

**STATE OF LOUISIANA**  
**COURT OF APPEAL, FIRST CIRCUIT**

STATE OF LOUISIANA

NUMBER 2013 KW 0426

VERSUS

MICHAEL LOUDING

**APR 24 2013**

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In Re: State of Louisiana, applying for supervisory writs, 19th Judicial District Court, Parish of East Baton Rouge, No. 06-10-0234.


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**BEFORE: PARRO, WELCH, AND DRAKE, JJ.**

**WRIT GRANTED.** The trial court's ruling rejecting the state's proposed jury instruction is reversed, and this matter is remanded for further proceedings. To instruct the jury solely that the court "shall punish the defendant by life imprisonment at hard labor without benefit of probation or suspension of sentence" ignores **Miller v. Alabama**, 132 S.Ct. 2455, 183 L.Ed.2d 407 (2012) and is an incorrect statement of the current state of the law even with removal of the word "parole."

**RHP**  
**JEW**  
**EGD**

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DEPUTY CLERK OF COURT  
FOR THE COURT