

SUPREME COURT OF ARKANSAS

Greg Hogue v. State of Arkansas

Hogue, 2026 Ark. 83 (Ark. 2026) · No. CR-25-575 · Decided April 23, 2026

SUMMARY

The Supreme Court of Arkansas affirmed the denial of Greg Hogue’s petition to correct an illegal sentence and denied his motion for appointment of counsel and oral argument. The court held that his constitutional challenge to a life-without-parole sentence imposed for a capital murder committed at age eighteen was not cognizable in an illegal-sentence proceeding and, alternatively, that Arkansas’s Constitution did not require extending *Miller v. Alabama* to eighteen-year-old offenders.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	Nicholas J. Bronni; Baker, C.J.; Hudson, J.; Wood, J.
JURISDICTION	Supreme Court of Arkansas
DECIDED	April 23, 2026
DOCKET	CR-25-575
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Pulaski County Circuit Court's denial of a petition to correct an illegal sentence; appellant also moved for appointment of counsel and oral argument.
PRECEDENTIAL VALUE	Published Arkansas Supreme Court opinion; precedential.
PARTIES	Greg Hogue v. State of Arkansas

TOPICS

- cruel and unusual punishment
- sentencing
- state post-conviction relief
- habeas corpus
- criminal procedure

PRACTICE AREAS

- criminal law
- constitutional law
- post-conviction relief

QUESTIONS PRESENTED

1. Whether Hogue's constitutional challenge to his life-without-parole sentence was cognizable in a petition to correct an illegal sentence.

2. Whether the Arkansas Constitution requires extending *Miller v. Alabama*'s protections to an offender who was eighteen when he committed capital murder.
3. Whether Hogue was entitled to appointment of counsel or oral argument.

HOLDINGS

1. A constitutional challenge to a life-without-parole sentence is not cognizable in a petition to correct an illegal sentence when the sentence was within the permitted statutory range and the circuit court had jurisdiction; such a claim is better suited for a habeas proceeding.
2. The Arkansas Constitution does not require a categorical extension of *Miller v. Alabama*'s protections to an offender who was eighteen when the offense was committed, and Hogue's sentence therefore could not be invalidated on that basis.
3. The motion for appointment of counsel and oral argument was denied.

KEY QUOTATIONS

“Illegal sentences exist only when a defendant receives a sentence outside the permitted statutory range or when the circuit court acts without jurisdiction.” (2026 Ark. 83, at 1)

*“So that data is not a basis for extending *Miller*’s holding, and we reaffirm our previous refusal to extend *Miller*.”* (2026 Ark. 83, at 1)

*“The *Miller* court “require[s] [the sentencer] to take into account how children are different, and how those differences counsel against irrevocably sentencing them to a lifetime in prison.””* (2026 Ark. 83, at 3)

FACTUAL BACKGROUND

Hogue committed capital murder when he was eighteen years old and received a sentence of life imprisonment without parole. He argued that the sentence violated article 2, section 9 of the Arkansas Constitution and asked the court to extend the protections of *Miller v. Alabama* to eighteen-year-old offenders. The court relied on the fact that Hogue's sentence was within the permitted statutory range and that the circuit court had jurisdiction.

PROCEDURAL HISTORY

Hogue was convicted of capital murder and received a sentence of life imprisonment without parole. He petitioned the Pulaski County Circuit Court to correct the sentence, arguing that applying life without parole to an offender who was eighteen at the time of the offense violated the Arkansas Constitution's prohibition against cruel or unusual punishment. The circuit court denied the petition, and the Supreme Court of Arkansas affirmed and denied Hogue's motion for appointment of counsel and oral argument.

DISPOSITION

affirmed

CASES CITED

- Miller v. Alabama, Miller v. Alabama, 567 U.S. 460 (2012)
- Mister v. State, 2022 Ark. 35, 639 S.W.3d 331 (2022)
- Hobbs v. Gordon, 2014 Ark. 225, 434 S.W.3d 364 (2014)
- Kelley v. Johnson, 2016 Ark. 268, 496 S.W.3d 346 (2016)
- Gamble v. State, 2026 Ark. 44
- People v. Taylor, ___ N.W.3d ___, ___, 2025 WL 1085247, at *5 (Mich. 2025)
- Gibbs v. Payne, 2023 Ark. 29, 660 S.W.3d 579 (2023)
- Benton v. Kelley, 2020 Ark. 237, 602 S.W.3d 96 (2020)
- Burgie v. State, 2019 Ark. 185, 575 S.W.3d 127 (2019)

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