. Timothy Riddle | 1973 | 1988 |
| 133. Jamal Brown | 1973 | 1991 |
| 134. Jamar Johnson | 1973 | 1989 |
| 135. Bruce Michaels | 1973 | 1989 |
| 136. Michael Perry | 1973 | 1990 |
| 137. Demetrius Knuckles | 1973 | 1990 |
| 138. Willie Servant | 1973 | 1991 |
| 139. Efran Paredes, Jr. | 1973 | 1989 |
| 140. Bekeiba Holland | 1973 | 1991 |
| 141. Ramon Evans | 1973 | 1990 |
| 142. John Loepke | 1973 | 1991 |
| 143. Antonio Williams | 1973 | 1991 |

MICHIGAN

| <u>Offender</u> | <u>Year of Birth</u> | <u>Offense Year</u> |
|------------------------|----------------------|---------------------|
| 144. Trevor Brownlee | 1974 | 1989 |
| 145. Leonard Williams | 1974 | 1990 |
| 146. Ferandal Reed | 1974 | 1991 |
| 147. Amy Black | 1974 | 1990 |
| 148. Victor Waterford | 1974 | 1990 |
| 149. Barbara Hernandez | 1974 | 1990 |
| 150. Bobby Hines | 1974 | 1989 |
| 151. Michael Edwards | 1974 | 1989 |
| 152. Thomas Armstrong | 1974 | 1989 |
| 153. Thomas Bassett | 1974 | 1991 |
| 154. Omair Camper | 1974 | 1991 |
| 155. Thomas Krause | 1974 | 1991 |
| 156. Brad Warner | 1974 | 1991 |
| 157. Ervin Jennings | 1974 | 1992 |
| 158. Alexis Ayala | 1974 | 1990 |
| 159. Sergio Prince | 1974 | 1991 |
| 160. Mark Reedy | 1974 | 1991 |
| 161. Eddie Spiller | 1974 | 1992 |
| 162. Agustin Pena | 1975 | 1990 |
| 163. Jose Burgos | 1975 | 1991 |
| 164. Timothy Lewis | 1975 | 1992 |
| 165. Bosie Lee Smith | 1975 | 1992 |
| 166. Christopher Tobar | 1975 | 1993 |
| 167. William Rucker | 1975 | 1992 |
| 168. Robert German | 1975 | 1992 |
| 169. Deon Haynes | 1975 | 1992 |
| 170. Clyde Potts | 1975 | 1993 |
| 171. Jennifer Pruitt | 1975 | 1992 |
| 172. Jenard Sharp | 1975 | 1993 |

MICHIGAN

| <u>Offender</u> | <u>Year of Birth</u> | <u>Offense Year</u> |
|-------------------------|----------------------|---------------------|
| 173. Lorenzo Harrell | 1975 | 1993 |
| 174. Stanley Adams | 1975 | 1993 |
| 175. Michael Jarrett | 1975 | 1992 |
| 176. Shavante Johnson | 1975 | 1993 |
| 177. Roderick Elliot | 1975 | 1993 |
| 178. Stanley Fowle | 1975 | 1993 |
| 179. Kyle Daniel | 1976 | 1993 |
| 180. Rodney Black | 1976 | 1993 |
| 181. William Neilly | 1976 | 1993 |
| 182. Victor Polk | 1976 | 1993 |
| 183. Ulysses Averheart | 1976 | 1992 |
| 184. Robert Whitfield | 1976 | 1992 |
| 185. Marcus Walker | 1976 | 1991 |
| 186. Jeremy Longerbeam | 1976 | 1992 |
| 187. William Walker | 1976 | 1992 |
| 188. Jamie Huggins | 1976 | 1993 |
| 189. Donald Williams | 1976 | 1993 |
| 190. Frederick McKinney | 1976 | 1993 |
| 191. Gregory Wines | 1976 | 1993 |
| 192. Tavares Wesley | 1976 | 1994 |
| 193. Terrence Kelly | 1976 | 1993 |
| 194. Karlos Carmichael | 1976 | 1994 |
| 195. Lamont Card | 1976 | 1994 |
| 196. Dominic Burdis | 1976 | 1994 |
| 197. James Fuson | 1976 | 1994 |
| 198. Sean Sword | 1976 | 1994 |
| 199. Larry Irvin | 1976 | 1993 |
| 200. Juan Perez | 1976 | 1994 |
| 201. Robert Leamon III | 1976 | 1993 |

MICHIGAN

| <u>Offender</u> | <u>Year of Birth</u> | <u>Offense Year</u> |
|---------------------------|----------------------|---------------------|
| 202. Maurice Sanders | 1977 | 1993 |
| 203. Antonio Payne | 1977 | 1993 |
| 204. Cortez Davis | 1977 | 1993 |
| 205. Stephen Launsburry | 1977 | 1993 |
| 206. Michael Scott | 1977 | 1993 |
| 207. Cortez Scott | 1977 | 1994 |
| 208. Leander Foster | 1977 | 1994 |
| 209. David Clayton | 1977 | 1994 |
| 210. Gameliel Ware | 1977 | 1994 |
| 211. Ming Ho | 1977 | 1994 |
| 212. Christopher Wiley | 1977 | 1994 |
| 213. James Adrian | 1977 | 1995 |
| 214. Brandon Harrington | 1977 | 1995 |
| 215. Kevin Boyd | 1977 | 1994 |
| 216. Mark Smith | 1977 | 1995 |
| 217. David Jordan | 1978 | 1995 |
| 218. Jason Symonds | 1978 | 1994 |
| 219. Clinton Cheeks | 1978 | 1993 |
| 220. Willie Debardeleben | 1978 | 1994 |
| 221. Devon Watts | 1978 | 1995 |
| 222. Brian Grandion | 1978 | 1995 |
| 223. Bennie Layton | 1978 | 1996 |
| 224. Michael Anderson | 1978 | 1994 |
| 225. Christopher Mitchell | 1978 | 1995 |
| 226. Devon Wyrick | 1978 | 1996 |
| 227. David Melfi | 1978 | 1995 |
| 228. Shannon Powell | 1978 | 1995 |
| 229. Jeffery Seay | 1978 | 1995 |
| 230. Walter White | 1978 | 1996 |

MICHIGAN

| <u>Offender</u> | <u>Year of Birth</u> | <u>Offense Year</u> |
|--------------------------|----------------------|---------------------|
| 231. Diarra Bryant | 1978 | 1996 |
| 232. Deshon Thomas | 1978 | 1995 |
| 233. Tykeith Turner | 1979 | 1995 |
| 234. Paul Carter | 1979 | 1995 |
| 234. Juan Cantu | 1979 | 1995 |
| 236. Willis Patton | 1979 | 1995 |
| 237. Willie Clemons | 1979 | 1995 |
| 238. Yusef Qualls | 1979 | 1995 |
| 239. Daniel Jones | 1979 | 1996 |
| 240. Allan Martin | 1979 | 1996 |
| 241. Anthony Givens | 1979 | 1996 |
| 242. Mark Abbatoy | 1979 | 1997 |
| 243. Anthony Depalma | 1979 | 1997 |
| 244. Federico Cruz | 1979 | 1996 |
| 245. Darnell Johnson | 1979 | 1997 |
| 246. Douglas Shuman | 1979 | 1997 |
| 247. Anthony Martinez | 1979 | 1997 |
| 248. Damon Jackson | 1979 | 1997 |
| 249. Akil Logan | 1979 | 1995 |
| 250. Benson Martin | 1980 | 1995 |
| 251. Robert Maze | 1980 | 1996 |
| 252. Christopher Peltier | 1980 | 1996 |
| 253. Saulo Montalvo | 1980 | 1996 |
| 254. Edward Matthews | 1980 | 1996 |
| 255. Nathan Bell | 1980 | 1996 |
| 256. Tierree Powell | 1980 | 1997 |
| 257. Juan Nunez | 1980 | 1997 |
| 258. Robert Wilson | 1980 | 1997 |
| 259. Tyrone Reyes | 1980 | 1997 |

MICHIGAN

| <u>Offender</u> | <u>Year of Birth</u> | <u>Offense Year</u> |
|---------------------------|----------------------|---------------------|
| 260. Calvin Wilson | 1980 | 1997 |
| 261. Terrence McCrady | 1980 | 1998 |
| 262. Lonnell Haywood V | 1980 | 1997 |
| 263. Garry Steffenhagen | 1980 | 1998 |
| 264. Charles Waters | 1980 | 1997 |
| 265. Elliot Whittington | 1981 | 1997 |
| 266. Jerome Walker | 1981 | 1998 |
| 257. Shytour Williams | 1981 | 1997 |
| 268. Oliver Webb IV | 1981 | 1998 |
| 269. Daniel Gonzalez | 1981 | 1998 |
| 270. Marc Osborne | 1981 | 1999 |
| 271. Cornelius Copeland | 1981 | 1998 |
| 272. Derone Huffman-King | 1981 | 1999 |
| 273. John Espie | 1982 | 1998 |
| 274. TJ Tremble | 1982 | 1997 |
| 275. Gregory Petty | 1982 | 1998 |
| 276. Matthew Bentley | 1982 | 1997 |
| 277. Ahmad Williams | 1982 | 1998 |
| 278. Christopher Hynes | 1982 | 1998 |
| 279. Lamar Haywood | 1982 | 1997 |
| 280. Recho Burns | 1982 | 2000 |
| 281. Joseph Stanford | 1982 | 2000 |
| 282. Robert Prince | 1982 | 2000 |
| 283. Travis Tillman | 1982 | 1999 |
| 284. Chad Maleski | 1982 | 2000 |
| 285. Joshua Rogers | 1982 | 2000 |
| 286. Patrick McLemore | 1982 | 1999 |
| 287. James Washington III | 1982 | 1999 |
| 288. Ryan Kendrick | 1983 | 1999 |

MICHIGAN

| <u>Offender</u> | <u>Year of Birth</u> | <u>Offense Year</u> |
|--------------------------|----------------------|---------------------|
| 289. Maurice Black | 1983 | 2000 |
| 290. Frederick Fields | 1983 | 2000 |
| 291. Chavez Hall | 1983 | 1999 |
| 292. Kenneth Hendrick | 1983 | 2001 |
| 293. Anthony Chapman | 1983 | 2001 |
| 294. Roy Jackson | 1983 | 2000 |
| 295. Mario Smith | 1983 | 2001 |
| 296. Frederick Williams | 1983 | 2001 |
| 297. Marcus Rushell | 1983 | 2001 |
| 298. Angela McConnell | 1983 | 2000 |
| 299. Leon Williams | 1984 | 2000 |
| 300. Marlon Walker | 1984 | 2000 |
| 301. Mark Gonzalez | 1984 | 1999 |
| 302. Eric Latimer | 1984 | 2000 |
| 303. Kevin Robinson | 1984 | 2000 |
| 304. Robert Hinds | 1984 | 2001 |
| 305. Cordell Powell | 1984 | 2001 |
| 306. Terrill Johnson | 1984 | 2002 |
| 307. Antonio French | 1984 | 2002 |
| 308. Maurice Ferrell | 1985 | 2002 |
| 309. Johnny Williams | 1985 | 2001 |
| 310. JaJuan Davis | 1985 | 2002 |
| 311. Demariol Boykin | 1985 | 2003 |
| 312. Jon Siesling | 1985 | 2003 |
| 313. Michael Kirksey | 1986 | 2002 |
| 314. Brandon Burns-Perry | 1986 | 2003 |
| 315. Sharon Patterson | 1986 | 2003 |
| 316. Jarrett Swanigan | 1986 | 2004 |
| 317. Nicole Dupure | 1986 | 2004 |

MICHIGAN

| <u>Offender</u> | <u>Year of Birth</u> | <u>Offense Year</u> |
|--------------------------|----------------------|---------------------|
| 318. Larketa Collier | 1987 | 2003 |
| 319. Earl Rodgers | 1987 | 2004 |
| 320. Christopher Clark | 1987 | 2004 |
| 321. Anthony Fields | 1987 | 2004 |
| 322. Leeclifton Moore | 1987 | 2005 |
| 323. Michael Hills | 1987 | 2005 |
| 324. Christopher Jackson | 1987 | 2005 |
| 325. Cory Donald | 1988 | 2005 |
| 326. Thomas Coleman | 1988 | 2005 |
| 327. Adrian Nichols | 1988 | 2006 |
| 328. Michael Cannon | 1988 | 2006 |
| 329. Jerry Walker | 1988 | 2006 |
| 330. Nathaniel Gilbert | 1989 | 2005 |
| 331. Deondre Gaines | 1989 | 2006 |
| 332. Louis Hernandez | 1989 | 2005 |
| 333. Mark Moore | 1989 | 2007 |
| 334. Giovanni Casper | 1989 | 2006 |
| 335. Deandre Woolfolk | 1989 | 2007 |
| 336. Justin Blackshere | 1989 | 2007 |
| 337. Odies Murray | 1989 | 2007 |
| 338. Justin Stephens | 1989 | 2006 |
| 339. Raymond Carp | 1990 | 2006 |
| 340. Dequavious Johnson | 1990 | 2007 |
| 341. Jean Orlewicz | 1990 | 2007 |
| 342. Cquan Hinton | 1990 | 2007 |
| 343. Dremaris Jackson | 1990 | 2008 |
| 344. Deante Hawkins | 1991 | 2006 |
| 345. Shawn Commire | 1991 | 2007 |
| 346. Keith Maxey | 1991 | 2007 |

MICHIGAN

| <u>Offender</u> | <u>Year of Birth</u> | <u>Offense Year</u> |
|--------------------------|----------------------|---------------------|
| 347. Jean Cintron | 1991 | 2008 |
| 348. Mike Zuniga | 1991 | 2008 |
| 349. Ihab Masalmani | 1991 | 2009 |
| 350. Dallas McDade | 1992 | 2010 |
| 351. Jonathan Belton | 1992 | 2008 |
| 352. Corey Watson | 1992 | 2010 |
| 353. Robert Taylor | 1992 | 2009 |
| 354. Quamain Leak | 1992 | 2009 |
| 355. Tia Skinner | 1992 | 2010 |
| 356. William Morton | 1993 | 2008 |
| 357. Thomas McCloud, Jr. | 1993 | 2008 |
| 358. Elijah Key | 1993 | 2011 |
| 359. Deonte Howard | 1993 | 2010 |
| 360. Dequarius Stewart | 1993 | 2010 |
| 361. Mendo Love | 1993 | 2010 |
| 362. Quintin King | 1993 | 2011 |
| 363. Dontez Tillman | 1994 | 2008 |
| 364. Taywon Williams | 1994 | 2011 |
| 365. Juwan Wickware | 1994 | 2010 |
| 366. Dakotah Eliason | 1995 | 2010 |
| 367. Francisco Cavazos | 1995 | 2012 |
| 368. Semaj Moran | 1996 | 2012 ¹⁵ |

¹⁵ Like Pennsylvania, this list from the Michigan Department of Corrections includes a small number of offenders whose cases were pending when *Miller* was decided, generally the cases where the offense date was committed in 2008 or later. These offenders are entitled to resentencing irrespective of the *Montgomery* decision.

APPENDIX CLOUISIANA¹⁶

| <u>Offender</u> | <u>Year of Birth</u> | <u>Offense Year</u> |
|-----------------------|----------------------|---------------------|
| 1. Clifford Hampton | 1941 | 1958 |
| 2. Willie Richardson | 1946 | 1962 |
| 3. Henry Montgomery | 1946 | 1963 |
| 4. Donald Humble | 1950 | 1967 |
| 5. James Preston | 1951 | 1968 |
| 6. Robert Howard | 1952 | 1967 |
| 7. Tommy Crogie | 1952 | 1968 |
| 8. Leroy Jenkins | 1955 | 1971 |
| 9. Emmitt Hills | 1955 | 1972 |
| 10. Lue Sullivan | 1956 | 1973 |
| 11. Joseph Woods | 1956 | 1971 |
| 12. Larry Sylvester | 1957 | 1973 |
| 13. Roderick Thomas | 1957 | 1974 |
| 14. Karl Davis | 1957 | 1974 |
| 15. Charles Sneed | 1957 | 1974 |
| 16. Steve Perkins | 1957 | 1974 |
| 17. Gary Tyler | 1958 | 1974 |
| 18. David Adams | 1958 | 1975 |
| 19. Donald Brooks | 1959 | 1976 |
| 20. Frederick Johnson | 1960 | 1977 |
| 21. Coby Harris | 1960 | 1977 |
| 22. Barry Williams | 1960 | 1977 |
| 23. Warren Harris | 1960 | 1977 |
| 24. Calvin Palmer | 1960 | 1978 |
| 25. Donnie Collum | 1961 | 1977 |
| 26. John DiGirolamo | 1961 | 1978 |

¹⁶ The list of offenders from Louisiana included some convicted of non-homicide offenses and those offenders are not included here.

LOUISIANA

| <u>Offender</u> | <u>Year of Birth</u> | <u>Offense Year</u> |
|------------------------|----------------------|---------------------|
| 27. John Czere | 1961 | 1978 |
| 28. Ervin Dorsey | 1961 | 1978 |
| 29. Arthur Funchless | 1962 | 1978 |
| 30. Joe Brown | 1962 | 1979 |
| 31. Phillip Schane | 1963 | 1979 |
| 32. Reginald Williams | 1963 | 1980 |
| 33. Eduardo Robinson | 1963 | 1979 |
| 34. Henry Smith | 1964 | 1980 |
| 35. Keith Stewart | 1964 | 1980 |
| 36. Darryl Crockett | 1964 | 1982 |
| 37. Anthony Richardson | 1964 | 1981 |
| 38. Darnell Huntley | 1964 | 1980 |
| 39. Jesse Trevathan | 1964 | 1981 |
| 40. Joseph Marshall | 1964 | 1980 |
| 41. Bob Thibodeaux | 1965 | 1981 |
| 42. Danny Battaglia | 1965 | 1981 |
| 43. Jeffery Lively | 1965 | 1983 |
| 44. James Gilmore | 1965 | 1982 |
| 45. Michael Nettles | 1965 | 1982 |
| 46. Asahel Harvin | 1966 | 1982 |
| 47. Thomas Sanders | 1966 | 1983 |
| 48. Scott Lingle | 1966 | 1982 |
| 49. Roger Nash | 1967 | 1982 |
| 50. Clifford Braud | 1967 | 1982 |
| 51. Jean Roux | 1967 | 1983 |
| 52. Rickey Sheppard | 1968 | 1984 |
| 53. Terry Fleming | 1968 | 1985 |
| 54. Jerome Smith | 1968 | 1985 |
| 55. Rodney Tolliver | 1968 | 1985 |
| 56. Glenn Payne | 1969 | 1984 |

LOUISIANA

| <u>Offender</u> | <u>Year of Birth</u> | <u>Offense Year</u> |
|------------------------|----------------------|---------------------|
| 57. Tony Evans | 1969 | 1985 |
| 58. Matthew Pineda | 1969 | 1986 |
| 59. Johnny Smead | 1969 | 1984 |
| 60. Willie Campbell | 1969 | 1986 |
| 61. Troy Griffin | 1970 | 1987 |
| 62. Augustus Kimple | 1970 | 1987 |
| 63. Troy Dugar | 1971 | 1986 |
| 64. Thilero Tapp | 1971 | 1987 |
| 65. Dwight Jenkins | 1971 | 1988 |
| 66. Tyskie Ross | 1971 | 1989 |
| 67. Chad Young | 1971 | 1988 |
| 68. Paul Stone | 1972 | 1987 |
| 69. Freddie Mills | 1972 | 1989 |
| 70. Bryan Widenhouse | 1972 | 1989 |
| 71. Anderson Hill | 1973 | 1989 |
| 72. Bart Stewart | 1973 | 1989 |
| 73. Terrance Winn | 1973 | 1989 |
| 74. Tony DeLome | 1973 | 1990 |
| 75. Fabian Harper | 1973 | 1990 |
| 76. Leo Looney | 1974 | 1989 |
| 77. Gary Laroux | 1974 | 1991 |
| 78. Brenda Carter | 1974 | 1991 |
| 79. Thoedess Perow | 1975 | 1991 |
| 80. Ronald Olivier | 1975 | 1991 |
| 81. James Bradley | 1975 | 1992 |
| 82. Ivy Mathis | 1975 | 1992 |
| 83. Frederick Thompson | 1975 | 1992 |
| 84. Mark Singer | 1975 | 1992 |
| 85. Willie Plater | 1975 | 1992 |
| 86. Vernon Francis | 1975 | 1992 |

LOUISIANA

| <u>Offender</u> | <u>Year of Birth</u> | <u>Offense Year</u> |
|------------------------|----------------------|---------------------|
| 87. David Mathis | 1976 | 1992 |
| 88. Arthur Journet | 1976 | 1992 |
| 89. Michael Gachot | 1976 | 1991 |
| 90. Anthony Jones | 1976 | 1993 |
| 91. Quentin Coleman | 1976 | 1992 |
| 92. Jessie Grace | 1976 | 1993 |
| 93. Johnny Powell | 1976 | 1993 |
| 94. Darron Baker | 1976 | 1993 |
| 95. Taurus Buchanon | 1976 | 1993 |
| 96. Shon Williams | 1976 | 1993 |
| 97. Herman Tureau | 1976 | 1992 |
| 98. Terrance Simon | 1976 | 1993 |
| 99. Troy Young | 1976 | 1994 |
| 100. Shawn Arcement | 1976 | 1994 |
| 101. Paul Bergeron | 1976 | 1993 |
| 102. Dwaine Young | 1976 | 1993 |
| 103. Antonio Jackson | 1976 | 1994 |
| 104. Louis Gibson | 1976 | 1993 |
| 105. Eric Laymon | 1976 | 1993 |
| 106. Russell Rubin | 1977 | 1992 |
| 107. Duane Henry | 1977 | 1993 |
| 108. Joshua Williams | 1977 | 1993 |
| 109. Eddie Smith | 1977 | 1994 |
| 110. Jermaine Davis | 1977 | 1993 |
| 111. Robert Bates | 1977 | 1994 |
| 112. Toby Dupre | 1977 | 1994 |
| 113. Toby Parfait | 1977 | 1994 |
| 114. Michelle Benjamin | 1977 | 1994 |
| 115. Rodney Temple | 1977 | 1994 |
| 116. Calvin Tolbert | 1977 | 1994 |

LOUISIANA

| <u>Offender</u> | <u>Year of Birth</u> | <u>Offense Year</u> |
|------------------------|----------------------|---------------------|
| 117. Leroy Wilson | 1977 | 1995 |
| 118. Troy Keys | 1977 | 1994 |
| 119. George Gillam | 1977 | 1994 |
| 120. Anthony Williams | 1977 | 1995 |
| 121. Charles Sumler | 1978 | 1993 |
| 122. Jason Pilcher | 1978 | 1993 |
| 123. Christi Cheramie | 1978 | 1994 |
| 124. Christopher Davis | 1978 | 1994 |
| 125. Frank Griffin | 1978 | 1994 |
| 126. Eric Brown | 1978 | 1994 |
| 127. Damien Riley | 1978 | 1994 |
| 128. Willie Williams | 1978 | 1995 |
| 129. Melvin Mingo | 1978 | 1994 |
| 130. Rassie Givens | 1978 | 1995 |
| 131. Alphonse Porter | 1978 | 1995 |
| 132. Kevin Jordan | 1978 | 1996 |
| 133. Cedric Howard | 1978 | 1994 |
| 134. Shawn Foster | 1978 | 1993 |
| 135. Patrick Wilson | 1978 | 1995 |
| 136. Chakha James | 1978 | 1995 |
| 137. James Fuller | 1978 | 1995 |
| 138. Jermaine Coates | 1979 | 1995 |
| 139. Nicaragua Demery | 1979 | 1995 |
| 140. Kadrick Stewart | 1979 | 1995 |
| 141. Lawrence Jacobs | 1979 | 1996 |
| 142. Edward Richardson | 1979 | 1996 |
| 143. Xavier Artis | 1979 | 1996 |
| 144. Barry Pascual | 1979 | 1996 |
| 145. Joseph Green | 1979 | 1994 |
| 146. Joseph Revader | 1979 | 1997 |

LOUISIANA

| <u>Offender</u> | <u>Year of Birth</u> | <u>Offense Year</u> |
|-------------------------|----------------------|---------------------|
| 147. Andre Evans | 1979 | 1996 |
| 148. Tyrone Webb | 1979 | 1997 |
| 149. Byron Riley | 1980 | 1996 |
| 150. Phillip Smith | 1980 | 1995 |
| 151. William Scott | 1980 | 1996 |
| 152. Audy Keith | 1980 | 1996 |
| 153. Shedrick Brumfield | 1980 | 1997 |
| 154. Addarryll Wesley | 1980 | 1997 |
| 155. Clyde Joseph | 1980 | 1996 |
| 156. Dominic LeBouef | 1981 | 1998 |
| 157. Andrew Hundley | 1981 | 1997 |
| 158. Shelton Cummings | 1981 | 1998 |
| 159. Kyle Alexander | 1981 | 1997 |
| 160. David Lightsey | 1981 | 1998 |
| 161. Gabriel Logan | 1981 | 1998 |
| 162. Corey Williams | 1981 | 1998 |
| 163. Derrick Smith | 1982 | 1999 |
| 164. Montreal Jackson | 1982 | 1998 |
| 165. Michael Fasola | 1982 | 1999 |
| 166. Ryan Crotwell | 1983 | 1999 |
| 167. Stanley Stirgus | 1984 | 2001 |
| 168. Bobby Terrick | 1985 | 2001 |
| 169. Jesse Swartz | 1985 | 2002 |
| 170. Brian Archuleta | 1985 | 2003 |
| 171. Mark St. Julien | 1986 | 2002 |
| 172. Raymond Green | 1987 | 2003 |
| 173. Derrick London | 1988 | 2005 |
| 174. Anthony Johnson | 1988 | 2005 |
| 175. Cordell Shivers | 1988 | 2006 |
| 176. Tyrone Brown | 1989 | 2005 |

LOUISIANA

| <u>Offender</u> | <u>Year of Birth</u> | <u>Offense Year</u> |
|-----------------------|----------------------|---------------------|
| 177. Clarence Johnson | 1989 | 2007 |
| 178. Ronald Anderson | 1989 | 2005 |
| 179. Jared Graham | 1989 | 2005 |
| 180. Rontrell Wise | 1989 | 2006 |
| 181. Glenn Carter | 1990 | 2007 |
| 182. Juave Collins | 1990 | 2007 |
| 183. Connor Wood | 1991 | 2007 |
| 184. Patrick Williams | 1991 | 2007 |
| 185. Justin Collins | 1991 | 2008 |
| 186. Corenza Kelly | 1991 | 2007 |
| 187. Jonathan Jones | 1992 | 2008 |
| 188. Dominique Davis | 1992 | 2009 |
| 189. Kevin Francis | 1992 | 2009 |
| 190. Michael Louding | 1992 | 2009 |
| 191. Willie Jones | 1993 | 2010 |
| 192. Michael Williams | 1993 | 2009 |
| 193. Tevin Crockett | 1993 | 2009 |
| 194. Paris Smith | 1993 | 2010 |
| 195. David Dove | 1993 | 2009 |
| 196. Trevor Reese | 1993 | 2010 |
| 197. Cody Smoot | 1994 | 2011 |
| 198. Jamichael Hudson | 1994 | 2010 |
| 199. Jeffrey Doise | 1994 | 2011 |
| 200. Dalton Fletcher | 1995 | 2010 |
| 201. Gquan Baker | 1995 | 2011 |
| 202. Tory Clark | 1995 | 2010 ¹⁷ |

¹⁷ Like Pennsylvania and Michigan, this list includes a small number of offenders whose cases were pending when *Miller* was decided, generally the cases where the offense date was committed in 2008 or later. They are entitled to resentencing.

APPENDIX D

MISSOURI¹⁸

| <u>Offender</u> | <u>Year of Birth</u> | <u>Sentencing</u> ¹⁹ |
|----------------------|----------------------|---------------------------------|
| 1. James Miller | 1966 | 1986 |
| 2. Robert Gibbs | 1966 | 1986 |
| 3. Bradley Houston | 1967 | 1986 |
| 4. William Gebhart | 1967 | 1986 |
| 5. Antoine Owens | 1967 | 1987 |
| 6. Donald Steward | 1967 | 1988 |
| 7. Tommy Thomas | 1968 | 1987 |
| 8. Charles Criner | 1968 | 1988 |
| 9. Kevin Bradshaw | 1969 | 1988 |
| 10. Stacy Hunter | 1969 | 1988 |
| 11. Ralph McElroy | 1969 | 1989 |
| 12. Michael Conway | 1969 | 1989 |
| 13. James Hardy | 1970 | 1988 |
| 14. Lisa Harris | 1970 | 1987 |
| 15. Liddell Wilson | 1970 | 1988 |
| 16. Theron Roland | 1970 | 1988 |
| 17. Robert Courtney | 1970 | 1989 |
| 18. Ronald Clements | 1970 | 1991 |
| 19. Joseph Dayringer | 1971 | 1987 |
| 20. Sidney Roberts | 1971 | 1989 |
| 21. Tino Wedlow | 1971 | 1991 |

¹⁸ Because the Missouri list did not include offense dates for some of the older offenders, it is not clear for 31 of the offenders whether they were juveniles when they committed murder.

¹⁹ The list identifies the sentencing year because that information is available for all offenders listed.

MISSOURI

| <u>Offender</u> | <u>Year of Birth</u> | <u>Sentencing</u> |
|------------------------|----------------------|-------------------|
| 22. Lamont Bounds | 1971 | 1991 |
| 23. Michael Saunders | 1971 | 1991 |
| 24. Aaron Frazier | 1971 | 1991 |
| 25. Michael Silas | 1971 | 1992 |
| 26. Michael McRoberts | 1972 | 1990 |
| 27. Walter Eden | 1972 | 1991 |
| 28. Bryan Crews | 1972 | 1991 |
| 29. Jerry Goforth | 1972 | 1991 |
| 30. Edward Ramsey | 1972 | 1991 |
| 31. David Moore | 1972 | 1992 |
| 32. Bryan Seddens | 1973 | 1991 |
| 33. Robert Welch | 1973 | 1992 |
| 34. Johnathan Collier | 1973 | 1993 |
| 35. Marcus Terry | 1973 | 1994 |
| 36. Michael Vincent | 1974 | 1990 |
| 37. Douglas Brewster | 1974 | 1992 |
| 38. Jeromy Lay | 1974 | 1992 |
| 39. Daryll McNair | 1974 | 1993 |
| 40. Ike Crawford | 1974 | 1993 |
| 41. Jeffery Grice | 1974 | 1993 |
| 42. Jamell Davis | 1974 | 1993 |
| 43. Lonnie Evans | 1974 | 1995 |
| 44. Chad Davis | 1974 | 1995 |
| 45. Antonio Richardson | 1974 | 2003 |
| 46. Lawanda Jackson | 1975 | 1993 |
| 47. Sheena Eastburn | 1975 | 1995 |
| 48. Curtis Stewart | 1975 | 1991 |
| 49. Edward Anderson | 1975 | 1993 |
| 50. Jason Minks | 1975 | 1993 |

MISSOURI

| <u>Offender</u> | <u>Year of Birth</u> | <u>Sentencing</u> |
|---------------------------|----------------------|-------------------|
| 51. Martin Gilliland | 1975 | 1993 |
| 52. Rico Readus | 1975 | 1993 |
| 53. Jess Rush | 1975 | 1996 |
| 54. Christopher Santillan | 1975 | 1998 |
| 55. Norman Brown | 1976 | 1993 |
| 56. Joseph Clark | 1976 | 1994 |
| 57. Shawn Barnaby | 1976 | 1995 |
| 58. George Brown | 1976 | 1995 |
| 59. Henry Ross | 1976 | 1995 |
| 60. Roderick Forest | 1976 | 1995 |
| 61. Christopher Simmons | 1976 | 2003 |
| 62. Michael Williams | 1977 | 1994 |
| 63. Christopher Polk | 1976 | 1996 |
| 64. Christopher Creed | 1977 | 1996 |
| 65. Charles Benjamin | 1977 | 1994 |
| 66. Tony Jones | 1977 | 1994 |
| 67. Trevin Gamble | 1977 | 1995 |
| 68. William Rousan | 1977 | 1996 |
| 69. Hasan Allison | 1977 | 1996 |
| 70. Damon Caldwell | 1977 | 1996 |
| 71. Jeremy Davis | 1977 | 1996 |
| 72. Carlos Wade | 1977 | 1997 |
| 73. Sterling Burns | 1977 | 1996 |
| 74. Lonnie Lockhart | 1978 | 1996 |
| 75. Nathaniel Hack | 1978 | 1996 |
| 76. Tyrone Morant | 1978 | 1997 |
| 77. Michael Cotton | 1978 | 1997 |
| 78. Louis Clark | 1978 | 1999 |

MISSOURI

| <u>Offender</u> | <u>Year of Birth</u> | <u>Sentencing</u> |
|------------------------|----------------------|-------------------|
| 79. James Hicklin | 1979 | 1997 |
| 80. Marcus McCombs | 1979 | 1997 |
| 81. Michael Davis | 1979 | 1998 |
| 82. Carlos Saddler | 1979 | 1998 |
| 83. Derrelle Pinner | 1979 | 1998 |
| 84. Michael Taylor | 1979 | 1998 |
| 85. Terrell Lacy | 1979 | 1998 |
| 86. Levar Aikens | 1980 | 1997 |
| 87. Joseph Burris | 1980 | 1997 |
| 88. Antonio Ramirez | 1980 | 1999 |
| 89. Zachary Wilson | 1980 | 1999 |
| 90. Jessie Carter | 1980 | 2000 |
| 91. Jeremy Payne | 1980 | 2003 |
| 92. William Branch | 1981 | 2000 |
| 93. Robert Proud | 1981 | 1999 |
| 94. Sheron Davis | 1981 | 2000 |
| 95. Gary Griffin | 1981 | 1999 |
| 96. Johnnie Thomas | 1982 | 2000 |
| 97. Cedric Clerk | 1982 | 1999 |
| 98. Crystal Barge | 1982 | 2006 |
| 99. Joe Dixon | 1983 | 2001 |
| 100. Jared Cole | 1983 | 2002 |
| 101. Joshua Wolf | 1984 | 2001 |
| 102. Deangelo Crawford | 1984 | 2003 |
| 103. Demont Waites | 1984 | 2005 |
| 104. Quantel Lotts | 1985 | 2003 |
| 105. Zacheriah Tripp | 1985 | 2003 |
| 106. Jarrell Brooks | 1985 | 2004 |

MISSOURI

| <u>Offender</u> | <u>Year of Birth</u> | <u>Sentencing</u> |
|------------------------|----------------------|--------------------|
| 107. Rodney Allen | 1988 | 2006 |
| 108. Alexander Stirlen | 1988 | 2006 |
| 109. Edward George | 1989 | 2008 |
| 110. Aaron Robinson | 1989 | 2010 |
| 111. Antonio Andrews | 1992 | 2009 |
| 112. Laron Hart | 1992 | 2011 |
| 113. Reyes Olivas | 1993 | 2012 ²⁰ |

²⁰ Like Pennsylvania Michigan, and Louisiana, this list from Missouri includes a small number of offenders whose cases were pending when *Miller* was decided, generally the cases where the offense date was committed in 2008 or later. These offenders are entitled to resentencing.

APPENDIX E
COOK COUNTY

| <u>Offender</u> <u>Year</u> ²² | <u>Year of Birth</u> ²¹ | <u>Offense</u> |
|--|------------------------------------|----------------|
| 1. Joseph Rodriguez | 1965 | 1982 |
| 2. Steven Hawthorne | 1967 | 1983 |
| 3. Melky Terry | 1969 | 1985 |
| 4. Manuel Bobe | 1970 | 1986 |
| 5. Gerald Rice | 1970 | 1986 |
| 6. Byia Bruce | 1972 | 1999 |
| 7. David Biro | 1974 | 1990 |
| 8. Joseph Wingard | 1974 | 1991 |
| 9. Nelson Morris | 1974 | 1991 |
| 10. Allen Caffey | 1974 | 1990 |
| 11. Michael Wages | 1975 | 1990 |
| 12. Cedric Cal | 1975 | 1992 |
| 13. Albert Kirkman | 1975 | 1992 |
| 14. Lindsey Crittle | 1975 | 1992 |
| 15. Wendell Robinson | 1977 | 1994 |
| 16. Andre Mauldin | 1976 | 1992 |
| 17. Fred Weatherspoon | 1976 | 1993 |
| 18. Johnny Plummer | 1976 | 1993 |
| 19. Michael Cooks | 1977 | 1991 |
| 20. Adolfo Davis | 1977 | 1991 |

²¹ The Cook County list does not include birthdates, but only the age at the time of the offense, so the year of birth is taken by subtracting the age from the offense year.

²² The year dates from Cook County are taken from the year the murder charge was filed, so it marks the latest year the crime could have occurred.

COOK COUNTY

| <u>Offender</u> | <u>Year of Birth</u> | <u>Offense Year</u> |
|-------------------------|----------------------|---------------------|
| 21. Jacqueline Montanez | 1977 | 1992 |
| 22. Damien Phelps | 1977 | 1993 |
| 23. Scott Chambers | 1977 | 1994 |
| 24. David Evans | 1977 | 1994 |
| 25. Carl Williams | 1977 | 1994 |
| 26. David Wright | 1977 | 1994 |
| 27. Marcos Gray | 1977 | 1993 |
| 28. Bobby Cooley | 1977 | 1994 |
| 29. Laron Warren | 1977 | 1994 |
| 30. William Negron | 1977 | 1994 |
| 31. Mark Coleman | 1978 | 1994 |
| 32. Darrell Cosey | 1978 | 1993 |
| 33. Albert Guerra | 1979 | 1995 |
| 34. Wayne Antusas | 1979 | 1996 |
| 35. Nicholas Morfin | 1979 | 1996 |
| 36. Adam Gray | 1980 | 1994 |
| 37. Martin Hill | 1980 | 1995 |
| 38. Ronald Hood | 1980 | 1996 |
| 39. Anthony Spaulding | 1980 | 1996 |
| 40. Javell Ivory | 1980 | 1997 |
| 41. Demetrius Jackson | 1980 | 1997 |
| 42. Kevin Malone | 1980 | 1997 |
| 43. Eric Anderson | 1981 | 1996 |
| 44. Larod Styles | 1981 | 1996 |
| 45. Jermaine Jameson | 1981 | 1997 |
| 46. Daniel Henney | 1981 | 1998 |
| 47. Kentrell Stoutmire | 1981 | 1998 |
| 48. Dino Decorpo | 1981 | 1998 |
| 49. Darnell Foxx | 1982 | 1997 |
| 50. Antoine Anderson | 1982 | 1999 |

| <u>Offender</u> | <u>Year of Birth</u> | <u>Offense Year</u> |
|--------------------|----------------------|---------------------|
| 51. Roberto Haynie | 1984 | 2000 |
| 52. Marshun Hunt | 1985 | 2002 |
| 53. Hector Delgado | 1985 | 2001 |