

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA,

Appellee

v.

DAVID MOUA,

Appellant

IN THE SUPERIOR COURT OF
PENNSYLVANIA

No. 2844 EDA 2014

Appeal from the PCRA Order September 5, 2014
in the Court of Common Pleas of Delaware County
Criminal Division at No.: CP-23-CR-0000565-2000

BEFORE: BOWES, J., JENKINS, J., and PLATT, J.*

JUDGMENT ORDER BY PLATT, J.:

FILED APRIL 19, 2016

Appellant, David Moua, appeals *pro se* from the denial of his petition under the Post Conviction Relief Act (PCRA), 42 Pa.C.S.A. §§ 9541–9546. He argues that ***Miller v. Alabama***¹ should apply retroactively to his mandatory life sentence for murder of the first degree. We previously affirmed. However, our Supreme Court has remanded this appeal for reconsideration in light of the United States Supreme Court’s decision in ***Montgomery v. Louisiana***, 136 S. Ct. 718 (2016), as revised (Jan. 27, 2016) (holding that ***Miller*** must be applied retroactively). (***See***

* Retired Senior Judge assigned to the Superior Court.

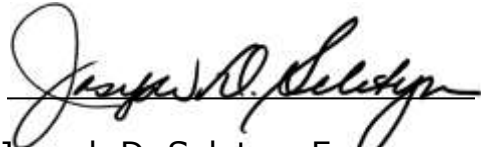
¹ ***See Miller v. Alabama***, and ***Jackson v. Hobbs***, 132 S. Ct. 2455 (2012). The ***Miller*** Court concluded that mandatory life-without-parole sentences for juveniles violate the Eighth Amendment. ***See id.*** at 2464.

Commonwealth v. Moua, No. 339 MAL 2015, 2016 WL 634045, at *1 (Pa. filed Feb. 17, 2016).

Accordingly, we remand to the PCRA court for further proceedings consistent with **Montgomery**, as ordered by our Supreme Court

Case remanded with instructions. Jurisdiction relinquished.

Judgment Entered.

A handwritten signature in black ink, appearing to read "Joseph D. Seletyn", written over a horizontal line.

Joseph D. Seletyn, Esq.
Prothonotary

Date: 4/19/2016