

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2015 KW 0112

VERSUS

JAMES ANTHONY HEBERT

MAR 09 2015

In Re: James Anthony Hebert, applying for supervisory writs,
32nd Judicial District Court, Parish of Terrebonne,
No. 251,719.

BEFORE: GUIDRY, WELCH, 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, 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 correct an illegal sentence wherein he claimed that his sentence was illegal in light of the United States Supreme Court decision in **Miller**.

JMG
JEW
MRT

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DEPUTY CLERK OF COURT
FOR THE COURT