



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

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NO. WR-88,075-01

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**EX PARTE ALAN MICHAL NICKERSON, Applicant**

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**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 1143864-A IN THE 185<sup>TH</sup> DISTRICT COURT  
FROM HARRIS COUNTY**

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*Per curiam.*

### OPINION

Pursuant to the provisions of Article 11.07 of the Texas Code of Criminal Procedure, the clerk of the trial court transmitted to this Court this application for a writ of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant was convicted of capital murder and sentenced to imprisonment for life without parole. The Fourteenth Court of Appeals affirmed his conviction. *Nickerson v. State*, 312 S.W.3d 350 (Tex. App.—Houston [14<sup>th</sup> Dist.] 2010).

Applicant contends that his mandatory sentence of life without parole for a crime he committed when he was a juvenile violates the Eighth Amendment to the United States Constitution

under *Miller v. Alabama*.<sup>1</sup>

The trial court has determined that Applicant's sentence violates *Miller*. Relief is granted. The sentence in Cause No. 1143864 in the 185<sup>th</sup> District Court of Harris County is vacated, and Applicant is remanded to the custody of the Sheriff of Harris County for further sentencing proceedings to permit the factfinder to assess Applicant's sentence at (1) life with the possibility of parole or (2) life without parole after consideration of Applicant's individual conduct, circumstances, and character. The trial court shall issue any necessary bench warrant within 10 days after the mandate of this Court issues.

Copies of this opinion shall be sent to the Texas Department of Criminal Justice-Correctional Institutions Division and Pardons and Paroles Division.

Delivered: February 28, 2018  
Do not publish

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<sup>1</sup> 132 S. Ct. 2455 (2012).