

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

STATE OF LOUISIANA

NO. 2014 KW 0352

VERSUS

CHRISTOPHER J. CHERAMIE

**MAY 05 2014**

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In Re: Christopher J. Cheramie, applying for supervisory writs, 17th Judicial District Court, Parish of Lafourche, No. 2000-C-351599.

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**BEFORE: PETTIGREW, McDONALD, AND McCLENDON, JJ.**

**WRIT DENIED.** The United States Supreme Court decision in **Miller v. Alabama**, \_\_\_ U.S. \_\_\_, 132 S.Ct. 2455, 183 L.Ed.2d 407 (2012) does not apply retroactively in state postconviction proceedings. **State v. Tate**, 2012-2763 (La. 11/5/13), 130 So.3d 829, 844 (petition for certiorari filed on February 26, 2014). Accordingly, the trial court did not err in denying/not ruling upon relator's motion to correct an illegal sentence wherein he claimed that his sentence was illegal in light of the United States Supreme Court decision in **Miller**. For the same reasons, and in accordance with this Court's instructions, once the **Tate** decision was rendered, the trial court correctly dismissed the earlier-scheduled **Miller** sentencing hearing as moot. In the event that the United States Supreme Court renders a decision on the retroactivity of **Miller** that overrules **Tate**, relator will have one year from any such decision to seek the appropriate relief. See La. Code Crim. P. art. 930.8A(2).

JMM  
PMc  
JTP

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DEPUTY CLERK OF COURT  
FOR THE COURT