

IN THE SUPREME COURT OF THE STATE OF DELAWARE

KEITH WARREN,	§
	§ No. 543, 2012
Defendant Below-	§
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for Kent County
	§ Cr. ID 91K02432DI
Plaintiff Below-	§
Appellee.	§

Submitted: November 16, 2012

Decided: November 20, 2012

Before **STEELE**, Chief Justice, **HOLLAND**, and **JACOBS**, Justices.

ORDER

This 20th day of November 2012, upon consideration of the appellant’s motion for remand and the State’s response thereto, it appears to the Court that:

(1) The appellant, Keith Warren, filed this appeal, *pro se*,¹ from the Superior Court’s order denying his second motion for postconviction relief. Warren argued to the Superior Court that his life sentence without the possibility of parole for a crime he committed at the age of 17 is unconstitutional in light of the United States Supreme Court’s recent decision in *Miller v. Alabama*, 132 S. Ct.

¹ After the appeal was filed, Warren filed a motion for appointment of counsel, which this Court granted.

2455 (2012). The Superior Court summarily dismissed Warren's petition without considering the merits of his claim.

(2) Warren's newly-appointed counsel has filed a motion requesting the Court to remand this matter to the Superior Court to address, as a matter of first impression, whether the decision in *Miller* applies retroactively. Counsel further argues that, if the Superior Court determines that *Miller* does apply retroactively, then Warren is entitled to an evidentiary hearing for a determination of the appropriate sentence in his case.

(3) The State does not oppose the motion for remand.

NOW, THEREFORE, IT IS ORDERED that the motion for remand is GRANTED. This matter shall be remanded to the Superior Court for consideration of whether *Miller* is retroactively applicable to Warren's mandatory life sentence without parole. Jurisdiction is not retained.

BY THE COURT:

/s/ Myron T. Steele
Chief Justice