

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2014 KW 0473

VERSUS

JOHNNY POWELL

APR 21 2014

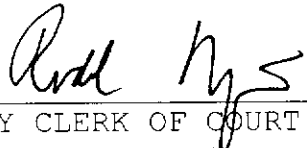
In Re: Johnny Powell, applying for supervisory writs, 19th Judicial District Court, Parish of East Baton Rouge, No. 07-93-0454.

BEFORE: KUHN, HIGGINBOTHAM, AND THERIOT, 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. Accordingly, the trial court did not err in denying 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**.

TMH
MRT
JEK

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DEPUTY CLERK OF COURT
FOR THE COURT