

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2014 KW 1416

VERSUS

DEC 05 2014

DAMIEN RILEY

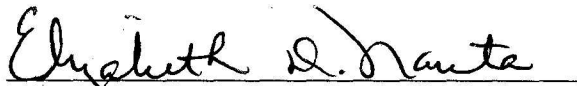
In Re: Damien Riley, applying for supervisory writs, 19th
Judicial District Court, Parish of East Baton Rouge, No.
01-95-0121.

BEFORE: WHIPPLE, C.J., McCLENDON AND HIGGINBOTHAM, 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, 841, cert. denied, __ U.S. __, 134 S.Ct. 2663, 189 L.Ed.2d. 214 (2014). Accordingly, the district court did not err in denying relator's motion to reconsider the 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** and that **Miller** applied retroactively to his case.

PMc
TMH
VGW

COURT OF APPEAL, FIRST CIRCUIT


DEPUTY CLERK OF COURT
FOR THE COURT