In 2012 in Miller v. Alabama the Supreme Court ruled 5-4 that states may not mandate that juvenile offenders be sentenced to life in prison without the possibility of parole. In Montgomery v. Louisiana the Court will decide whether Miller is retroactive; that is, whether it should apply to those convicted before the case was decided.

This case will be decided next term (by the end of June 2016). The Court agreed to hear a case raising the exact same issue, also from Louisiana, this term. Toca v. Louisiana was dismissed when George Toca was released from prison after pleading guilty to two counts of armed robbery in exchange for his murder conviction being vacated.

Charles Hurt, who was 17 at the time of the crime, was convicted of murder in 1964 and sentence to life in prison.

The Louisiana Supreme Court held that Miller does not apply retroactively because it does not meet the Teague v. Lane exceptions to the rule that normally bars a new rule from being applied retroactively. Teague’s first exception is when a new rule completely removes a punishment from the list of punishments that can be imposed. Miller doesn’t fall into this exception because it only barred sentencing schemes that mandated life in prison for juveniles. Without any analysis, the Louisiana Supreme Court concluded Miller doesn’t fall within Teague’s second exception for “watershed rules of criminal procedure implicating the fundamental fairness and accuracy of criminal proceedings.”

As in Toca v. Louisiana the Court added a second question of whether the Court has jurisdiction to decide this case. Arguably it doesn’t raise a “federal question”; that is, doesn’t raise an issue involving the U.S. Constitution or a federal law.